

Gore Proposed District Plan

Hearing Stream 1 – Introduction, General Provisions and Strategic Direction

Section 42A of the Resource Management Act 1991

Section 42A Report – INTRODUCTION, GENERAL PROVISIONS & STRATEGIC DIRECTION

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Interpretation

Table 1: Abbreviations

Resource Management Act 1991	RMA or ‘the Act’
Gore District Council	GDC or ‘the Council’
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Table 2: Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
Royal Forest and Bird Protection Society of New Zealand Inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Spark New Zealand Trading Limited	Spark

Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Woolworths New Zealand Limited	Woolworths

Table 3: List of Submitters and Further Submitters

Submitter Number	Submitter Name
59	Adrienne Crispin
111	Aggregate and Quarry Association
148	Alistair & Bernadette Hunt
121 and FS27	Alliance Group Limited
118	AW+ JA Johnston Family Trust
35	Chorus New Zealand Limited
99 and FS22	Clark Fortune McDonald & Associates
37	Connexa Limited
FS24	Contact Energy Ltd
109 and FS31	Department of Conservation
85	Environment Southland
105	Farm Manager - Wantwood Station
124	Fire and Emergency NZ
33	FortySouth
128	Greenbriar Ltd.
117	Greg Bokser
66	Groundswell NZ
FS5	Hamish Weir
24	Helen McIntosh
FS11	Heritage New Zealand Pouhere Taonga
139 and FS20	Hokonui Rūnanga Inc
137	Hugh Gardyne
69	Ian Davidson-Watts
136	Jenny Campbell
68	John Baynes
FS28	Kainga Ora
19	Karen Temple
115	Kevin Robertson
132	KiwiRail Holdings Ltd
104	McLeod-Wantwood Trust/Wantwood Station
130 & FS26	Mercury NZ Limited
125	Ministry of Education
116	Nathan Bokser
147	New Zealand Defence Force
152	Nigel Cowburn
32	One New Zealand Group Limited
127	Peters Farm Ltd Karen Peters
FS10	Port Blakely Limited

138	Port Blakely Limited
95	PowerNet Limited
18	Reaby Downs Farm
140	Robina Johnston
60	Ronald Crispin
101 and FS9	Royal Forest and Bird Society of NZ Inc
145	Rural Contractors NZ Incorporated (RCNZ)
143	Rural Ratepayers Group
20	Sarah and Peter Barclay
40 and FS29	Silver Fern Farms Limited
3	Stoney Creek Station Limited
146	Southland District Council
126	Southland Federated Farmers of New Zealand
154	Spark New Zealand Trading Limited
101 and FS30	Transpower New Zealand Limited
113	Trudy Bokser
112	Waka Kotahi NZ Transport Agency
149 and FS21	Yrless Limited

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes Part 1 - Introductions and General Provisions and the Strategic Direction provisions within Part 2 – District-wide Matters.
2. This report covers the following matters:
 - a. Procedural issues;
 - b. Introduction;
 - c. How the Plan Works;
 - d. Interpretation (for relevant plan wide definitions);
 - e. National Direction Instruments; and
 - f. Urban Form and Development
3. This report also addresses general issues that have been raised in submissions that apply to the whole plan.
4. Issues relating to the Mana whenua chapter will be addressed in a separate section 42A hearing report as part of a future hearing stream. Topic specific definitions and mapping are addressed in the relevant section 42A hearing reports to follow.
5. Overall, 201 submissions and 223 further submissions were received for the Introduction and General Provisions (Part 1) and Strategic Direction (Part 2) sections of the PDP, as detailed in this report. This report includes recommendations to address matters raised in submissions as to whether the provisions in the PDP relating to these matters should be retained as notified, amended or deleted in full.
6. The following are considered to be the key issues identified through submissions:
 - a. Deferring decisions on the PDP until clearer guidance is provided on RMA reform or improved to better align with national direction or enhance property rights.
 - b. Amendments sought to have less rules and restrictions such as reducing the default status for consents and enabling farming activities, clarify existing use rights, and Incorporating nature-based solutions, best practice stormwater management, and climate change resilience.
 - c. For the Introduction and General Provisions section, changes are sought to highlight the importance of the agricultural sector, clarify the hierarchy between objectives, clarify existing use rights provisions, management of natural resources, and incorporate additional National Policy Statements (“NPSs”).
 - d. For the Strategic Direction section, changes were sought to:

- i. Provide greater recognition of the rural sector, mining and energy resources;
 - ii. Include additional objectives or amendments relating to a range of matters.
- 7. This report has been prepared in accordance with section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
- 8. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
 - a. Changes to the “How the Plan Works” chapter to include reference to NPSs and National Environmental Standards (“NESs”) in the “Relationship with other Plans and Documents” section;
 - b. Amendments to definitions in the Interpretation chapter to delete the definition of abrasive blasting, amend the definition of reverse sensitivity, and add a definition of waste;
 - c. Inclusions in the National Direction Instruments to reflect the current list of national direction instruments;
 - d. Cross plan amendments to refer to well-being rather than wellbeing;
 - e. Amendments to the Urban Form and Development (“UFD”) chapter including:
 - i. Changes to the overview to include reference to renewable energy and a description of the rural area;
 - ii. Alterations to UFD-O1 to improve reference to mana whenua values, renewable resources, existing and new infrastructure, and highly productive soils;
 - iii. Adjustments to UFD-O7 and UFD-O9 to capture the need for safe and efficient transport; and
 - iv. A change to UFD-O11 to reference highly productive land.
- 9. A number of submission points were rejected or accepted in part with no amendments because these matters were broadly already addressed in the UFD chapter at a strategic level, in other parts of the plan, or will be addressed in future hearing streams.

2. Introduction

2.1 Author and qualifications

10. My full name is Matthew Cecil Heale. I am a Principal Planner and Nelson Planning Team Lead at The Property Group. I am the author of this report.
11. I have a Bachelor of Planning from the University of Auckland. I am a chair accredited RMA hearing commissioner and a Freshwater Commissioner.
12. I have been engaged as a contractor by Council since 2021 to lead the District Plan review and prepare the Draft and Proposed District Plans.
13. I have 30 years' resource management experience and have worked for local government (Waitakere City Council, Auckland Regional Council, and Nelson City Council) and in private consultancy. My experience includes the preparation and processing of applications for resource consent and the preparation of, and submissions to, District, Regional and Unitary Plans across Aotearoa. I have led the review of the Waitakere District Plan, the Nelson Resource Management Plan, and the Gore District Plan.

2.2 Code of Conduct

14. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.
15. I am authorised to give this evidence on the Council's behalf to the PDP hearing commissioners ("Hearings Panel").

3. Scope of report and topic overview

16. This report considers the submissions and further submissions that were received by the Council in relation to Part 1 – Introduction and General Provisions of the PDP (excluding Mana Whenua) and the Urban Form and Development chapter, which forms the Strategic Direction provisions of Part 2 – District-wide Matters. In addition, the definitions relating to the management of these and general matters are also addressed.
17. The assessment of submissions will generally follow this format:
 - a. Submission information
 - b. Analysis of submissions

- c. Recommendation and any amendments
 - d. Where an amendment is recommended a section 32AA assessment is provided.
18. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. Appendix A of this report contains a copy of the Introduction, How the Plan Works, National Direction Instruments and Urban Form and Development chapters along with relevant definitions from the Interpretation chapter with all recommended amendments shown by way of strikeout and underlining.

4. Statutory requirements and planning framework

4.1 Resource Management Act 1991

19. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- a. Section 74 – Matters to be considered by territorial authorities; and
 - b. Section 75 – Content of District Plans.
20. As set out in the Section 32 Overview and Urban Form and Development Evaluation Report, there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report.
21. For completion, a summary of the key statutory considerations under the RMA is provided below.

Section 5

22. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.
23. Sustainable management means *managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while –*
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
24. In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in section 7 and take into account the principles of the Treaty of Waitangi referred to in section 8.

Section 6

25. The section 6 matters relevant to this topic are:

a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
f) the protection of historic heritage from inappropriate subdivision, use, and development:
g) the protection of protected customary rights:
h) the management of significant risks from natural hazards.

26. The PDP provisions generally manage the use, development and protection of natural and physical resources in a manner which recognises and provides for all matters of national importance (section 6). Each section 42A report for specific topics within the PDP will assess their provisions against the relevant section 6 matters.
27. The UFD Objectives recognise and give effect to all RMA section 6 matters by providing overarching direction on how natural and physical resources within the Gore district should be managed.

Section 7

28. The section 7 matters that are relevant to this topic are:

(a) kaitiakitanga:
(aa) the ethic of stewardship:
(b) the efficient use and development of natural and physical resources:
(ba) the efficiency of the end use of energy:
(c) the maintenance and enhancement of amenity values:
(d) intrinsic values of ecosystems:
(e) [Repealed]
(f) maintenance and enhancement of the quality of the environment:
(g) any finite characteristics of natural and physical resources:
(h) the protection of the habitat of trout and salmon:
(i) the effects of climate change:
(j) the benefits to be derived from the use and development of renewable energy.

29. The PDP provisions generally manage the use, development and protection of natural and physical resources in a manner which have regard to all section 7 matters within the scope

of district plan functions. Each Section 32 report for specific topics within the PDP will assess their provisions against the relevant section 7 matters.

30. The UFD Objectives have regard to section 7 matters by providing overarching direction on how natural and physical resources within the Gore district should be managed.
31. Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Mana whenua, through the Hokonui Rūnanga, have partnered with the Council in the preparation of the PDP.
32. Section 31 of the RMA is also relevant insofar as it requires the Council to establish, implement and review a District Plan which contains objectives, policies and methods to achieve the integrated management of a range of matters as listed above. Of particular note, sufficient development capacity for housing and business land to meet the expected demands of the district is required while balancing this with a range of matters including natural hazards, contaminated land and the maintenance of indigenous biological diversity. This report considers the appropriateness of the new objectives within the PDP to achieve the purpose of the RMA and Council functions. The review of the ODP and the establishment of a new District Plan allows Council to give effect to Section 31 of the RMA.

4.2 National Planning Standards

33. The National Planning Standards 2019 (PS) seek to achieve national consistency in plan structure and content and requires a more bespoke approach to planning zones than the current GDP, such as a centre classification, rural settlement zones, and a wider range of residential, industrial and rural zones.
34. The PS require that Part 1 – Introduction and General Provisions contains an Introduction section, a How the Plan Works section (including relationship between spatial layers chapter), an Interpretation section (Including definitions and abbreviations), a National Planning Instruments section (including NPSs, NESs and regulations) and a Mana Whenua section. The UFD chapter sits within “Part 2 - District Wide Matters” section under the “Strategic Direction” provisions.

4.3 National Planning Instruments

National Policy Statements

35. There are seven NPSs currently in force that are relevant to the Gore district:
 - a. NPS for Electricity Transmission 2008
 - b. NPS for Renewable Electricity Generation 2011
 - c. NPS for Freshwater Management 2020
 - d. NPS on Urban Development 2020

- e. NPS for Highly Productive Land 2022
 - f. NPS for Indigenous Biodiversity 2023
 - g. NPS for Greenhouse Gas Emissions from Industrial Process Heat 2023
36. An overview of the NPS and an assessment of how they relate to the UFD objectives is provided within this report, however, a more in-depth assessment of specific NPSs is provided within future hearing stream section 42A reports, as relevant.

National Policy Statement for Electricity Transmission 2008 (NPS-ET)

37. The NPS-ET prioritises the importance of the national grid which plays an essential role in the wellbeing of communities and people whilst managing the potential adverse effects associated with this large-scale infrastructure. The NPS-ET objectives set direction to facilitate the operation, maintenance, and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing adverse effects on, and of, the network.
38. The NPS-ET includes policies that seek recognition of the national benefits of transmission, management of environmental effects of transmission and the adverse effects on third parties, identification of the network on planning maps, and the facilitation of long-term planning for the network.
39. The NPS-ET is recognised in:
- a. Objective UFD-O1 which seeks to ensure that the district develops in a cohesive, compact and structure way, that (amongst other things) utilises existing infrastructure or can be served by new infrastructure.
 - b. Objective UFD-O7 which seeks to ensure urban environments are liveable, connected, accessible, safe and well-designed spaces which are adequately serviced by existing or upgraded infrastructure.
 - c. Objective UFD-O8 which seeks to ensure major facilities (which would include the national grid) are able to be operated efficiently and effectively to recognise the contribution they make to the economic wellbeing and prosperity of the district.
40. The NPS-ET will be considered in more detail in the Energy and Infrastructure section 42A report.

National Policy Statement for Renewable Electricity Generation 2011

41. The NPS for Renewable Electricity Generation 2011 recognises:
- a. The benefits of renewable electricity generation activities,
 - b. The practical implications of achieving targets such as the need to protect assets, capacity and resource limitations,

- c. The practical constraints associated with new and existing generation activities such as logistical and location matters and provision of offset or environmental compensation measures,
 - d. The need to manage reverse sensitivity effects,
 - e. The need to incorporate provisions for renewable electricity generation activities into resource management plans including solar, biomass, tidal, wave, ocean current, hydroelectrical, wind, and geothermal resources and provision for small and community scale generation, and
 - f. The need to enable future generation opportunities.
42. While the NPS for Renewable Electricity Generation will be considered in more detail in the Energy and Infrastructure section 42A report objectives, UFD-O1 and UFD-O7 seek provision of adequate infrastructure to support urban development.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

43. The NPS-FM and Stock Exclusion regulations seek to:
- a. Improve degraded water bodies, and maintain or improve all others using defined bottom lines,
 - b. Avoid any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration, and
 - c. Restrict stock access and other activities locating proximate to streams.
44. The UFD objectives support this approach by ensuring water management and natural features are incorporated into urban environments (UFD-O7), natural features within rural areas are protected and maintained (UFD-O11), rural lifestyle areas are appropriately located (UFD-O12) and new growth areas are adequately serviced (UFD-O1).

National Policy Statement for Urban Development 2020 (NPS-UD)

45. The NPS-UD requires adequate provision for residential and business growth over the short, medium and long term that is plan enabled, infrastructure-ready and suitable to meet a range of housing and business needs. It also acknowledges that urban environments and amenity values will change over time and while the planned urban built form may involve significant change that detracts from amenity values this is not considered an adverse effect.
46. Gore and Mataura collectively qualify as an “Urban Environment” under the NPS-UD as they are urban in nature and have a combined population and workforce of greater than 10,000 people. This classification has implications for minimum carparking standards and requires regular monitoring of housing and business land supply and will see Gore’s importance elevated at a regional level.
47. While the NPS-UD requires adequate provision for growth, there is an expectation that growth will not be located where “qualifying matters” apply. Qualifying matters include

matters of national importance, such as biodiversity, heritage, and hazard risk areas, and other matters covered by NPSs such as Highly Productive Land and Freshwater. UFD objectives seek to minimise adverse effects on a range of these matters (UFD-O1 and UFD-O11) and further detailed analysis of these constraints will be outlined in the relevant section 42A hearing reports such as for Residential, Industrial, and Rural Zones.

National Policy Statement on Indigenous Biodiversity 2023 (NPS-IB)

48. The NPS-IB identifies a national methodology for identifying Significant Natural Areas (SNAs) and requires their protection and the management of subdivision, use and development within SNAs. Provision is made for nationally significant infrastructure, mineral and aggregate extraction, new dwellings on existing lots, and Māori customary activities. Plantation forestry activities are also required to be managed and existing activities such as pastoral farming are provided for. The UFD objectives seek to minimise adverse effects on natural values (UFD-O1).

National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

49. The NPS-HPL requires Councils to recognise and provide for the value and long-term benefits of using highly productive land for primary production by avoiding uncoordinated urban expansion and Rural Lifestyle areas on highly productive land that has not been subject to a strategic planning or cost benefit process. Highly productive land includes a land parcel with Land Use Capability 1,2, and 3 soils. The regional council must notify maps of Highly Productive Land (HPL) by 2025, and then the District Plan needs to incorporate these maps without going through the first schedule process within six months. Changes to district plan provisions are then required within two years and will have to go through the first schedule process. New provisions will cover the following matters:
 - a. Avoiding subdivision on HPL (3.8)
 - b. Protecting HPL from inappropriate use and development (3.9)
 - c. Continuation of existing activities (3.11)
 - d. Supporting appropriate productive use of HPL (3.12)
 - e. Managing reverse sensitivity and cumulative effects (3.13)
50. In the meantime, HPL is land that is general rural and LUC, 1, 2 and 3 but not land identified for urban development in a council adopted growth plan or strategy (3.5(7)). Councils can allow urban rezoning of HPL only if it is necessary to provide development capacity to meet expected demand, where it is the only reasonably practicable option, and where the benefits outweigh the costs (3.6(4)). Rezoning of HPL for Rural Lifestyle is to be avoided except where analysis is undertaken considering matters such as permanent or long-term constraints of the land, productive capacity loss, land fragmentation, reverse sensitivity effects, benefits of development versus costs of loss of HPL.
51. UFD-O11 seeks the protection of productive and versatile land, being HPL. This has been considered in deciding where areas of rural lifestyle and urban growth have been proposed to meet the district's capacity requirements.

National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 (NPS-GG)

52. The NPS-GG applies to emissions of greenhouse gases from fossil fuel fired heat devices and seeks to reduce emissions by managing discharges to air from the production of industrial process heat. The discharge to air from heat devices is largely controlled by the regional Council. The PDP does control hazardous facilities which could potentially include large scale industrial processing activities. UFD-O9 seeks to separate sensitive activities from incompatible industrial activities while UFD-O10 seeks the efficient and effective operation of primary production and rural industry activities.

National Environmental Standards

53. There are eight NESs currently in effect:
- a. NES for Air Quality 2004
 - b. NES for Sources of Human Drinking Water 2007
 - c. NES for Electricity Transmission Activities 2009
 - d. NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
 - e. NES for Telecommunication Facilities 2016
 - f. NES for Commercial Forestry 2017
 - g. NES for Freshwater 2020
 - h. NES for Greenhouse Gas Emissions from Industrial Process Heat 2023

54. The NESs and associated provisions relevant to this hearing stream are:

NES for Sources of Human Drinking Water 2007

55. The NES for Sources of Human Drinking Water 2007 complements Ministry of Health legislation for improving drinking water supply and delivery to ensure a comprehensive approach to managing drinking water from source to tap. The NES requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. UFD objectives seeks to minimise impacts on natural values, ensure adequate infrastructure (UFD-O1) and incorporate water management in urban environments (UFD-O7).

NES for Assessing and Managing Contaminants in Soil to protect Human Health (NES-CS)

56. The NES-CS establishes national guidelines for managing soil contamination that commenced on 1 January 2011. The NES-CS controls the removal of fuel storage systems, sets guidelines and limits for sampling of soil, disturbing the soil, and subdividing and changing use on land subject to potential contaminants on the Hazardous Activities and Industries List (HAIL). The

HAIL includes matters such as storage, servicing, disposal and production associated with the following activities: chemicals, electrical and electronic works, power, explosives, metals, minerals, vehicles, cemeteries and waste. UFD objectives seek to manage adverse effects between incompatible activities (UFD-O1 and UFD-O9).

National Environmental Standards for Electricity Transmission Activities (NES-ET)

57. The NES-ET applies to activities concerning existing electricity transmission lines. It sets out a framework of permitted activities and resource consent requirements for the operation, maintenance and upgrading of such lines including the trimming of trees and earthworks. Vegetation clearance associated with transmission lines in a “natural area” is a restricted discretionary activity whilst earthworks are permitted where certain area, location, and construction standards are met. Adequate provision of infrastructure to service growth in a manner that manages impacts on the natural and physical environment and provides for renewable electricity generation and electricity transmission is therefore required through national direction. The NES-ET is given effect to at a strategic level via UFD-O1 and UFD-O7.

National Environmental Standards for Commercial Forestry 2017

58. The NES for Commercial Forestry applies to a range of forestry and ancillary activities, including earthworks, river crossings, quarrying, vegetation clearance and discharges and disturbances, including in relation indigenous species. The objectives of the NES are to maintain or improve the environmental outcomes associated with plantation forestry activities nationally and increase certainty and efficiency in the management of plantation forestry activities. The NES sets out that rules in district plans can be more stringent or lenient than the regulations if they:
- a. Give effect to the NPS-FM
 - b. Provide for protection of Outstanding Natural Features and Landscapes (ONFL), or SNAs (section 6 (b) and (c) of the RMA)
 - c. Manage unique and sensitive environments such as:
 - i. separation point granite soils
 - ii. geothermal area or any karst geology
 - iii. drinking water supplies

59. UFD objectives seek to minimise adverse effects on natural, historic heritage, and cultural values (UFD-O1) while also recognising the contribution primary production makes to the economic and social wellbeing and prosperity of the district (UFD-O10).

National Environmental Standard for Freshwater 2020 (NES-F)

60. The NES-F sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. The UFD objectives support this approach by ensuring water management and natural features are incorporated into urban environments (UFD-O7), natural features within

rural areas are protected and maintained (UFD-O11), rural lifestyle areas are appropriately located (UFD-O12) and new growth areas are adequately serviced (UFD-O1).

National Environmental Standard for Telecommunication Facilities 2016 (NES-TF)

61. The NES-TF 2016 provides national consistency in the rules surrounding the deployment of telecommunications infrastructure across Aotearoa while ensuring the effects on the environment are minimised and managed appropriately. The NES-TF provides rules for the following activities:
- a. Cabinets in the road reserve, outside the road reserve and on buildings
 - b. Antennas on existing poles in the road reserve
 - c. Antennas on new poles in the road reserve
 - d. Replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas)
 - e. New poles and antennas in rural areas
 - f. Antennas on buildings (above a permitted height in residential areas)
 - g. Small-cell units on existing structures
 - h. Telecommunications lines (underground, on the ground and overhead)
62. The NES-TF sets out that district plan rules may be more stringent than the regulations in relation to:
- a. Significant Trees;
 - b. Historic Heritage values, which includes sites of significance to Māori;
 - c. Visual amenity landscapes; and
 - d. Significant habitats for indigenous vegetation or fauna

63. UFD objectives seek to minimise adverse effects on natural, historic heritage, and cultural values while ensuring that adequate infrastructure is provided as the district develops (UFD-O1).

National Environmental Standard for Air Quality 2004 (NES-AQ)

64. The NES-AQ sets ambient air quality standards that shall not be exceeded. Domestic heating is the principal source of air quality contaminants in Gore (92%) with motor vehicles, industry and outdoor burning forming other sources (8% collectively). While the regional council manages air discharges including management of domestic heating, local councils manage land use planning which influences travel patterns and associated vehicle emissions. Given the small scale of emissions associated with motor vehicles, the NES-AQ is not relevant to the PDP and is more appropriately managed via the regional council.

Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES-GG)

65. The NES-GG applies to climate change effects of the discharge of greenhouse gas into the air and limits devices that burn coal and fossil fuels.
66. The discharge to air from heat devices is largely controlled by the regional Council. The PDP does control hazardous facilities which could potentially include large scale industrial processing activities. UFD-O9 seeks to separate sensitive activities from incompatible industrial activities while UFD-O10 seeks the efficient and effective operation of primary production and rural industry activities.

4.4 Iwi Management Plans

67. 'Te Tangi a Tauira – The Cry of the People' the Ngai Tahu Ki Murihiku Natural Resource and Environmental Management Plan identifies a broad range of relevant matters when considering where and how Gore grows and develops. In particular, there is a desire to:
 - a. Limit the impacts of climate change on indigenous species and ecosystems and the risks of natural hazards by appropriately managing urban development and providing for sustainable energy and transport systems
 - b. Protect sites of significance and indigenous biodiversity areas along with appropriate management of water
 - c. Limit impacts of industrial activity and subdivision by involving iwi in decision making processes and managing land use, building and water issues
 - d. Providing appropriate infrastructure management
68. 'Te Tāhū o Te Whāriki', the Ngāi Tahu Climate Change Strategy, identifies a need to assess future commercial risks, protect wahi tapu, mahinga kai and other taonga, prepare plans to relocate Marae and Runānga facilities threatened by increasing hazards, as well as influence agencies to develop climate change responses.

4.5 Southland Regional Policy Statement 2017

69. The RPS sets out the framework and priorities for resource management in the region. The RPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). Section 75(3) of the RMA requires the PDP to give effect to the regional policy statement.
70. The relevant provisions of the Southland RPS are summarised as follows:
 - a. Mauri and wairua are sustained or improved where degraded, and mahinga kai and customary resources are healthy, abundant and accessible to tangata whenua;

- b. Wahi tapu, wahi taonga and sites of significance are appropriately managed and protected;
- c. Māori are able to develop and use their land and resources and provide for their social, economic and cultural wellbeing, in a manner that is sustainable;
- d. Maintain or improve water quality and ensure flows, levels and allocation regimes safeguard the life supporting capacity of water while meeting user needs;
- e. All significant values of rivers and lakes are maintained and enhanced;
- f. Achieve sustainable use of Southland's rural land resource in respect of agriculture and primary sector activities, subdivision use and development, use of soil resources, and onsite wastewater systems;
- g. Maintain and protect indigenous biodiversity;
- h. Natural hazard risks are understood and avoided, remedied or mitigated, resulting in communities becoming more resilient;
- i. Southland's outstanding natural features and landscapes, and locally distinctive values natural features and landscapes, are identified and protected from inappropriate subdivision, use and development;
- j. Historic heritage resources are identified and protected from inappropriate subdivision, use and development and historic heritage values are managed to address natural processes and climate change effects;
- k. Southland's regionally and nationally significant infrastructure and critical infrastructure is secure, operates efficiently, and is appropriately integrated with land use activities and the environment;
- l. Development of transport infrastructure and land use take place in an integrated and planned manner;
- m. Urban (including industrial) development occurs in an integrated, sustainable and well planned manner which provides for positive environmental, social, economic and cultural outcomes; and
- n. Sustainable, integrated and well-planned urban development:
 - i. maintains and enhances indigenous biodiversity, character, amenity and cultural values of Southland's urban areas;
 - ii. provides potable water supply;
 - iii. integrates with existing transport infrastructure;
 - iv. provides for alternative modes of transport;

- v. provides sufficient land based treatment of sewage and stormwater prior to any discharges to water;
- vi. promotes live-work-play opportunities;
- vii. retains high value soils for productive land uses;
- viii. avoids, remedies or mitigates adverse effects on soil and water quality;
- ix. avoids, remedies or mitigates significant adverse effects from natural hazard events; and
- x. avoids, remedies or mitigates reverse sensitivity effects.

71. The RPS also indicates that district plans will:

- a. Manage the effects of subdivision, use and development on water quality by encouraging urban growth within areas that have existing infrastructure capacity (refer method WQUAL.13);
- b. Control urban expansion on rural land (refer method RURAL.6);
- c. Manage urban growth while protecting a range of natural features, significant infrastructure as well as the character, amenity and safe and efficient functioning of rural areas and settlements (refer URB.2(a)); and
- d. Identify and map urban growth and development, encourage development and redevelopment of existing urban areas ahead of greenfield development, and encourage urban densities that encourage land use, infrastructure and transport integration as well as high quality urban design (refer URB.2(b)).

4.6 Other Local Policies, Strategies and Plans

Spatial plan, Ready for Tomorrow

72. In January 2020, the Council released a strategic planning document Ready for Tomorrow – A Spatial Plan for the Gore district seeking public feedback on potential growth options for the main urban areas in the district. The document outlines the issues the Council considers important, possible future outcomes and opportunities. The Spatial Plan incorporates a cumulation of various Council initiatives in recent years, in particular the 2018 Ready for Growth programme. The Ready for Growth strategy provided impetus locally as a community lead development strategy applying the direction given by the Southland Regional Development Strategy at a district level. Its overall objective is to grow the district population by 1,500 people by 2030. Through extensive community consultation, the Ready for Growth programme has identified a comprehensive overview of the socio-economic conditions required to generate sustainable growth and opportunity across the district and provides an important strategic framework for the future.

Gore District Plan Review Economic and Population Growth Analysis – October 2021¹

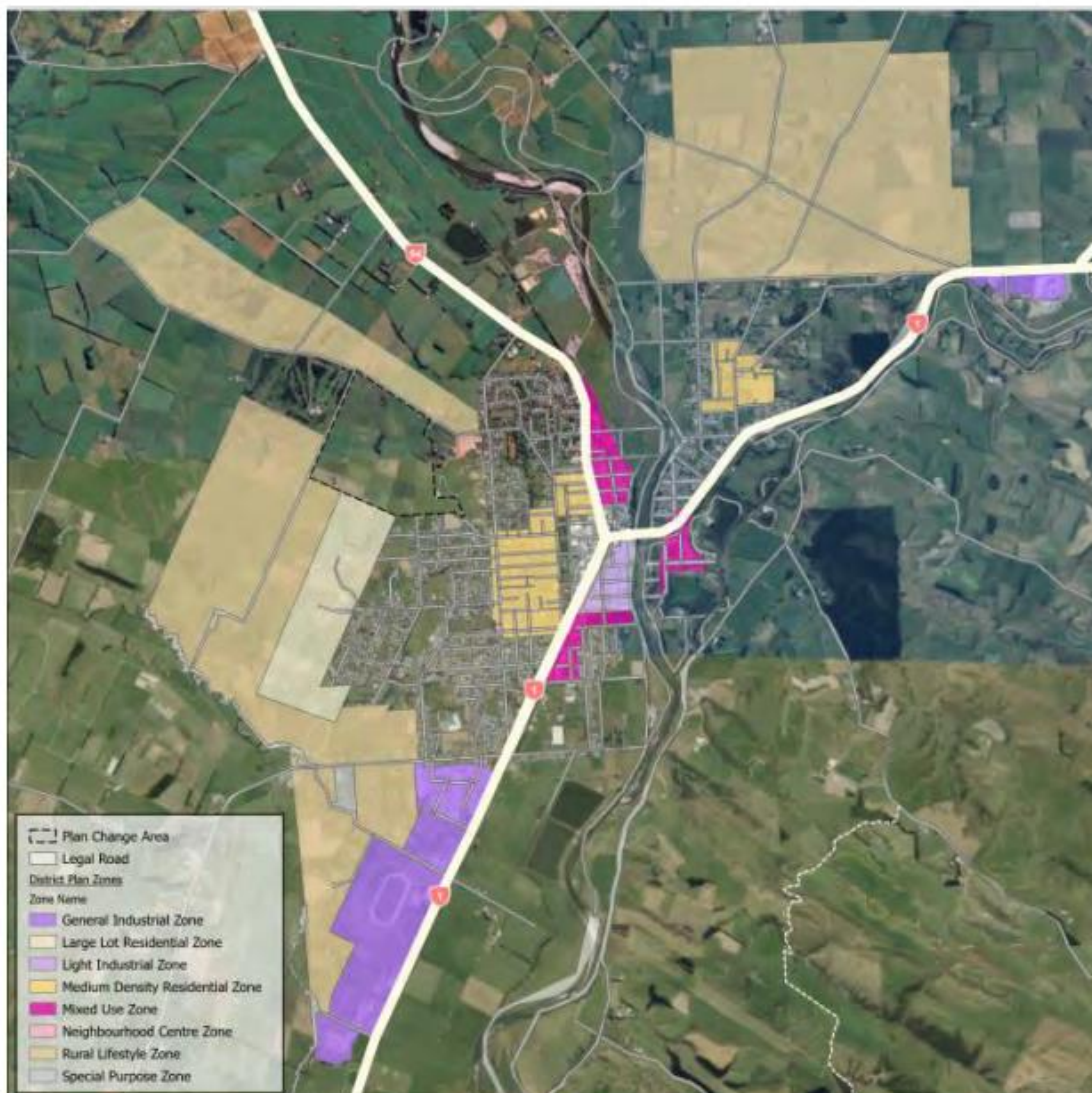
73. The Gore District Plan Review Economic and Population Growth Analysis report reviewed the Spatial Plan, Ready for Tomorrow and confirmed that Gore qualifies as an Urban Environment in accordance with the NPS-UD.
74. The report projected that Gore would need 860 new dwellings over the next 20-30 years and that, while industry growth would likely remain focused on the agricultural and primary production sector, land within Gore and Mataura should be rezoned to allow for anticipated growth in the manufacturing sector.
75. The report identified potential growth areas and signalled that more detailed analysis was needed to test how growth areas identified could accommodate and support growth and how proposed planning controls could best meet existing and future market demand.

Gore District Plan Review Planning for Growth – June 2022²

76. The Gore District Plan Review Planning for Growth report built on previous studies and identified areas for growth and re-zoning as outlined in the figures below:

¹[798ddbc243c9b482011262afdea32519 Economic and Population Growth Analysis October 2021.pdf \(ehq-production-australia.s3.ap-southeast-2.amazonaws.com\)](#)

²[16561ac752b6ef49890b392a6ce48836 Gore District Plan Review - Planning for Growth Report - June 2022.pdf \(ehq-production-australia.s3.ap-southeast-2.amazonaws.com\)](#)



Spatial Extent of Areas Identified for Growth and Rezoning in Gore



Spatial Extent of Areas Identified for Growth and Rezoning in Mātaura

74. The report then went on to analyse the identified residential, commercial, industrial and rural areas and recommended district plan controls to appropriately manage these areas. This work was further tested through Draft District Plan engagement.

Draft District Plan

75. The Operative District Plan was made operative in 2006. The District Plan review commenced in June 2020, and Council officers and consultants workshopped draft District Plan content with the Council's District Plan Review Sub-committee (Sub-committee) and Hokonui Rūnanga representatives until 2022. The release of the Draft District Plan for stakeholder and community feedback occurred over August/September 2022. This included a number of drop in sessions in the centres and settlements across the district and meetings with local and regional professionals along with specifically sending copies of the Draft District Plan to relevant government agencies and iwi authorities.
76. Feedback on the Draft District Plan was received from over 100 people and organisations during the engagement period. Nearly 40 zoning changes were requested across the District, as well as a number of text changes to almost all Draft District Plan Chapters. Additional

technical work was commissioned and undertaken to respond to a number of matters raised in feedback. The feedback and recommended changes to the Draft District Plan were workshopped with the Sub-committee from March to July 2023.

77. A number of changes were made to the Draft Plan following community and stakeholder feedback, finalisation of technical advice and to implement Sub-committee recommendations. Key changes made through the Draft District Plan process are detailed in Appendix C.
78. Some chapters were not incorporated into the Draft District Plan released for feedback in 2022 that were awaiting national direction and further technical information. These chapters included:
 - a. Ecosystems and Indigenous Biodiversity
 - b. Natural Features and Landscapes
 - c. Development Areas
79. These chapters were prepared separately, circulated for feedback from key stakeholders, and workshopped with the Sub-committee throughout March to July 2023. The Designations chapter was prepared following advice from Requiring Authorities.
80. The PDP was prepared to reflect feedback, technical advice, national direction, and to implement amendments based on Sub-committee and Hokonui Rūnanga recommendations.

Operative District Plan

81. The key changes between the Operative District Plan and the PDP include:
 - a. A move from five generic zones to 13+ targeted zones in accordance with PS requirements including:
 - i. Identification of Development Areas – Residential in Gore West and Industrial in Gore South;
 - ii. New Centres (Town, Local, and Neighbourhood) in Gore and Mātāura;
 - iii. Mixed Use Zones in Gore and Mātāura that reflect existing development patterns;
 - iv. Medium Density Residential Zones (minimum 150m² density) adjacent to Neighbourhood centres in East and West Gore;
 - v. Large Lot Residential Zones (minimum 2,000m² density) in West Gore and East Mātāura;
 - vi. Settlement Zones (minimum 2,000m² density) in Mandeville, Waikaka, and Pukerau;
 - vii. Rural Lifestyle Zones (minimum 1.0ha density) that reflect existing intensive development patterns adjacent to Waikaka and Mandeville Settlement Zones and Gore and Mātāura;
 - viii. A general Rural Zone (minimum 8.0ha density) for the majority of the district to maintain productive land use;

- ix. Open Space Zones at Dolamore Park/Croydon Bush, Henderson Park, Tulloch Park, Hamilton Park, Pukerau Recreation Reserve, Waikaka Domain, Newman Park and the A&P Showgrounds;
 - x. Precincts to enable existing activities to continue to operate or new activities enabled through bespoke provisions including Creamoata, Multi-sports, Showgrounds, the Gore hospital and Mandeville aerodrome; and
 - xi. Special Purpose Zones for marae sites, the Gore aerodrome, Camp Columba, and Field Days to reflect their regional importance and allow for appropriate development.
- b. Clearer direction for zones such as objectives and policies for each zone with specific activity listings;
 - c. Movement from broad “discretionary” to more defined “restricted discretionary” consent thresholds, where appropriate;
 - d. Clearer identification of cultural values (Mana Whenua); and
 - e. A broader range of heritage listings with more enabling rules.

Development Contributions Policy

82. As part of the development of the PDP, the Council had to consider how it would fund infrastructure. A paper went to the Assets and Infrastructure Committee on 6 June 2023 to consider whether infrastructure should be funded via financial contributions in the PDP or development contributions.
83. The paper provided a comprehensive analysis of the funding options and concluded that: *“Given the current situation in Gore, the Council is effectively starting from scratch in terms of developing a policy for funding infrastructure to service growth. Both financial contributors and development contributors are a suitable option and would require the same financial modelling to justify the amount to be collected. Development contributions are however recommended as preferable. They offer greater security to Council as a funding stream given the impending reforms and are a flexible tool, able to be to respond to the district. It is recommended that a development contributions policy is developed for the Gore District, noting developer agreements are also available under sections 207A - F LGA. This approach is considered to be the most equitable given the current financial situation and the uncertainty associated with RMA and 3 waters reform.”*
84. The Committee resolved to commence the development of a Development Contribution Policy in conjunction with the 2024-2034 Long Term Plan. As a consequence, financial contributions are not included in the PDP. Infrastructure will be funded as outlined in the current Long Term Plan by ratepayers or via conditions of resource consent directly, as required. Infrastructure required for growth will be funded through development contributions taken at the time of development following the completion of the Development Contribution Policy.

4.7 Section 32AA evaluation

88. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

(2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

89. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 7 and Appendix G of this report, as required by s32AA(1)(d)(ii).
90. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.8 Procedural matters

91. A number of procedural matters have been determined by the Chair of the Policy Committee and/or the Hearings Panel in accordance with delegated authority following the notification of the PDP. These are outlined in the Background section of this report in section 5.0 below. Any outstanding procedural matters will be addressed by the Hearing Panel in the first hearing.

5. Background

5.1 Notification of the Proposed District Plan

92. Incorporating the feedback on the draft District Plan, and reflecting decisions made by elected representatives, the PDP was publicly notified under Clause 5 of the First Schedule of the RMA on 31 August 2023.
93. In addition to a formal public notice, the notification communications strategy included:
 - a. Serving notice on all parties required by the RMA First Schedule;
 - b. Writing to all ratepayers via a letter. The letter provided instructions on how to access the PDP and make a submission;
 - c. Writing to all individuals, groups and stakeholders who have previously provided feedback on the Draft District Plan;
 - d. Media releases through established Council media and social media channels advising that the PDP had been notified and how to make a submission;
 - e. Sending a media release to all mainstream news outlets, and newspaper adverts placed in all major daily newspapers in accordance with statutory requirements;
 - f. Meetings with local and regional professionals;
 - g. A dedicated email inbox and phone for PDP queries;
 - h. Hard copies of the PDP being made available at the public libraries and at the main Council reception.

6. Hearings

6.1 Overview of the hearings process

91. Hearings are to be held as required by Clause 8B of the First Schedule of the RMA and have been scheduled into hearing streams. The topic-specific s42A hearing reports will be made available 20 working days before the start of the relevant hearing stream and should be read in conjunction with this section 42A report.
92. The Council is required to issue decisions under RMA First Schedule provisions by 31 August 2025.

Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023

93. As independent planning experts, all report authors will be required to confirm they have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and will comply with this Code of Conduct in preparing their section 42A report.

94. The assessments and recommendations expressed in the section 42A reports are the opinion of the report author as an independent expert and may not necessarily be those of the Council or elected members.
95. Other than when the report author states that they are relying on another person's advice, the evidence contained in the section 42A report will be within the report author's area of expertise.
96. Material facts known to the report author cannot be omitted that may alter or detract from the opinions expressed in the report.

Hearings Panel

97. Pursuant to s34A of the RMA, the Council has appointed a four member Hearings Panel to hear the PDP submissions. The Hearings Panel comprises of the following accredited commissioners, who have a range of relevant expertise:
 - Keith Hovell (Councillor and Resource Management Commissioner) as Chair;
 - Cliff Bolger (Resource Management Commissioner);
 - Glenys Dickson (Councillor and Resource Management Commissioner); and
 - Maria Bartlett (Resource Management Commissioner with Tikanga Māori experience)
98. The hearings panel will preside over the hearings and will be making recommendations to the elected Council.

Hearings Streams

99. Chapters of the PDP have been organised into Hearing Streams and commissioners allocated. Hearing stream details and allocation of commissioners are available on Council's website.

7. Consideration of submissions

7.1 Structure of the report

103. Submissions on the Introduction, General Provisions and Strategic Direction chapters have raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under multiple topic headings based on the topics contained in the submission and their relationship to sections of this report. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
104. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.

105. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission and further submission point are contained in Appendix B.
106. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the chapter with recommended amendments in response to submissions as Appendix A.
107. This report only addresses definitions that are plan wide and relevant to this topic. All other definitions will be addressed in future hearing streams.

7.2 Overview of submissions

Original submissions

105. The submission period ran from 31 August to 26 October 2023 and then was extended to 27 November 2023 by Council resolution. By the 27 November 2023, Council received 130 submissions containing 5544 submission points.
106. While some submissions were received after the 27 November 2023 5:00pm deadline, these submissions were accepted and are not considered late as they were received prior to midnight on 27 November 2023.
107. Four late submissions were received after the 27 November 2023, as listed in Table 1 below.

TABLE 1: LATE SUBMISSIONS RECEIVED AFTER 27 NOVEMBER 2023

Submission number	Submitter name	Date submission received
S13	Kelly-Anne Findlay	29/12/2023
S140	Robina Johnston	01/12/2023
S146	Southland District Council	30/11/2023
S152	Nigel Cowburn	30/11/2023

108. The submissions listed in Table 1 were accepted by the Chair of the Policy Committee in accordance with Council resolutions³, however submission S13 was later deemed to be out of scope, as detailed in the following sections.

³ Minute from District Plan Hearing Panel – Submissions Received after the Closing Date – 25 January 2024

Incomplete original submissions

109. There were 6 submissions received that were considered incomplete as there was information missing that was required by RMA Form 5, including:
- Whether they could gain an advantage in trade competition through their submission;
 - Whether they wish to be heard in support of their submission; and
 - Whether they would consider presenting a joint case.
110. Submitters who had missing details were followed up with and these details were saved on Council records. These submissions were accepted with amendments by the Chair of the Policy Committee on 8 February 2024⁴ in accordance with Council resolutions. These details were then included in the original submissions and made available on the Council website on 1 February 2024.

Voided submissions

111. A number of submission were voided because they were either duplicates or online submissions that had not been finalised and lodged and therefore had no content. However, two submissions were struck out as they were out of scope, and others had submission points that were deemed to be out of scope⁵ by the Hearings Panel. Council contacted the submitters where a submission or submission point was voided. The voided submissions and the reasons are detailed in the Table 2 below.

TABLE 2: VOIDED SUBMISSIONS

Submission number	Submitter name	Reason for voided
S0	Michelle Davers	No content – voided in whole
S2	David Harrington	Out of scope – decision to strike out in entirety
S13	Kelly-Anne Findlay	Out of scope – decision to strike out in entirety
S22	Mark and Karen Walker	No content – voided in whole
S34	Gore District Council – 3 Waters Division	No content – voided in whole
S38	Russell Welsh	Duplicate S90 and no content – voided in whole
S43	Christopher King	No content – voided in whole
S44	Rachel Thomas	No content – voided in whole

⁴ Minute from District Plan Hearing Panel – Minor Omissions in Submissions – 8 February 2024

⁵ Minute from District Plan Hearing Panel – Out of Scope Submissions – 12 February 2024

Submission number	Submitter name	Reason for voided
S45	Fuchsia McIntyre	No content – voided in whole
S46	Margaret Katon	Out of scope submission point – void in part
S47	David Katon	Out of scope submission point – void in part
S57	Clayton Rowland	Duplicate S36 – voided in whole
S58	D R & J A Pullar	Duplicate S133 – voided in whole
S67	Gore District Memorial RSA	Duplicate S49 – voided in whole
S70	John Baynes	Duplicate S68 – voided in whole
S71	John Baynes	Duplicate S68 – voided in whole
S72	John Baynes	Duplicate S68 – voided in whole
S73	Robina Johnston	Duplicate S140 – voided in whole
S78	Charlton Rise	Duplicate S100 – voided in whole
S80	Forest and Bird	Duplicate S110 – voided in whole
S81	Bridget Sim	No content – voided in whole
S82	Adam Newton	No content – voided in whole
S83	Fulton Hogan	Duplicate S122 – voided in whole
S86	Karen Menlove	Duplicate S89 – voided in whole
S88	KiwiRail	Duplicate S132 – voided in whole
S90	Russell Welsh	Duplicate S38 and no content – voided in whole
S91	Waikaka Gold Mines	Duplicate S129 – voided in whole
S93	Port Blakely Ltd	Duplicate S138 – voided in whole
S136	Jenny Cambell	Out of scope submission points – void in part
S140	Robina Johnston	Out of scope submission point – void in part
S150	Hugh Gardyne	Duplicate S137 – voided in whole
S151	Stoney Creek	Duplicate S3 – voided in whole

Further Submissions

112. Further submissions were received from 14 February 2024 until 28 February 2024. The Council received a total of 26 further submissions covering 1454 submission points. All further submissions were received prior to the closing date. Due to a formatting error, 60 submission points relating to mapping changes were omitted from the original summary of

submissions. With the approval of the Hearing Panel, the omitted submission points were renotified on 27 March 2024. These further submissions closed on 12 April 2024.

113. Overall, 26 further submissions were received covering 1464 submission points.
114. Several further submissions were voided, these were either test submissions, duplicates or online submissions that had not been finalised and lodged and therefore had no content. The voided submissions and the reasons are detailed in the Table 3 below.

TABLE 3: VOIDED FURTHER SUBMISSIONS

Submission number	Submitter name	Reason for voided
FS1	Not applicable	Test submission – voided in whole
FS2	Not applicable	Test submission – voided in whole
FS3	Not applicable	Test submission – voided in whole
FS8	Mercury NZ Ltd	Duplicate FS26 and no content – voided in whole
FS15	Mercury NZ Ltd	Duplicate FS26 and no content – voided in whole
FS32	Not applicable	Test submission – voided in whole
FS33	Hamish Weir	Duplicate FS5 and no content – voided in whole

115. Further submissions will also be sought from 8 to 22 May 2024 on three additional submission points in support of the whole plan (except where the submission sought specific amendments) which were received from Hokonui Rūnanga (s139.093), McNabb Management Ltd (s103.031) and Transpower New Zealand Ltd (s101.103). These submission points were not included in the original submission summary due to an incorrect interpretation that they offered a general level of support without specificity on provisions and therefore were not specific submission points. However, in the interests of fairness, completeness and to ensure full transparency as well as to allow for other parties to consider these submissions Council is now seeking further submissions on these three points. An update and recommendations on any relevant further submissions will be provided at the Hearing Stream 1 Hearing where relevant.

Partial Withdrawal of ECO-R1

115. At its meeting on 21 November 2023, Council resolved to withdraw the maximum limit associated with fencing as follows:

“THAT in recognition of the invasive nature on farming operations posed by the maximum width provisions for clearing of vegetation associated with the replacement and construction of fencing contained in the Ecosystems and Indigenous Biodiversity chapter of the Proposed District Plan, the Council withdraw this rule insofar as specifying a maximum distance is concerned.

AND THAT the Council seeks to engage in fresh consultation with relevant stakeholders to develop a revised rule which is less restrictive for farming practices.”

116. As a result of the resolution, a public notice was notified⁶, the PDP was amended, and consultation began with relevant stakeholders. An update on progress will be provided at the relevant hearing.
120. Overall, 201 submissions and 223 further submissions were received for the Introduction and General Provisions (Part 1) and Strategic Direction (Part 2) sections. This report outlines recommendations in response to the issues that have emerged from these submissions. A summary of the submissions and further submissions received is detailed Table 4 below.

TABLE 4: NUMBER OF SUBMISSIONS RECEIVED IN RELATION TO HEARING STREAM 1 (INTRODUCTION AND GENERAL PROVISIONS; URBAN FORM AND DEVELOPMENT)

	Number of submission points received by PDP section	
	Introductions and General Provisions	Urban Form and Development
Support	51	30
Support in part	19	21
Oppose	1	14
Oppose in part	2	6
Amend	18	4
Not stated	14	21
Total number of original submission points	105	96
Total number of further submission points	27	29

General submissions

121. A number of general submissions were received in support, opposition, and partial opposition to the whole plan. General submissions in support noted that the PDP would bring positive outcomes to the Gore district and align with national and regional direction.
122. General submissions in opposition sought that the plan be deferred until clearer guidance is provided on RMA reform or improved to better align with national direction or enhance property rights.
123. General amendments were sought to:
 - a. Have less rules and restrictions such as reducing the default status for consents
 - b. Clarify the application of existing use rights,

⁶ Refer Public Notice in Appendix E

- c. Remove Bylaw provisions,
- d. Amend the default consent status from non-complying to discretionary,
- e. Incorporate nature based solutions, best practice stormwater management, and climate change resilience,
- f. Recognise the importance of, and enable, farming activities,
- g. Consider Development Contributions,
- h. Manage exotic vegetation, and
- i. Include a mechanism to alter a clause within the plan.

Introduction Chapter

- 124. For the Introduction Chapter, submissions support the description of the district while amendments seek to highlight the importance of the agricultural sector.

How the Plan Works

- 125. Submissions sought amendments to clarify the hierarchy between objectives, the need for a Natural Character chapter, clarify existing use rights provisions, control of wilding exotics, and incorporate additional National Policy Statements.

Interpretation

- 126. Submissions sought additional definitions including ecological corridor and waste. Definitions of abrasive blasting, river, emergency management and emergency services facility are generally supported. The reverse sensitivity definition is generally supported, but with suggested clarifications.

UFD - General

- 127. Submissions sought amendments to add focus on nature-based solutions and area wide measures over site specific solutions, and that managed retreat for the Gore community needs to be considered when planning for growth.

UFD - Overview

- 128. Submissions sought amendments to provide greater recognition of the rural sector and mining and energy resources.

UFD – Additional Provisions

- 129. Submissions sought additional objectives relating to critical infrastructure, locationally constrained resources, stormwater management, growth planning, nature based solutions, the natural environment, and mana whenua connections with te Taiao are sought.

UFD – O1

130. Submissions sought amendments to recognise resilient critical infrastructure, mana whenua values, locational constraints, the loss of highly productive land, and climate resilience.

UFD-O4 and UFD-O5

131. Submissions sought amendments to provide greater recognition of educational activities

UFD-O7 and UFD-O9

132. Submissions sought amendments to provide greater recognition of safe upgraded transport networks and active transport

UFD-O10

133. Submissions sought amendments to provide acknowledgement that primary production and rural industry should be protected as well as recognised.

UFD-O11

134. Submissions sought amendments to include highly productive land rather than versatile land.

132. The report has been prepared in accordance with section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

7.3 Format for consideration of submissions

133. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:

- a. Matters raised by submitters;
- b. Assessment; and
- c. Summary of recommendations.
- d. Section 32AA assessment where changes are proposed.

134. The recommended amendments to the relevant chapters are set out in Appendix A of this report where all text changes are shown in a consolidated manner.

7.4 General submissions

135. A number of whole plan submissions were lodged on the PDP. As detailed above, these submissions relate to general submissions in support, general submissions seeking to reject or delay the plan, or that plan provisions be generally more enabling or more focused on enhancing a range of environmental outcomes and are considered below.

7.4.1 General Submissions in Support

Matters Raised by Submitters

136. Southland District Council (“SDC”) (s146.001) noted that, subject to the changes requested in their submission, no significant additional cross boundary issues were identified, and that the PDP will bring positive outcomes to Gore communities and the Southland region as a whole. The specific issues raised in the SDC submission, relate principally to the LLRZ, GRZ, GRUZ, RLZ NFL, Appendix 5, ENRG, INFR, TRANS, NH, HAZS, SUB, ASW, EW provisions, and HH, ECO, NFL, DEV1 and Rivers and Streams map layers along with some definitions. These more detailed provisions will be addressed in the relevant section 42A hearing report to follow in future hearing streams.
137. Hokonui Rūnanga (s139.093) support all the provisions in the PDP as notified and seek that they are retained as notified, except for the amendments requested to specific provisions as set out in their submission. The specific issues raised in the Hokonui Rūnanga submission, relate principally to the following zone Chapters MPZ, LLRZ, GRUZ, RLZ, SETZ, LCZ, MUZ, NCZ, TCZ, LIZ, GIZ, NOZ, SARZ, AIRZ, FDZ, DEV1 as well as provisions in Part 2 District Wide Matters NFL, ENRG, INFR, TRANS, NH, HAZS, SUB, ASW, EW, HH, TREE, ECO, CL and TEMP along with amendments to specific reference to ‘sites of cultural significance’ and ‘Ngāi Tahu values’ throughout the PDP. These more detailed submission points will be addressed in the relevant section 42A hearing report to follow in future hearing streams.
138. McNabb Management Limited (s103.031) supported all the provisions in the PDP as notified and seek that they are retained as notified, except for the amendments requested to specific provisions as set out in their submission. The specific issues raised in the McNabb submission, relate principally to amendments to the planning maps to amend zoning including introduction of a new zone and amendments to provisions within the following Chapters MPZ, RLZ and GRUZ where a new precinct and associated provisions is sought. These more detailed submission points will be addressed in the relevant section 42A hearing report to follow in future hearing streams.
139. Transpower (s101.103) supported the PDP in its entirety insofar as it relates to the National Grid and particularly the extent to which the provisions of the PDP give effect to the NPS on Electricity Transmission 2008. However, specific amendments and decisions sought are provided in the remainder of the submission. Where those specific submission points relate to PDP provisions included in Hearing Stream 1 these points are assessed elsewhere in this report. Other specific submission points relate to the following zone Chapters LLRZ, GRUZ, RLZ, GRZ, GIZ, FDZ, DEV2 as well as provisions in Part 2 District Wide Matters NFL, ENRG, INFR, NH, SUB, ASW, EW, HH, TREE, ECO, CL, PA, NOISE, SIGN. These more specific submission points will be addressed in the relevant section 42A hearing report to follow in future hearing streams.

Assessment

140. SDC’s submission in support (s146.001) is acknowledged and accepted. Cross boundary issues have been discussed and agreed by adjoining Councils and the PDP has been developed recognising the Southland regional context, including giving effect to the Southland RPS and national direction.

141. Hokonui Rūnanga's submission in support (s139.093) and McNabb Management Ltd's submission in support (s103.031) is acknowledged and accepted given that the PDP is generally aligned with national and regional direction, iwi planning documents the purpose of the RMA and meets the requirements of RMA s32..
142. Transpower's submission in support (s101.103) is acknowledged and accepted given that the PDP is generally aligned with NPSET, SRPS, NESETA, the purpose of the RMA and meets the requirements of RMA s32.

Recommendations

143. The submission in support to the PDP is accepted as a whole, as detailed in Appendix B, while submissions seeking more specific relief will be considered in the relevant hearings to follow.

7.4.2 General Submissions in Opposition

Matters Raised by Submitters

144. Port Blakely Limited ("PBL") seeks that the PDP be rejected in its current form (s138.007) and the PDP be amended to reflect issues raised in their submission (s137.008, 137.011). The specific issues raised in the PBL submission relate to alignment with the NES for Commercial Forestry. Amendments seek changes to the definition of plantation forestry, ECO, EW and SASM provisions. These matters will be addressed in the relevant section 42A hearing report to follow.
145. Hugh Gardyne (s137.001) seeks that the plan review be deferred until the government is clear on the legislation pathway required for any RMA reforms and consequential regulation requirements on Council.
146. Stoney Creek Station Limited ("Stoney Creek") seeks that provisions highlighted in the letter to the Chief Executive of Council dated 7 November 2023 be withdrawn due to concerns about a lack of consultation and impacts of provisions that have immediate legal effect (s3.114). The Stoney Creek submission was supported in primary submissions by John Baynes (s68.001), Trudy Bokser (s113.114), Nathan Bokser (116.114), AW & JA Johnston (118.114), Reaby Downs Farm Ltd (s18.116), Karen Temple (s19.116), Sarah and Peter Barclay (s20.116), Helen McIntosh(s24.116), John Baynes (s68.118), Peters Farm Ltd – Karen Peters (s127.150) and Greg Bokser (s117.114).
147. The letter to the Chief Executive from Stoney Creek is attached at Appendix D of this report. The provisions highlighted in the letter include:
 - a. Natural Features and Landscapes (NFL) chapter in its entirety;
 - b. Ecosystems and Indigenous Biodiversity (ECO) - ECO-P8, ECO-P10, ECO-P11, ECO-R1; and
 - c. Appendix 5 – Landscape Values – ONL-APP

148. DOC (FS31.002) opposes this submission point and notes concerns with removing clearance limits associated with farming activities in SNAs and indigenous biodiversity areas and that the variation process anticipated in the PDP will allow for wider consultation.
144. Groundswell NZ (s66.001) seeks that the PDP be paused until the failings of the RMA have been addressed, the status of the NPS-IB has been clarified and the RMA replacement with the Natural and Built Environment Act is confirmed. This is in particular reference to SNAs, NFLs, SASM, cultural landscapes and cultural sites, wetlands and riparian margins and the potential impact of financial hardship for property owners and the aim to enhance private property rights.

Assessment

145. In relation to PBL (s138.007) it is recommended to reject the PDP in its current form as the plan has been drafted to meet the requirements of the RMA and align with best practise and the National Planning Standards. Amendments to address specific issues raised in the PBL submission (s137.008, 137.011) relate principally to alignment with the NES Commercial Forestry and include changes to the definition of plantation forestry, ECO, EW and SASM provisions. These matters will be addressed in the relevant section 42A hearing report to follow.
146. The Hugh Gardyne (s137.001) and Groundswell NZ (s66.001s68.0031) submissions are rejected as RMA reform to date by the National-led government has focussed on repealing the Natural and Built Environment Act and the Spatial Planning Act, rather than parts of the RMA. In the short-term, amendments are to be made to the RMA to enable fast track consenting, which will not impact the PDP review process. Guidance from the Ministry for the Environment indicates that any further amendments to the RMA are likely to be beyond the timeframe of the PDP hearing process. A further update can be provided at PDP hearings as RMA reforms progress. In addition, (s137.001) also relates to parts of the Operative District Plan rather than the PDP.
147. The Stoney Creek submission (s3.114) and associated submissions (s68.001, s113.114, s116.114, s118.114, s18.116, s19.116, s20.116, s24.116, s68.118, (s127.150) s117.114) relating to withdrawal of parts of the PDP are rejected as this matter was considered by Council at its meeting on 21 November 2023. The Council noted a number of inaccuracies in the letter from Stoney Creek to the Chief Executive relating to the legal effect of landscape rules (paragraph 6), potential impacts on landscapes and biodiversity areas should the provisions be withdrawn (paragraph 7 and 8), and the section 32 assessment noting the success of the Operative District Plan rules beyond public land (paragraph 10). The Council also noted that, while there was no breach of the statutory obligations to consult under the RMA, it would have preferred to have undertaken direct consultation with Stoney Creek. The Council also raised a number of concerns about any potential withdrawal of the ECO and NFL chapters including procedural and natural justice shortcomings, plan and hearing integration issues, time and cost delays, a range of practical issues such as misalignment with national and regional policy, and the immediate impact on biodiversity.
148. Ultimately, in response to the Stoney Creek letter, the Council agreed:

“THAT in recognition of the invasive nature on farming operations posed by the maximum width provisions for clearing of vegetation associated with the replacement and construction of fencing contained in the Ecosystems and Indigenous Biodiversity chapter of the Proposed District Plan, the Council withdraw this rule insofar as specifying a maximum distance is concerned.

AND THAT the Council seeks to engage in fresh consultation with relevant stakeholders to develop a revised rule which is less restrictive for farming practices.”

149. Following this direction from Council, the ECO chapter of the PDP has been amended to withdraw the maximum limit associated with fencing⁷ and consultation has begun with relevant stakeholders. The specific submission points relating to ECO and NFL provisions will be presented in the respective hearings to follow, noting that a variation to the PDP is being developed to incorporate SNA mapping in consultation with key stakeholders and landowners ahead of the planned hearings.
150. Accordingly, FS31.002 from DOC that notes concerns with removing clearance limits and that the variation process anticipated in the PDP will allow for wider consultation is supported subject to any amendments considered in relevant hearings to follow.

Recommendation

151. The submissions in opposition to the PDP as a whole are rejected, as detailed in Appendix B, while submissions seeking more specific relief will be considered in the relevant hearings to follow.

7.4.3 General Submissions Requesting Amendments

Matters Raised by Submitters

152. Adrienne Crispin (s59.002) seeks that the PDP has less rules and restrictions as rights are being eroded with unworkable regulations and Yrless (s149.032, s149.029) seeks that the residential, commercial and mixed-use zones and maps revert to a simple approach with a lesser number of zones and the Subdivision and Land Development Bylaw be integrated into the PDP.
153. Clarke Fortune & McDonald & Associates (FS22.055) opposes the integration of the Bylaw into the PDP, noting it would result in additional consent triggers for technical engineer matters and would require a plan change process to make any amendments to engineering standards.
154. NZ Defence Force (s147.026) seeks that the default activity status across zone rules be discretionary rather than non-complying. Clark Fortune McDonald & Associates seeks the same default setting to align with the Operative District Plan section 4.2.4 (s99.027).

⁷ Refer Public Notice in Appendix E

155. NZ Defence Force and Clark Fortune McDonald & Associates submissions are supported by Hamish Weir (FS5.8, FS5.10) Silver Fern Farms (FS29.001, FS29.002) Clark Fortune McDonalds & Associates (FS22.048), and Yrless (FS21.001, FS21.002). Mercury Ltd (FS26.003) also support Clark Fortune McDonalds & Associates.
156. Jenny Campbell (s136) seeks that all environmental decisions:
 - a. Are made in consultation with Tangata Whenua (s136.001);
 - b. Be nature-based solutions (s136.002); and
 - c. Be made and viewed through a climate change lens (s136.003).
157. Jenny Campbell also seeks that towns provide upgraded infrastructure to ensure drains are up to standard to prevent discharges of sewage in the environment and rivers in particular (s136.013) and all new development be in appropriate locations such as away from waterways and steep slopes (s136.023). The submitter also seeks that planting of exotics should be restricted (s136.011) and vegetation clearance needs to be controlled (s136.022).
158. Southland Federated Farmers (s126.180; s126.181), Kevin Robertson (s115.181; s115.182), Ronald Crispin (s60.183; s60.184), Rural Ratepayers Group (s143.192; s143.193), Alastair and Bernadette Hunt (s148.193; 148.194), John Baynes (s68.301; s68.302) seek consistent use of “existing use rights” and “lawfully established” throughout the PDP including definitions and “wellbeing” changed to “well-being”.
159. Stoney Creek (s3.117) considers that *“the provisions in general fail to recognise the presence of established farming activities within the district that have low environmental effects yet provide significant social, cultural and economic benefits. Farming in particular is subject to significant increases in the level of restriction when compared with other land uses, and subject to unworkable provisions that have been developed without input from the farming community. These restrictions are particularly restrictive in ONLs and are not practical for farming activities and creates uncertainty and cost to rural landholders that is not proportionate to the potential environmental effects”* and that amendments are sought as per the detailed submission (s3.117). This submission was supported by the primary submission of Trudy Bokser (s113.117), Nathan Bokser (s116.117), AW & JA Johnson Family Trust (s118.117), Reaby Downs Farm Ltd (s18.119), Karen Temple (s19.119), Sarah and Peter Barclay (s20.119), Helen McIntosh (s24.119), John Baynes (s68.121), Peters Farm Ltd – Karen Peters (s127.153), and Greg Bokser (s117.117).
160. This submission was opposed by DOC (FS31.003) noting the requirement to identify and protect outstanding natural landscapes and features.
161. Kevin Robertson (s115.001) supports the relief in the Federated Farmers submission in his primary submission and notes that practical and common-sense ideas are needed to achieve successful outcomes. John Baynes (s68.002; s68.003) also supports this relief in his primary submission noting that Federated Farmers should be consulted with due to their expertise and ignoring their advice will lead to financial loss. Mr Baynes also seeks that a mechanism or process be included to allow council to alter a clause within the plan (s68.004).

162. Groundswell NZ (s66.002) seeks that if the PDP is not paused then RMA s6 matters be paused or removed all together and replaced with a non-statutory plan that sits outside the PDP.
163. Ian Davidson Watts (s69.008) supports the overall objectives and policies of the PDP that value important natural and cultural assets and manages development and seeks that a development contributions policy be developed to sit alongside the PDP to reduce the extra burden on existing ratepayers for maintaining and improving infrastructure. Further submissions by Hamish Weir (FS5.6) and Clark Fortune McDonald & Associates (FS22.054) oppose this submission point in part noting the economic implications of development contributions and the scope issue of considering this submission as part of the PDP.
164. Nigel Cowburn (s152.002) notes that the whole PDP lacks any meaningful treatment of modern Best Stormwater Management Practice, such as sustainable drainage (aka SuDS, LID or Sponge City). The submitter also seeks that the lowest tender acceptance is forbidden and that NZTA's tender assessment criteria are used (s152.011).

Assessment

165. The Adrienne Crispin (s59.002) and Yrless (149.029) general submission points are rejected as the PDP has been developed in accordance with RMA requirements and implements national and regional direction so there is little options available to have less rules, restrictions and zones. Furthermore, neither submission provides additional detail on how these matters are to be addressed other than in the topic specific submission points which will be considered in future hearings.
166. With regards to the Yrless submission point seeking that the Subdivision and Land Development Bylaw be integrated into the PDP (149.032), it is noted that the relevant portions of the bylaw have been incorporated into the PDP so this point is accepted in part with no proposed amendments. Construction and design standards from the bylaw are incorporated into the Transport and Earthworks chapters. Servicing is included as a matter of discretion for land development and subdivision matters of discretion include the provision for servicing, including water supply, firefighting water supply, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications. These engineering standards remain within the bylaw, which could potentially be replaced by a Code of Practice in future without the need for a plan change as there are no direct rule references to the bylaw in the PDP.
167. FS22.055 from Clarke Fortune & McDonald & Associates, who oppose the integration of the bylaw into the PDP noting additional consent requirements and the need for a plan change to make amendments, is also accepted in part with no amendments. The consent requirements are considered to overall be a more effective and efficient method of addressing earthworks and transport issues than is provided by the bylaw process. The construction and design standards have been incorporated into the earthworks and transport provisions to reflect best practice and so that the environmental effects can be wholly managed through the district plan process without the potential duplication of process with the bylaw. Other issues with the bylaw process have also been identified due to the lack of internal structures in the Council to effectively administer and enforce these controls. It is acknowledged that to amend the earthworks and transport construction and

design standards a plan change would be required, however it is appropriate that these go through a process so that the community and stakeholders have an opportunity to influence the outcome of these changes.

168. Submissions by NZ Defence Force (s147.026) and Clark Fortune McDonald & Associates (s99.027) and further submissions ((FS5.8, FS5.10) (FS29.001, FS29.002) (FS22.048), (FS21.001, FS21.002) and Mercury Ltd (FS26.003)) which seek that the default activity status across zone rules be discretionary rather than non-complying to align with the ODP settings⁸ are rejected for the reasons outlined below.
169. The zone rules have been constructed to enable (permitted or controlled activity), manage (restricted-discretionary or discretionary activity) or avoid (non-complying or prohibited activities) activities depending on their appropriateness within the zone. Zone objectives and policies have been designed to align with this framework. A summary table of how this approach works across the Zones is attached at Appendix F.
170. For example, industrial activities have not been provided for in the Residential Zone rules so would default to non-complying under GRZ-R15. This aligns with Policy GRZ-P9 that seeks to avoid activities that are incompatible with the character, qualities and purpose of the GRZ. The GRZ rules provide for a wide range of activities that are compatible with the GRZ including residential, home business, visitor accommodation and education facilities. Where the limits or standards on these activities are not met, resource consent as a restricted discretionary activity is required, rather than as a discretionary activity consent under the Operative District Plan.
171. Other activities that are less compatible with the GRZ are to be managed as a restricted discretionary activity, however where the meet limits or standards for these activities are not met, the activity will typically default to requiring a resource consent as a discretionary activity consent. This includes activities such as retirement villages, community facilities, healthcare activities and emergency services facilities. Development that does not meet bulk and location standards also typically default to restricted discretionary activities.
172. By contrast, the GIZ typically enables industrial and commercial activities but avoids activities that may undermine centres or result in reverse sensitivity effects on industrial activities (GIZ-P4) such as large-scale retail activities (GIZ-R6) and residential activities that are not ancillary to industrial activities (GIZ-R9).
173. While there may be activities that the PDP has not anticipated that default to non-complying, this is appropriate as they would then be considered against the objectives and policies of the zone in which the activity is proposed, as required by the gateway test for the assessment of non-complying activities under section 104(d). This is consistent with current best

⁸ ODP 4.2.4

practice⁹ as plans have been designed to be more directive and certain and respond to PS definitions and current caselaw such as King Salmon, Davidson and Port Otago¹⁰.

174. In King Salmon, the Court identified that there is a cascade of planning documents, each of which is intended to give effect to section 5 and, more generally, Part 2 of the RMA. The hierarchy of planning documents give substance to the purpose of the RMA with objectives, policies, methods and rules providing increasing direction to plan users.¹¹ King Salmon also held that avoidance policies are directive and *“something in the nature of a bottom line”*¹² but would likely not be necessary to avoid minor or transitory effects.
175. In Port Otago vs Environment Defence Society, the Court held that the ‘enabling’ Policy 9 of the NZCPS is also directive. However, there is the potential for conflict between the avoid and enable directions and to resolve the conflict all matters should be considered in a “structured analysis”. The PDP has been drafted to provide clear direction to plan users and, where possible, avoid conflicts. This correlates to avoid policies having a non-complying activity status on the basis that they are something in the nature of an environmental bottom line. In Port Otago vs Environmental Defence Society, the Court found that the meaning of “avoid” as used in the NZCPS avoidance policies *“interpreted in light of what is sought to be protected including the relevant values and areas, and when considering any development, whether measures can be put in place to avoid material harm to those values and areas.”*¹³
176. The non-complying activity status does not automatically mean resource consent would not be granted and in Port Otago the Court made it clear that avoid does not, in a purist sense, mean total avoidance. It considers that avoidance can be achieved either at the outset or through mitigation, remedying, assessment criteria, conditions and adaptive management that have been applied to reduce the harm so it is no longer material. It provides clear direction that the section 104(d) “gateway test” should be applied to determine the appropriateness of the activity.
177. Defaulting activities instead to discretionary were policies have a ‘manage’ approach could be insufficient to provide clear direction to plan users and decision makers and inadequate at ensuring sufficient mitigation is applied.
178. The PDP use of ‘enable’, ‘manage’ and ‘avoid’ in policy direction correlates clearly to the rule framework to provide clear direction and achieve the purpose of the objectives and therefore the purpose of the RMA.

⁹ See Wellington City Council Drafting Guidelines <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/wrap-up-ispp/council-reports-and-docs/part-1---appendix-c---wellington-city-district-plan-drafting-style-guide.pdf>

¹⁰ King Salmon v Environmental Defence Society [2014] 17 ELRNZ 441; Port Otago vs Environmental Defence Society Inc and Others [2023] NZSC 112 [68]; R J Davidson Family Trust vs Marlborough District Council [2018] 20 ELRNZ 367.

¹¹ King Salmon at [31], [33], [34], [37] and [41]

¹² Port Otago at [64] citing King Salmon [132] and [145] of King Salmon.

¹³ Port Otago at [68]

179. The Jenny Campbell submission points are recommended to be rejected for the following reasons:

- a. The PDP has been developed in conjunction with Hokonui Rūnanga to include matters of discretion across the PDP as outlined in the SASM chapter¹⁴ with a link back to the values articulated in the Mana Whenua chapter (s136.001). This will ensure ongoing consultation with tangata whenua on relevant environmental decisions;
- b. A definition of nature based solutions¹⁵ and how this can be incorporated into all environmental decisions is not provided in the submission (s136.002);
- c. Climate change has already been factored into the development of, and is provided for in multiple sections, of the PDP¹⁶ (s136.003);
- d. New development and towns will need to ensure sewage is appropriately managed (s136.013) via reticulated services (as required by zone standards such as GRZ-S2) and where non reticulated on site services are provided (for example in LLRZ-P2, RLZ-P2). Furthermore, UFD-O1 and UFD-O7 requires that district and urban environments develop in a way that utilises existing infrastructure and/or can be efficiently serviced with new infrastructure;
- e. New development is required to be away from rivers in accordance with stream setback standards within the zone controls (for example, LLRZ-S7) and earthworks standards (see EW-S3) (s136.023). EW-S4 also limits earthworks to land with a slope of less than 15 degrees;
- f. In response to (s136.011), the planting of exotic plants is generally appropriate in Gore. Accordingly, woodlots¹⁷ are permitted in rural areas (for example, GRUZ-R5). However, in more sensitive locations such as indigenous biodiversity areas, removal of exotic weed species is enabled (ECO-R1) and their planting is discouraged (ECO-R2) and plantation forestry is avoided in outstanding natural landscape areas (NFL-R8). Elsewhere, the Southland Regional Pest Management

¹⁴ SASM Note 1 – Provisions in Other chapters

¹⁵ The submission by the Royal Forests and Bird Society submission does include a definition as follows: Nature Based Solutions - Solutions that are inspired and supported by nature, and provide environmental, social and economic benefits and help build resilience. 3 Examples include: restoration or constructing wetlands, forest restoration, riparian planting, allowing rivers to reclaim parts of their natural flood plains in strategic places, rain gardens, green roofs and so on.

¹⁶ Referenced in Cross Boundary matters in How the Plan Works, definitions including climate change, green infrastructure, UFD overview and UFD-O1 outlines that climate change has been considered in identifying growth areas close to developed areas, ENRG Overview discouraging lignite production, INFR Overview acknowledging climate change challenges, Natural Hazards overview and NH-O2, NH-P1 noting the need to factor in climate change when considering natural hazards, HH overview and HH-O3 noting risks to heritage associated with climate change, ASW Overview, ASW-O1, ASW-P6, MRZ Overview.

¹⁷ Means a stand of trees for the purposes of firewood, the creation of other wood products, a carbon sink, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry.

Plan 2019 controls exotic pest plants specific to Southland such as crack willow, wilding conifers, mountain pine, and contorta (lodgepole) pine;

- g. Vegetation clearance (s136.022) is appropriately controlled in sensitive environments, particularly exotic forests as outlined above.

180. Submissions s126.180, s115.181, s60.183, s143.192, s148.193 and s68.301 relating to the use of lawfully established and existing use rights are rejected for the following reasons:

- a. “Lawfully established” is used in the PDP in the following areas:

- i. Within the of description of existing use rights¹⁸ and definition accessory building¹⁹,
- ii. ECO-P2 to allow activities within SNA’s that are lawfully established,
- iii. ECO-P3 to avoid adverse effects on an SNA associated with coal mines lawfully established before 4 August 2023 to align with the NPS-IB,
- iv. ECO-P4 to manage adverse effects in accordance with the effects management hierarchy where the operation or expansion of a coal mine that was lawfully established before 4 August 2023,
- v. ECO-R1 to permit the maintenance, repair or replacement of existing lawfully established types of infrastructure such as fences, tracks and network utilities,
- vi. ASW-R3 to permit activities associated with lawfully established infrastructure,
- vii. ASW-R6 to permit any activity that was lawfully established before the PDP becomes operative,
- viii. NOSZ-P3 by managing education activities having regard to whether the activity will constrain permitted, consented or otherwise lawfully established activities in the Open Sace Zone,
- ix. Waikaka Substation designation PWN-4 conditions to limit the impacts of new noise generating activities on lawfully established residential buildings.

- b. “Existing use rights” is described in the PDP “How the Plan Works” chapter as follows:

¹⁸ How the Plan Works – Under Statutory context

¹⁹ Has the same meaning as per the National Planning Standards – means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.

Sections 10 and 10A of the Act provide for the existing and continued use of land and the surface of water in a manner which contravenes a rule in the District Plan, subject to the following:

1. land may be used in a manner that contravenes a rule in a District Plan or Proposed District Plan if (a) either:

(i) the use was lawfully established before the rule became operative or the proposed plan was notified; and

(ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:

(b) or –

(i) the use was lawfully established by way of designation; and

(ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the designation was removed.

Existing use rights do not apply if:

(a) the use of land has been discontinued for a continuous period of more than 12 months after the rule in the District Plan the use contravenes took legal effect, unless the Council has granted an extension by way of application; Or

(b) reconstruction, alteration, or extension of any building that contravenes a rule in the District Plan increases its degree of non-compliance.

c. The term “existing use rights” is used across the plan as follows:

i. “How the Plan Works” to describe “Obligations to comply with the Act” to state that no person may use land in a manner that contravenes a rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council (Sections 9, 10, 10A, and 10B). In the context of the RMA such use includes the use of the surface of lakes and rivers (Section 10A and 10B); and

ii. In the Gore South Industrial Development Area – DEV-1 the description of land use notes that “Until such time as the land is developed for industrial activities agricultural, residential and racecourse activities may continue under existing use rights”.

181. It is noted that the term “lawfully established” is used in standard definitions in the National Planning Standards²⁰ and is included in the NPS-IB to clarify that the effects management

²⁰ See definition of accessory building

hierarchy should be applied to a coal mine that was lawfully established before 4 August 2023 (clause 3.11) which is consistent with PDP ECO-P3 and ECO-P4 as outlined above. Existing use rights is used in the NPS-IB s3.15 to note that this clause, which relates to managing adverse effects of established activities on SNA's, does not affect existing use rights under sections 10 or 20A of the Act.

182. Therefore, reference to lawfully established activities in the ECO chapter is consistent with the phrasing in the NPS-IB as this enables established activities²¹ or “legally established activities” where the effects are no greater in scale and intensity of the existing activity. This is why ECO policies and ECO-R1 refers to “legally established activities”, particularly given that NPS-IB clause 4 specifically notes that this does not over-ride existing use rights under sections 10 and 20A of the Act.
183. Use of “existing use rights” in “How the Plan Works” is simply describing existing use rights and reference in DEV – 1 acknowledges that the new provisions will enable existing uses to continue given the change of zoning from rural to industrial to avoid and confusion.
184. The wider use of “lawfully established” in ASW, NOSZ, and Designations is also considered appropriate as this is typically noting that lawfully established activities are provided for, and in the case of the designation, is requested by the requiring authority.
185. Submissions s126.181, s185.182, s60.184, s143.193, s148.194, s115.182 and s68.302 seeking to change “wellbeing” to “well-being” are accepted as this phrasing aligns with the RMA and LGA 2002, as noted by the submitter, and will improve internal alignment across the PDP. The term well-being is also used in the definition of sustainable management in the PDP which comes from the RMA. The recommended changes to incorporate the reference to “well-being” are shown in Appendix A of this report.
186. Submissions s3.117, s113.117, s116.117, s118.117, s18.119, s19.119, s20.119, s24.119, s68.121, s127.153, and s117.117 seeking greater recognition of established farming activities, acknowledgement of comparatively significant levels of restrictions, the need for greater proportionality and greater input from the farming community are accepted in part.
187. The significant role of the farming community is acknowledged in a number of locations throughout the PDP including UFD-10 and GRUZ-O1. Furthermore, NFL-P1 recognises the existence of working pastoral farms and their contribution to the openness and landform legibility of outstanding natural features and landscapes. ECO-P10 acknowledges the benefits of farm management practices in the management of indigenous biodiversity, ECO-P1 outlines the need to work with landowners to undertake a variation to the PDP to identify SNAs, and ECO-P2 indicates a need to allow activities within SNAs where these have a functional need to locate there. The Council has also commenced engagement with stakeholders and affected landowners to improve the PDP provisions.
188. Recommended changes to the overview to the UFD chapter in response to Greenbriar’s submission (s128.008) also acknowledges that the ongoing use and development for primary

²¹ Refer NPS-IB clause 3.15

production, particularly agriculture which is the dominant land use within Gore will be enabled.

189. The level of restrictions relating to ONLs will be considered in significant detail in hearings to follow subsequent to further engagement with affected landowners. The further submission by the DOC (FS31.003) noting the requirement to identify and protect outstanding natural landscapes and features is accepted in part with no amendments given that this matter will be further considered in later hearings.
190. Submissions s115.001, s68.002, s68.003 and s68.004 are accepted in part as these submissions seek common sense ideas, engagement with Federated Farmers, and a process to alter a clause in the PDP. Federated Farmers were provided a copy of the Draft District Plan (including the ECO and NFL chapters) and provided feedback prior to the notification of the PDP. Further engagement has been undertaken with Federated Farmers post notification resulting in the withdrawal of the fencing setback limits in the ECO chapter and additional engagement is underway prior to the hearing. The RMA makes provision for changes to be made to the PDP by way of variation. The Council is currently working with key stakeholders (including Federated Farmers) ahead of landowner engagement to develop a variation to the ECO chapter. Consequently, the submissions are accepted in part with no changes to the PDP recommended at this stage.
191. Submission s66.002 is rejected as section 6 RMA matters have not been paused at this stage and will not be replaced with a non-statutory plan that sits outside the PDP as inclusion in the PDP with non-regulatory support is the most efficient and effective method as outlined in the relevant section 32 assessments.²²
192. Submission s69.008 is accepted in part with no amendments as the Council is currently progressing a Development Contribution Policy in accordance with the Council's Assets and Infrastructure Committee resolution of 6 June 2023 outlined below:

"RECOMMENDED on the motion of Cr MacDonell, seconded Cr Stringer, THAT the report and supporting documentation be received,

AND THAT the Council commence the drafting of a Development Contribution Policy through the Policy and Regulatory Committee for later inclusion as part of the 2024-2034 Long Term Plan process."
193. Further submissions by Hamish Weir (FS5.6) and Clark Fortune McDonald & Associates (FS22.054) opposing development contributions are accepted in part given the scope issue of considering this submission as part of the PDP as development contributions are considered via a separate LGA process.
194. Submission (s152.002) is accepted in part with no amendment as the PDP already includes provision for Low Impact Design in a number of matters of control/discretion across the

²² See for example the Ecosystems and Indigenous Biodiversity S32 report that compares the status quo that covers public land versus private land as in the PDP.

plan²³, particularly where these relate to commercial activities and intensive residential activities in residential areas.

195. Submission (152.011) is rejected as tender processes sit outside the PDP and RMA realm.

Recommendations

196. The submissions seeking general amendments are rejected in whole, accepted in part, or accepted as detailed in Appendix B.

Section 32AA Evaluation

197. In my opinion, the amendments detailed below are more appropriate in achieving the objectives of the plan than the notified provisions:

- a. Use of the term well-being instead of wellbeing

198. I consider that:

- a. This change will increase plan clarity and consistency;
- b. In addition, this approach will align with RMA phrasing and ensure consistency across the PDP thereby making the plan more efficient and effective
- c. The recommended amendment will not have any greater effects than the notified provisions.

199. Consequently, the amendments are more efficient and effective than the notified provisions in achieving the objectives of the PDP.

7.5 Introduction chapters

7.5.1 Matters Raised by Submitters

200. Greenbriar Ltd (s128.001) supports the Introduction purpose.
201. Silver Fern Farms (s40.001), Alliance Group Ltd (s121.003) and SDC (s146.002) support the introduction generally particularly as the introduction provides a concise overview of the district and the purpose of the PDP.
202. Greenbriar Ltd (s128.002) seek amendments to the description of the district to include reference to the ongoing success of the agricultural sector needing to be supported by other industries such as mining, quarrying and the provision of resilient infrastructure. Federated Farmers (s126.001), Kevin Robertson (s115.002), Ronald Crispin (s60.004). Rural Ratepayers

²³ LLRZ-R2, LLRZ-R3, LLRZ-R4, LLRZ-R5, GRZ-R2, GRZ-R3, GRZ-R4, GRZ-R5, GRZ-R8, GRZ-R9, GRZ-R10, GRZ-R11, GRZ-R12, GRZ-R13, MRZ-R2, MRZ-R3, MRZ-R4, MRZ-R5, MRZ-R8, MRZ-R9, MRZ-R10, MRZ-R11, MRZ-R12, MRZ-R14, SETZ-R3, SETZ-R4, SETZ-R5, SETZ-R7, SETZ-R10, MUZ-R11, NOSZ-R11, NOSZ-R12, DEV2 – P4

Group (s143.013), A&B Hunt (s148.014) and John Byres (68.122) seek that “*agriculture is the backbone of the district’s economy*” is added to the description of the district.

203. The Royal Forest and Bird Society of New Zealand (FS9.2, FS9.3, FS9.4, FS9.5, FS9.6, FS9.7) opposed the submissions by Federated Farmers et al (126.001, 115.002, 60.004, 143.013, 148.014, 68.122) noting that the current wording is sufficient to imply economic benefits and recognition needs to be given to the need to enhance biodiversity where possible.

7.5.2 Assessment

204. The description of the district is a description of the physical features of the district and is concise as noted by submitters in support. Submissions seeking amendments request additions that describe the outcomes sought across the district. These matters are more appropriately addressed in the objectives of the PDP. UFD-O10 indicates that primary production and rural industry activities should be able to operate efficiently and effectively and the contribution they make to the economic, social wellbeing and prosperity of the district is recognised. *Primary production* and *rural industry* are defined in accordance with the PS to include agriculture, mining, quarrying, and associated services. Furthermore, this matter is also addressed in GRUZ-O1 as follows:

GRUZ-O1 Recognise the importance of primary production and rural industry to the social and economic wellbeing of the District

205. As these matters are more appropriately addressed in relevant objectives, it is not recommended to amend the description of the district. On this basis the further submissions by The Royal Forest and Bird Society of New Zealand (FS9.2, FS9.3, FS9.4, FS9.5, FS9.6, FS9.7) are supported with no amendments proposed.

7.5.3 Summary of recommendations

206. The submissions seeking amendments to the Introduction are rejected in whole as detailed in Appendix B.

7.6 How the Plan Works Chapters

7.6.1 Matters Raised by Submitters

207. Silver Fern Farms (s40.002) and Alliance Group (s121.004) support the Chapter as a whole as it provides an appropriate overview of the PDP’s statutory context and the structure of, and methods used in, the Plan. SDC (s146.003) also supports the “How the Plan Works” section of the PDP.
208. Silver Fern Farms (s40.003) suggest that a description of how to use the nesting table should also be included in “How the Plan Works”.
209. Transpower NZ Ltd (s101.002) have sought changes to clarify that there is no hierarchy between objectives and policies in the PDP as follows:

Part 2 - District-Wide Matters	This part of the Plan contains the Strategic Directions and the District Wide Matters. 1. The strategic objectives address key strategic and/or significant matters for the district and provide District-wide strategic considerations to guide decision making at a strategic level. It is intended that all other objectives and policies in the District Plan are ~~to be read and achieved in a manner~~ consistent with the strategic objectives. <u>No fixed hierarchy exists between the strategic objectives or between the strategic objectives and the other objectives and policies in the District Plan.</u> 2. District Wide Matter provisions relate to specific areas or activities that occur throughout the District, including overlays (e.g., Outstanding Natural Landscapes). An overlay spatially identifies distinctive values, risks, or other factors that require management in a different manner from underlying zone provisions. A number of overlays relate to matters of national importance under the Act.
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210. Transpower also support (s101.003) reference to water and infrastructure systems in cross boundary matters.
211. Robina Johnston (s140.015) notes that good communication is key to cross boundary issues and expresses concerns about disconnection between wards and communities.
212. McLeod-Wantwood Trust/Wantwood Station (s104.012), Peters Farm Ltd – Karen Peters (s127.012) and Farm Manager – Wantwood Station (s105.012) seek guidance regarding existing use rights in “How the Plan Works”.
213. NZTA (s112.001) supports the description of spatial layers. SDC seeks that provisions dealing with natural character and water body margins may be better placed in a Natural Character Chapter (s146.057) and that a zoom feature is added to the map legend (s146.106).
214. Transpower (s101.001), supported by Mercury Ltd (FS26.004), seek amendments to the statutory Context table ‘Relationship with other Plans and Documents’ to include the following:

National Policy Statements: The District Plan must give effect to National Policy Statements, including the National Policy Statement on Electricity Transmission and National Environmental Standards: The District Plan must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standards, including the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
215. ES (s85.001) seek that a new wilding exotic trees section be included in the PDP, similar to Chapter 34 of the QLDC PDP.
216. PBL (FS10.005) oppose the ES submission citing that wilding pine is already regulated by the NES-CF and the Southland Regional Pest Management Plan. Hamish Weir (FS5.2) opposes

the ES submission in part due to his support for exotic forestry in some locations and opposition in others, particularly where this affects productive farms seeking that carbon farming should be prohibited so that trees can be harvested. Hokonui Rūnanga (FS20.006) supports the change in part noting that wilding spread needs to be managed to achieve the purpose of the RMA. The DOC (FS31.001) supports the submission in part highlighting the need to manage exotic wilding tree species in District Plans to implement NZ's Wilding Conifer Management Strategy, noting that there should be exclusions for the NES-CF. Heritage NZ Pouhere Taonga (FS11.006) supports the ES submission noting the impacts of planting of exotics on archaeological sites.

7.6.2 Assessment

217. Submissions in support (s40.002, s121.004, and s146.003) noting that the chapter as a whole provides an appropriate overview of the PDP's statutory context and the structure of, and methods used in, the Plan are acknowledged. It is also noted that the chapter has been drafted to follow the requirements of the PS which helps ensure the appropriateness of chapter content. Transpower's submission in support of cross boundary matters (s101.003) is also acknowledged.
218. Silver Fern Farms (s40.003) suggestion to include a description of how to use the nesting table in this section as well as the Interpretation section of the plan is rejected as this would lead to duplication. However, changes to the wording of the nesting table description are proposed to provide greater clarity. Locating the explanation in at the start of the definitions table is considered more appropriate as the explanation relates specifically to how the definitions work. It is therefore recommended the explanation is retained in the definitions and amended as follows:

“Activities are listed with the more general above and the more specific below. For example, under commercial activities, retail activities is the more specific activity. There may also be additional subcategories under the specific activities that are not listed~~ose more specific components may also include more specific activities that are not listed, for example “yard based retail activity” is a subcategory of “retail activity” and is not listed.~~ Where an activity table for an overlay, zone, District-wide or precinct lists a general activity, that general activity includes all of the specific activities listed below unless otherwise specified.”
219. This approach helps make it clear that subordinate activities may be specifically listed within rules rather than within the definitions themselves.
220. With respect to Transpower submission (s101.002) relating to the “Plan Structure” in the table summarising the parts of the PDP it is recommended to reject this submission point for the following reasons.
221. The Strategic Direction objectives contained in the UFD chapter do sit above and guide the objectives and policies across the PDP in terms of the nature and location of growth and development. To this extent there is a hierarchy. Furthermore, some objectives and policies across the PDP are drafted in a way that does create a hierarchy for decision making through the use of terms such as “avoid” vs “enable”. For example, UFD-O1 seeks that the district develops in a way that minimises adverse impacts on historic heritage and HH-P3 enables

maintenance and repair of scheduled heritage items while HH-P12 seeks to avoid total demolition of scheduled heritage items. Similarly, GRZ-P9 seeks to avoid activities that are incompatible with the character of the residential zone (such as industrial activities), while GIZ – O2 seeks that the General Industrial Zone is not compromised by non-industrial (residential) activities and GIZ – P6 seeks to avoid non-industrial activities.

222. In response to Robina Johnston (s140.015), it is noted that good communication is key to cross boundary issues but that this is already addressed by requiring consistency between plans, consulting and notifying adjoining councils, iwi authorities, affected resource users and interest groups, along with direction to run joint hearings where necessary. These requirements will help to address any disconnection between wards and communities in terms of RMA decision making.
223. In relation to McLeod-Wantwood Trust/Wantwood Station (s104.012), Peters Farm Ltd – Karen Peters (s127.012) and Farm Manager – Wantwood Station (s105.012), the provisions relating to existing use rights are already clearly outlined in the table under “Statutory Context – Resource Management Act 1991” as follows and accordingly, no changes are recommended:

Existing Use Rights	Sections 10 and 10A of the Act provide for the existing and continued use of <i>land</i> and the surface of water in a manner which contravenes a rule in the District Plan, subject to the following: 1. <i>land</i> may be used in a manner that contravenes a rule in a District Plan or Proposed District Plan if (a) either: 1. the use was lawfully established before the rule became operative or the proposed plan was notified; and 2. the <i>effects</i> of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified: (b) or – (i) the use was lawfully established by way of designation; and (ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the designation was removed. Existing use rights do not apply if: (a) the use of <i>land</i> has been discontinued for a continuous period of more than 12 months after the rule in the District Plan the use contravenes took legal effect, unless the Council has granted an extension by way of application; Or (b) reconstruction, alteration, or extension of any <i>building</i> that contravenes a rule in the District Plan increases its degree of non-compliance.
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224. The support of NZTA (s112.001) in relation to the description of spatial layers is acknowledged. It is not recommended to include a natural character chapter in the PDP in response to the SDC (146.057) submission at this time for the following reasons:

- a. While the National Planning Standards require a Natural Character Chapter to be included in Part 2 of the plan under Natural Environment values if these are relevant to the district plan²⁴, natural character values are already addressed in other parts of the plan because of overlapping values with ONL's and ONF's.
- b. Other plans²⁵ that include a natural character chapter typically include provisions relating to riparian margins which include river margins and coastal margins in order to implement RMA s6(a). Gore does not have any coastal margins and it is considered that the zone chapters are appropriate locations for stream setbacks as this relates largely to the location of buildings and where these matters can be considered in conjunction with other key considerations such as zone amenity.
- c. Southland District Council does not have a Natural Character chapter as such but indicates the following:

"NATC – Natural Character

Natural Character is not considered in isolation in the 2018 District Plan. For Natural Character the Council relies on its current ECO - Ecosystems and Biodiversity and NFL - Natural Features and Landscapes chapters."

- d. The Natural Features and Landscapes Chapter indicates that "natural character is addressed in provisions relating to stream setbacks located within the zones" but also includes policy (NFL-P2) encouraging the restoration and enhancement of the natural character of Mataura Falls as this is an Outstanding Natural Feature
- e. In addition to the NFL chapter, Natural Character is referenced in:
 - i. INFR-S5 matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River,
 - ii. PA-O3, PA-P5 noting that public access should be restricted in areas that would result in adverse effects on natural character,
 - iii. SUB-P10 where subdivision design maintains natural character of wetlands and waterways

²⁴ National Planning standards 2019 - 4. District Plan Structure Standard – Clause 4

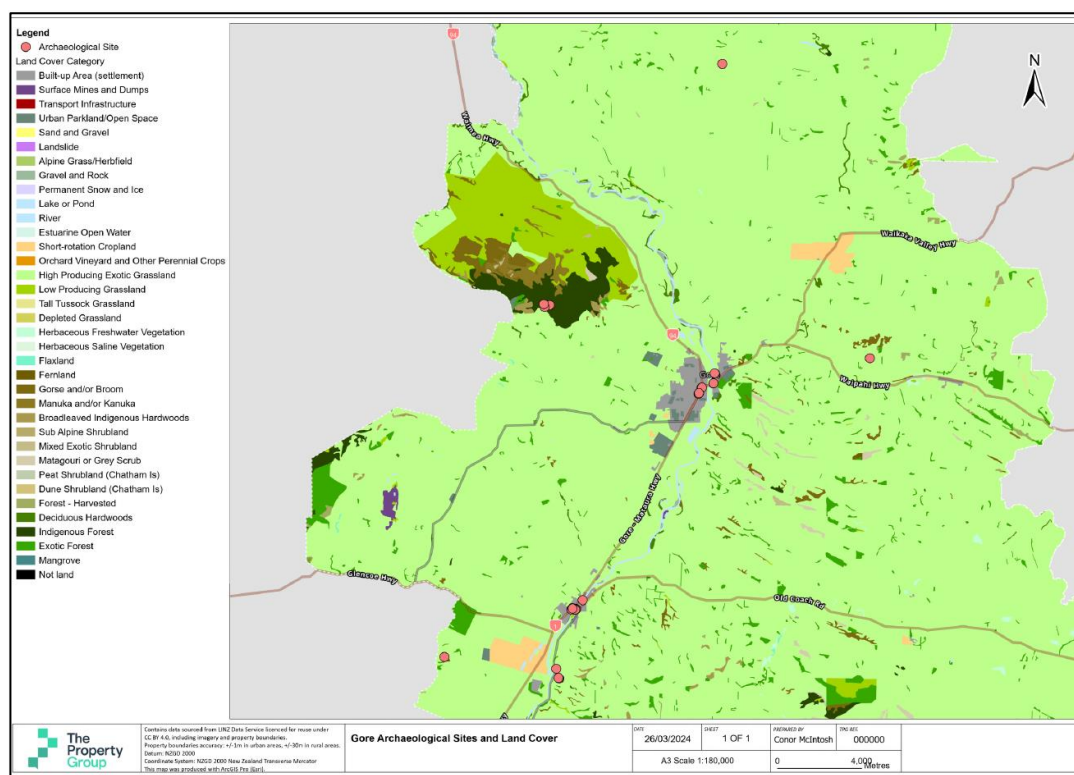
²⁵ The Wellington Proposed District Plan controls buildings within riparian margins, Clutha has a water chapter that covers stream setbacks and activities on the surface of water, Southland district

- iv. ASW-P4 - Manage effects of activities undertaken on the surface of water to maintain or enhance the natural character of waterbodies and their margins
- v. EW-P5 – Manage earthworks to ensure the natural character of rivers and their margins are preserved, EW-S3 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- vi. LLRZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- vii. GRZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- viii. MRZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- ix. GRUZ – P12 requiring development to maintain rural character and cultural values via setbacks to waterways to maintain and enhance natural character, and GRUZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- x. RLZ – P5 requiring development to maintain rural character and cultural values via setbacks to waterways to maintain and enhance natural character, and RLZ-S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- xi. SETZ - S7 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- xii. NCZ-P3 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and NCZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River
- xiii. LCZ-P3 provides opportunities for enhanced public access to the Mataura river via esplanade reserves and have setbacks to waterways to maintain natural character, and LCZ-S6 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Mataura River

- xiv. MUZ – P4 requires setbacks to waterways to maintain and enhance natural values and MUZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xv. TCZ-P3 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and TCZ-S6 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xvi. LIZ-P4 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and LIZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xvii. GIZ-P5 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and GIZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xviii. NOSZ – O1 requires that natural character is retained, and NOSZ-R6, NOSZ- R7, and NOSZ-S4 have matters of discretion requiring effects of activities/buildings on natural character to be assessed
- xix. SARZ-P4 requiring development to maintain amenity, natural character and cultural values via setbacks to waterways, and SARZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xx. AIRPZ-S4 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xxi. MPZ-S4 setbacks from rivers and streams matter of discretion relating to natural character
- xxii. CCZ-S2 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xxiii. FDZ-S5 setbacks from rivers and streams matter of discretion relating to natural character noting that APP 5 should be referred to for values associated with the Maitara River
- xxiv. Appendix 5 – Landscape Values – ONL/APP outlines that natural character is a value to be protected in the Hokonui/Waterfall range ONL and Maitara Falls ONF, while the natural character of the Maitara River is described in the Maitara River High Natural Character feature (HNCF)

224. These provisions also typically reference ecological values, water quality, cultural values, and public access. Alternatively, reference to Natural Character could be provided in the index to the PDP outlining where to find relevant natural character provisions in a similar fashion to SDC for regional consistency.
225. It is not recommended to accept ES's submission (s85.001) to include a new wilding exotic trees section in the PDP, similar to chapter 34 of the Queenstown PDP for the reasons outlined below. Consequently, Port Blakely Limited (FS10.005) is accepted and further submissions by Hamish Weir (FS5.2), Hokonui Rūnanga (FS20.006) the Department of Conservation (FS31.001) and Heritage NZ Pouhere Taonga (FS11.006) are rejected.
226. The Queenstown PDP prohibits the planting of a range of exotic trees including Pines, Douglas Firs, Willow and Sycamore Trees and requires discretionary activity consent for *Pinus Radiata*. Rules provide exclusions for Plantation Forestry, where the Resource Management (Resource Management (National Environmental Standard for Commercial Forestry) Regulation 2017 prevails and note that the felling of protected trees is not required. The Gore PDP takes a more targeted approach and requires that the planting of exotic weed species identified in the Southland Regional Pest Management Plan are a non-complying activity within SNAs (ECO-R2) and their removal is permitted (ECO-R1). Planting in the Hokonui Hills Rural Lifestyle Precinct shall comprise indigenous species, otherwise Restricted discretionary activity consent is required (RLZ-S11). Planting of exotic trees, other than for *plantation forestry*, within an Outstanding Natural Feature or Landscape are a restricted discretionary activity.
227. The Southland Regional Pest Management Plan 2019 outlines pest plants to be managed under progressive containment, eradication, and exclusion. This is the appropriate method for managing pest plants specific to Southland such as crack willow, wilding conifers, mountain pine, and contorta (lodgepole) pine. The Biosecurity Act 1993 requires that unwanted organisms must not be propagated, breed, or multiplied (s53). The targeted approach in the Gore PDP is appropriate as this provides a back-up to the most sensitive environments in the district for broader RMA purposes (ecology and landscape).
228. As noted by PBL (FS10.005) and DOC (FS31.001), the NES-CF regulates wilding pines by limiting afforestation in wilding tree risk areas and ensuring control measures are in place.²⁶
229. The concern of Heritage NZ Pouhere Taonga that archaeological sites will be impacted by exotic planting removal appears to be unfounded in Gore. The map below shows the PDP archaeological sites overlaid with landcover Database v5 categories from the Manaaki Whenua Landcare Research 2020 that were mapped over the 2018/2019 summer.

²⁶ NES-CF Clause 11



230. It is clear from this mapping that PDP archaeological sites are not impacted by exotic vegetation and are principally located in built up areas, grassland, or indigenous forest. Furthermore, HH-R5 requires that land disturbance²⁷ needs resource consent so any issues associated with exotic vegetation removal would potentially be addressed at consent stage.
231. It is not recommended to alter the maps to enable a zoom feature attached to the legend as requested by SDC (s146.106) given the legend includes multiple features that apply across the district so cannot be zoomed to directly without distortion of the results as the resolution of the map is not set up to be interrogated on a site specific level.
232. It is recommended to accept in part Transpower's submission (s101.001), and with it the further submission of Mercury (FS26.004), as these points seek amendments to the statutory context table 'Relationship with other Plans and Documents' to include reference to NPSs and NESs. While the submission seeks specific reference to the NPS-ET and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, it would be more appropriate to have a general reference as the requirement to give effect to or not be inconsistent with these documents equally applies to other National Policy Statements/Environmental Standards. Given that the relevant NPSs and NESs are outlined in the National Direction Instruments chapter of the PDP, cross referencing is considered a better option as follows:

Relationship with other Plans and Documents

²⁷ Has the same meaning as per the National Planning Standards – means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.

When developing its District Plan, Section 74, and 75 of the RMA requires the Council to give effect to any National Policy Statement, the New Zealand Coastal Policy Statement, a National Planning Standard and any Regional Policy Statement; not be inconsistent with a Water Conservation Order or regional plan; and have regard to management plans and strategies prepared under other Acts. The following documents are of particular relevance:

<u>National Policy Statements and National Environmental Standards</u>	<u>The District Plan must give effect to National Policy Statements and must not duplicate, conflict with or otherwise be inconsistent with a National Environmental Standard/Regulation.</u> <u>Refer to the National Planning Instruments chapter of the District Plan to understand how these are relevant to the Gore district.</u>
Regional Policy Statements and Plans	The District Plan must give effect to the Southland Regional Policy Statement and must not be inconsistent with any regional plan including the Southland Water and Land Plan and the Southland Regional Air Plan.

7.6.3 Summary of recommendations

233. The submissions seeking amendments to “How the Plan Works” are rejected or accepted in part as detailed in Appendix B.

7.6.4 Section 32AA Assessment

234. In my opinion, the amendment detailed below is more appropriate in achieving the objectives of the PDP than the notified provisions.
235. I consider that by including reference to NPSs and NESs:
- a. Will increase plan clarity and consistency;
 - b. The recommended amendments will not have any greater effects than the notified provisions.
236. Consequently, the amendment is more efficient and effective than the notified provisions in achieving the objectives of the PDP.

7.7 Interpretation

7.7.1 Matters Raised by Submitters

237. There are a significant number of submissions on definitions across the PDP. These have been allocated to the most relevant hearing stream. There are some submissions that apply more generally across the PDP, and these are considered below.
238. DOC (s109.001) and NZTA (s112.002) have supported the proposed definitions except where specific changes to wording have been requested. SDC (s146.004) considers that the PDP has a good interpretation section. Aggregate and Quarry Association (s111.001) support the use of PS definitions. Silver Fern Farms (s40.003) support the definitions nesting table and

suggest that a description of how to use the nesting table is also included in “How the Plan Works” section.

239. Forest and Bird (s110.003) seek a new definition of ecological corridor (s110.003) as follows:

Ecological Corridor: a functional zone of passage between several natural zones for a group of species dependent on a single environment. This corridor therefore connects different populations and favours the spread and migration of species, as well as the re-colonisation of environments that have been disturbed. Also sometimes called a wildlife corridor, habitat corridor, or green corridor.

240. Federated Farmers (s126.051), Kevin Robertson (s115.052), Ronald Crispin (s60.054), Rural Ratepayers Group (s143.063), Alastair & Bernadette Hunt (s148.064) and John Baynes (s68.172) seek a new definition of waste to align with the Waste Minimisation Act 2008 as follows:

Waste

(a) means anything disposed of or discarded; and

(b) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and

(c) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

241. The definition of abrasive blasting has been supported by Southland Federated Farmers (s126.002), Kevin Robertson (s115.003), Ronald Crispin (s60.005), Rural Ratepayers Group (s143.014), Alastair & Bernadette Hunt (s148.015), John Baynes (s68.123) as this adopts the PS definition.
242. There is general support for the definition of river by DOC (s109.014), Federated Farmers (s126.041), Kevin Robertson (s115.042), Ronald Crispin (s60.044), Rural Ratepayers Group (s143.053), Alastair & Bernadette Hunt (s148.054) and John Baynes (s68.162) due to its duplication of the definition in the RMA. The definition of environment is also supported by the DOC (s109.013) for the same reason.
243. FENZ supports the definition of emergency management and emergency services facility (s124.002 & 124.003), while NZDF (s147.005) supports the definition of emergency services facility.
244. The definition of buildings is supported by Federated Farmers (s126.011), Kevin Robertson (s115.012), Ronald Crispin (s60.014), Rural Ratepayers Group (s143.023), Alastair & Bernadette Hunt (s148.024) and John Baynes (s68.132) due to its alignment with the PS.

Reverse Sensitivity

245. Chorus NZ Ltd (s35.007), Silver Fern Farms (s40.011), Transpower (s101.010), Alliance Group Ltd (s121.014), One NZ Group Ltd (s32.007), FortySouth (s33.007), Connexa Ltd (s37.007), Spark (s154.007) seek to retain the definition of reverse sensitivity as notified. NZTA

(s112.007) seek amendments to reference resource consent and certificate of compliance as follows (with additions underlined and deletions struck through):

The potential for an approved (whether by resource consent, ~~or~~ designation or certificate of compliance), existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity.

246. KiwiRail Holdings Ltd (s132.011) seek amendments to the definition of reverse sensitivity to recognise the development, upgrading, operation of an approved activity and certificates of compliance to be recognised as follows:

Reverse Sensitivity means the potential for the development, upgrading, operation and maintenance of an approved (whether by consent, compliance certificate or designation), existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity.

247. Kāinga Ora (FS28.004) opposed this submission point noting that development and upgrading should mitigate effects at source.

248. Federated Farmers (s126.040), Kevin Robertson (s115.041), Ronald Crispin (s60.043), Rural Ratepayers Group (s143.052), Alastair & Bernadette Hunt (s148.053) and John Baynes (s68.161) seek that the reverse sensitivity is reworded so that lawfully established activities are emphasised as follows:

The potential for a lawfully established ~~an approved (whether by consent or designation)~~ existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity.

249. PowerNet NZ Ltd (95.007) seeks that the definition be amended to reflect “the possible” establishment of another activity as follows:

*“...or curtailed by **the possible** establishment or alteration of another activity ...”.*

250. Kāinga Ora (FS28.005) opposed the PowerNet NZ Ltd submission noting that the change would be vague and expand the scope of reverse sensitivity to be too restrictive, when infrastructure providers should mitigate effects at source.

7.7.2 Assessment

250. Support from DOC (s109.001), NZTA (s112.002), SDC (s146.004), Aggregate and Quarry Association (s111.001), and Silver Fern Farms (s40.003) is acknowledged, particularly the alignment with the PS 2019 definitions. Any further changes requested are discussed below or in the most relevant hearing stream.

251. Silver Fern Farms also suggest that a description of how to use the nesting table is included in “How the Plan Works” too. This submission is addressed in the “How the Plan Works” section 7.6 above.
252. The submission (s110.003) from Forest and Bird seeking a new definition of “ecological corridor” is rejected. Other Forest and Bird submissions seek that the term “ecological corridor” is added to a number of provisions including LIZ-P3, LIZ-R10, LIZ – R11 to LIZ-R14, GIZ-P4, GIZR1 to GIZ-R5, NOSZ-R5, NOSZ-R11, NOSZ-R12, SARZ-P6, DEV1-O1, DEV1-P2, DEV1-R1, DEV2-O1, DEV2-P2, GRZ, MRZ, LLRZ, NCZ, RLZ on the basis that these activities could cause effects such as light spill on wildlife and general adverse effects on ecological corridors. The identified provisions include a range of activities, such as industrial and commercial activities, and associated buildings that are restricted discretionary activities where zone standards are not met. It is unclear whether there are ecological corridors located across these zones as the submitter has not provided any maps showing the locations of proposed ecological corridors. It would be unreasonable for resource consent applicants to be required to provide an assessment of the impact on ecological corridors if it is unclear whether these apply to the subject site. Such an approach would require an ecological assessment with no guidance in the PDP of the matters to be considered. This is distinct from other general matters such as mana whenua values or landscape values which are articulated in the PDP.
253. Furthermore, it is likely that most ecological corridors in Gore, that are not SNAs or indigenous vegetation, would be within rivers and stream margins within these zones. The rivers and stream setback standards within the zones for buildings and structures (which apply to all activities) range between 5-20 metres and the associated matters of discretion include a range of matters including impacts on natural character, biodiversity, and/or habitats. It is also proposed to map a wide range of SNAs as a PDP variation (see ECO-P1). It is also noted that indigenous vegetation areas are also generally protected. These areas are also likely to contain ecological corridor values.
254. This targeted approach, through zone-based stream setbacks and district wide SNAs, is more appropriate as these areas have been, or will be, mapped and the nature of ecological effects anticipated are described in matters of discretion. Consequently, there is no need for additions to matters of discretion for ecological corridors in other rules or an associated definition.
255. Submissions from Federated Farmers (s126.051) and associated submissions Ronald Crispin ((s60.054), Rural Ratepayers Group (s143.063), Alistair & Bernadette Hunt (s148.064), and John Baynes (s68.172)) seeking a new definition of waste are accepted. Waste is used throughout the plan including:
- a. In the definition of “cleanfill material” - hazardous “waste “ treatment, medical and veterinary “wastes”, and liquid “wastes”;
 - b. In the definition of “event management plan” – including how the event will minimise and manage “waste” from the event;
 - c. In the definition of “greywater” – which includes liquid “waste” from domestic sources but does not include trade “waste”;

- d. In the definition of “industrial and trade waste” – which includes liquid “waste”;
- e. In the definition of “landfill” – which includes solid “waste”;
- f. In the definition of “wastewater” - which references a range of “wastes” including trade “waste”;
- g. Mana whenua chapter 2.3.2 which notes that “waste” is a significant contributor to the degradation of biodiversity, soil and water;
- h. ENRG-P2 which encourages the use of “waste” products;
- i. INFRA Overview describes that infrastructure involves services associated with solid “waste”;
- j. TRANS – S9 and TRANS - S10 matters of discretion include any impacts on public “waste” collection;
- k. TEMP – R1, R4, R5, R7 matters of discretion includes “waste” minimisation and management measures;
- l. GRZ-R10 (community facility), R11 (Comprehensive Residential Development), R12 (Healthcare Activity), R13 (emergency Services Facility) – matters of discretion includes reference to location, orientation and screening of service, storage, and “waste” management spaces;
- m. MRZ-R10 (community facility), R11 (Comprehensive Residential Development), R13 (emergency Services Facility) – matters of discretion include reference to location, orientation and screening of service, storage, and “waste” management spaces;
- n. FDZ-P7 requires “waste” minimisation (including stock effluent management) to be available for large-scale temporary events;
- o. Designation GDC-12 notes that the designation purpose for the Gore Transfer Station includes Public Utility – “Waste” Transfer Station.

256. The proposed definition aligns with the Waste Minimisation Act 2008 and will ensure a level of national consistency. While this definition is not included in the Southland or Invercargill District plans it is being introduced via submission to a number of plans such as Selwyn District Plan. A review of the references to waste across the PDP as outlined above indicates that the new definition would be consistent with the meaning anticipated across the plan.

257. The inclusion of a definition of “abrasive blasting” as requested by Federated Farmers (s126.002) and associates Kevin Robertson((s115.003), Ronald Crispin (s60.005), Rural Ratepayers Group (s143.014), Alistair & Bernadette Hunt (s148.015), and John Baynes (s68.123)) is rejected because this term, while being included in the PS, is not used anywhere in the PDP and there are no other submission points relating to its use across the PDP. It is therefore recommended that this definition is deleted.

258. The support for the definition of “river” (DOC (s109.014), Southland Federated Farmers (s126.041), Kevin Robertson (s115.042), Ronald Crispin (s60.042), Rural Ratepayers Group (s143.053), Alistair & Bernadette Hunt (s148.054) and John Baynes (s68.162), “environment” DOC (s109.013), “emergency management” FENZ (s124.002), “emergency services facility” (NZDF (s147.005) and FENZ (s124.003)) and “building” (Southland Federated Farmers (s126.011), Kevin Robertson (s115.012), Ronald Crispin (s60.014), Rural Ratepayers Group (s143.023), Alistair & Bernadette Hunt (s148.024), and John Baynes (s68.132)) is noted and these definitions are recommended to be retained
259. Support for the PDP definition of “reverse sensitivity” (Chorus (s35.007), Silver Fern Farms (s40.011), Transpower (s101.010), Alliance Group Ltd (s121.014), One New Zealand Group (s32.007), Forty South (s33.007), Connexa Ltd (37.007), Spark NZ (s154.007) is acknowledged. Amendments sought seeking reference to resource consents and certificates of compliance NZTA (s112.007), development and upgrading KiwiRail (s132.011), lawfully established (Southland Federated Farmers (s126.040), Kevin Robertson (s115.041), Ronald Crispin (s60.043), Rural Ratepayers Group (s143.052), Alistair & Bernadette Hunt (s148.053), and John Baynes (s68.161)), and possible establishment are accepted or rejected via the following amendments (additions underlined):
- Reverse sensitivity: The potential for an approved (whether by resource consent, certificate of compliance or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, lawfully established existing or permitted activity.*
260. These amendments correctly reflect that an activity can be approved via a resource consent, certificate of compliance or designation but do not replace this reference with “*lawfully established*” as the bracketed additions clarify how an approval may be lawfully granted. The addition of “*lawfully established*” ahead of “*existing*” is considered important to clarify that it is only the impacts on lawfully established existing activities that should be considered. For example, if an activity is not lawfully established then it is irrelevant consider impacts on this activity when it should not be existing in that location.
261. The addition of “the development, upgrading, and operation and maintenance” of an approved, existing or permitted activity, as proposed by KiwiRail (s132.011) is problematic if the “development, upgrading and operation and maintenance” is not approved, legally existing or permitted. This type of activity would not be anticipated on the existing site and therefore it is not possible to anticipate what level of development or upgrading may be proposed in the future. Reference to permitted activity will ensure that the new activity would have to anticipate what is enabled on the existing site by the PDP in the future. For example, if the existing activity is currently built to 30% building coverage but the plan permits 50% building coverage then the new activity would need to consider if the existing activity was built to 50% building coverage.
262. The replacement of “more recent” with “the possible” establishment of another activity Powernet Ltd (s95.007) is not recommended. I agree with Kāinga Ora (FS28.004; FS28.005)

that the change would be vague and expand the scope of reverse sensitivity to be too restrictive when infrastructure providers should seek to mitigate effects at source.

263. This overall approach is also generally consistent with definitions in other contemporary plans such as the Partially Operative Selwyn District Plan which contains the following definition:

Reverse Sensitivity

The potential for an approved (whether by consent or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment, intensification, or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity.

7.7.3 Recommendation

264. The submissions seeking amendments to definitions are rejected or accepted as detailed in Appendix B.

7.7.4 Section 32AA Assessment

265. The amendments detailed below are considered more appropriate in achieving the objectives of the PDP than the notified provisions:

- a. Include a definition of “waste”
- b. Delete the definition of “abrasive blasting”
- c. Amend the definition of “reverse sensitivity”

266. I consider that:

- a. They will increase plan clarity and consistency;
- b. In addition, they will help avoid inconsistency with terms in the Definitions National Planning Standards and the Resource Management Act. Nuance can be provided through the rules as needed; and
- c. The recommended amendments will not have any greater effects than the notified provisions.

267. Consequently, the amendments are more efficient and effective than the notified provisions in achieving the objectives of the PDP.

7.8 National Direction Instruments Chapter

7.8.1 Matters Raised by Submitters

268. Chorus (s35.055), One NZ Group Limited (s32.055), FortySouth (s33.055), Connexa Limited (37.055) and Spark (s154.055) support and seek to retain NES subsection. SDC (s146.007) supports this section in its entirety.
269. Yrless Limited (FS21.003, FS21.004, FS21.005, FS21.006, FS21.007) support the submissions above that seek to retain the NES subsection and considers that this provides clarity and consistency across districts.

7.8.2 Assessment

270. Support for National Direction Instruments is acknowledged. No changes to the PDP are recommended, particularly given alignment with the PS.

7.8.3 Recommendations

271. No changes are recommended as detailed in Appendix B.

7.9 UFD - Overview

7.9.1 Matters Raised by Submitters

272. Greenbriar (s128.008) seeks to add additional text to the overview noting that the majority of growth provided for is “urban”, that Special Purpose Zones should include “New Vale”, and that most of the district is rural that needs to provide for primary production and address reverse sensitivity effects as outlined below (proposed additions underlined):

Additional provision for industrial and rural industry activities has been made proximate to Gore and Mataura to accommodate the majority of the District’s future urban employment needs. In addition, land in Waikaka, Mandeville, and Pukerau has been classified as Settlement Zone to better reflect the business and community services currently provided in these areas. A number of Special Purpose Zones have also been identified to recognise the contribution these areas play in supporting the District’s economic development and employment needs and/or their locational constraints. The Special Purpose Zones include Camp Columba, Charlton Aerodrome, Field Days, New Vale and the Mult-sports and Showgrounds areas. The balance of the district is predominantly zoned Rural which will enable the ongoing use and development for primary production, particularly agriculture which is the dominant land use within Gore. The interface between rural and non-rural land needs to be managed to ensure reverse sensitivity effects do not arise. This will see productivity of rural land, including highly productive soils maintained.

273. Hokonui Rūnanga Inc (FS20.029) supports this submission in part noting that the overview does not identify non-renewable energy resources or renewable energy resources.

7.9.2 Assessment

274. It is recommended that Greenbriar Ltd (s128.008) is accepted in part resulting in the following amendments (recommended additions underlined and deletions strike through):

Additional provision for industrial and rural industry activities has been made proximate to Gore and Mataura to accommodate the majority of the District's future employment needs. In addition, land in Waikaka, Mandeville, and Pukerau has been classified as Settlement Zone to better reflect the business and community services currently provided in these areas. A number of Special Purpose Zones have also been identified to recognise the contribution these areas play in supporting the District's economic development and employment needs and/or their locational constraints. The Special Purpose Zones include Camp Columba, Charlton Aerodrome, and the Field Days, ~~and the Multi-sports and Showgrounds areas~~. The balance of the district is predominantly zoned Rural which will enable the ongoing use and development for primary production, particularly agriculture which is the dominant land use within Gore. The interface between rural and non-rural land needs to be managed to ensure reverse sensitivity effects do not arise. This will see productivity of rural land, including highly productive soils maintained.

275. It is not recommended to include "urban" in the first sentence because rural industry activities are not urban in nature and industrial land in general also support rural employment needs. Reference to "locational constraints" is recommended because some Special Purpose Zones are constrained to a rural location and are located where they are because of the economic investment in the current resources such as the Charlton Aerodrome. The remainder of the text is accepted because it is factually correct and adds important context to the overview of the Urban Form and Development chapter, noting that the district is predominantly rural and reliant on primary production. It is noted that the multi sports and show ground areas are actually precincts rather than Special Purpose Zones so an amendment is also proposed to correct this error.
276. Greenbriar's broader submission seeks that the New Vale Mine site at 640 Miller Road, Waimumu is identified as a Special Purpose Zone to reflect the current operation, the locational constraints on resources like coal, and its importance to the district and the Southland region. Whether "New Vale" is added to the list of Special Purpose Zones will be determined in future zone hearing streams where submissions on other Special Purpose Zones will be considered. Consequential changes may be required to the UFD Overview as a result of these later decisions along with potential changes to the description of Special Purpose Zones in the "How the Plan works" section of the PDP. The New Vale site may equally be able to be accommodated by existing proposed rules, or by amending rules within the GRUZ (its current proposed zoning) relating to mining (see GRUZ-R2), or by introducing a precinct that specifically provides the operation. This will be addressed at future hearings.
277. FS20.029 by Hokonui Rūnanga Inc is accepted in part as follows (recommended additions underlined):

Growth locations have also recognised the *effects of climate change* and *infrastructure/transport* integration by encouraging an efficient urban form and settlement pattern focussed around existing developed areas and through the promotion of renewable energy resources.

This approach aligns with changes recommended to UFD-O1 below.

7.9.3 Recommendations

278. The submissions seeking amendments to UFD Overview are accepted in part as detailed in Appendix B.

7.9.4 Section 32AA Assessment

279. In my opinion, the amendments detailed below are more appropriate in achieving the purpose of the RMA.

- a. Including reference to renewable energy sources and a description of the rural area

A detailed S32AA assessment is provided in Appendix G.

7.10 UFD – Additional provisions sought

7.10.1 Matters Raised by Submitters

280. Transpower (s101.013) seek an additional objective to protect the critical infrastructure from the impacts of incompatible activities as follows:

UFD – X The operation, maintenance, upgrade and development of critical infrastructure is enabled and critical infrastructure is protected from the impacts of incompatible activities.

281. This submission was opposed by Kainga Ora (FS28.009) noting that amendments sought in s132.014 and s112.010 are more appropriate. Yrless Limited (FS21.020) supported this submission in part to introduce a new objective to address the role of new critical infrastructure that supports limited planning restrictions and has due consideration of dominance in the landscape.

282. Greenbriar (s128.012) sought that an additional objective be included to provide for activities that are reliant on locationally constrained resources or with a functional and operational need as follows:

UFD-O12 – activities reliant on locationally constrained resources or with functional and operational needs that dictate their location are provided for.

283. ES (s85.069) sought an additional provision recognising the need to evaluate stormwater capacity during flooding, particularly with regards to areas targeted for future development, and the importance of adequately mapping and protecting secondary flow paths in planning documents.

284. The further submission of Kāinga Ora (FS28.0010) supports this submission in part noting that hazard mapping is not static, that management and mitigation and associated engineered solutions may be appropriate, and stormwater management should be managed at a catchment rather than a property level.

285. Robina Johnston (s140.001) seeks that managed retreat is needed for the Gore community, that growth needs to be projected for 30 years and that West Gore is most appropriate for growth.
286. SDC (s146.009) seeks additional provisions that focus on nature based rather than hard engineering solutions and area wide rather than site specific solutions.
287. DOC (s109.021) sought a new strategic direction for the Natural Environment that seeks to (new text underlined):
- Recognize the integrated approach to managing land and water resources.
 - Recognizes the inter relationship between the health and wellbeing of communities and the natural environment.
 - Sets out how the natural environment is to be managed within the district including: setting an overall approach for the district such as:
 - the protection and ongoing identification of SNAs including preventing further loss of threatened and at-risk species;
 - the maintenance and enhancement of indigenous biodiversity (including outside of SNAs) for future generations
 - Managing adverse effects on highly mobile fauna areas in order to maintain viable populations of specified highly mobile fauna across their natural range;
 - to promote the restoration of indigenous biodiversity; and •to promote resilience to the effects of climate change.
288. This submission point was supported in part by Hokonui Rūnanga (FS20.003) who sought that mana whenua connections with Te Taiao be included.

7.10.2 Assessment

289. An additional objective to specifically enable and protect critical infrastructure through Transpower's submission (s101.013) is not recommended as this is better addressed in UFD-O1 (which requires the district develops in a way that utilises existing infrastructure and/or can be effectively serviced with new infrastructure), UFD-O7 (which requires that urban environments are adequately serviced by utilising and/or upgrading existing *infrastructure* or with new *infrastructure* or additional *infrastructure*).
290. The PDP defines critical infrastructure as follows:
- “those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to:*
- *strategic land transport network and arterial roads;*
 - *rail corridor;*
 - *telecommunication facilities;*
 - *national, regional and local renewable electricity generation activities of any scale;*
 - *the electricity transmission network (the National Grid);*
 - *sewage collection, treatment and disposal networks;*
 - *community land drainage infrastructure;*
 - *community potable water systems;*

- *established community-scale irrigation and stock water infrastructure;*
- *transport hubs and bulk fuel supply infrastructure including terminals and pipelines.”*

291. The objectives, policies and rules have been framed across the PDP so that “enabled” equates to permitted or controlled activities, “managed” equates to restricted discretionary and discretionary activities, and “avoid” or “protect” relates to non-complying or prohibited activities to align with best practice plan development and relevant caselaw. Therefore, to enable the operation, upgrade and development of critical infrastructure at an objective level would be to effectively permit these activities and to protect critical infrastructure from incompatible activities would be to make those activities non-complying or prohibited.
292. INFR-O1 outlines that the operation, maintenance, upgrading and development of infrastructure is provided for to meet the needs of the community and businesses. INFR-O3 anticipates that infrastructure (or land reserved for infrastructure) is protected from incompatible activities that may compromise it. INFR-P1 seeks to enable the construction, maintenance, upgrade and use of infrastructure, while INFR-P6 and INFR-P7 seek to avoid, remedy or mitigate adverse effects of activities adjacent to critical infrastructure and manage the adverse effects of infrastructure development. INFR rules then go on to enable underground infrastructure, infrastructure within a building, and upgrading meeting standards. There are also limits on sensitive activities with the National Grid Yard. Establishment of new infrastructure in sensitive areas such as outstanding landscapes and SNAs, and other types of infrastructure are to be managed.
293. The zone and general district wide provisions typically seek to manage sensitive activities from locating close to infrastructure. For example, GRZ-O4 seeks to provide development with appropriate infrastructure while mitigating adverse effects on infrastructure networks. Zone rules provide for buffers to critical infrastructure such as wastewater (GRZ-R14) and larger scale activities not anticipated within zones require consent with amenity being a key matter of control or discretion (GRZ-R1-R6, R8-R13). In addition, NOISE-O3 seeks to manage noise sensitive activities and associated reverse sensitivity effects with rules limiting noise sensitive activities within railway corridor overlays and the state highway noise control overlay (NOISE-R7) with acoustic treatment standards for noise sensitive activities (NOISE - S3).
294. Therefore, when read together from strategic objectives in the UFD chapter right through to zone and general district wide rules and standards, it is not appropriate to introduce a new objective that enables critical infrastructure and protects critical infrastructure from the impacts of incompatible activities. This is more appropriately addressed by amending UFD-O1 and UFD-O7 and relying on lower order objectives in the INFR objectives and Zone and General District Wide provisions where amenity and reverse sensitivity matters can be considered against relevant amenity considerations. To this extent I accept the further submission of Kainga Ora (FS28.009) that note amendments sought in KiwiRail submission (s132.014) and NZTA’s submission (s112.010) are more appropriate in part and reject the further submission by Yrless Limited (FS21.020).
295. If a new objective was to be introduced, it should focus on the provision (rather than enablement) of critical infrastructure and the management or mitigation of the impacts of sensitive activities on critical infrastructure rather than outright protection.

296. The Greenbriar submission (s128.012) that seeks a specific objective to provide for locationally constrained resources with functional and operational needs that dictate their location is rejected as this is already addressed in UFD-O11 that recognises that physical resources located within rural areas that are of significance to the district are protected and maintained.
297. ES's submission (s85.069) that seeks an additional provision to recognise stormwater capacity issues during flooding events particularly with regards to areas targeted for future development and the importance of protecting secondary flow paths is rejected as this is too detailed for the strategic objectives of the plan and is already dealt with in general terms in UFD-O1 (5) which requires that the district develops in a way that takes natural hazards into account. In addition, NH-O3 seeks that new development is located in areas where the natural hazard risk is adequately managed and not exacerbated on other sites. This is consistent with the RPS that notes the need to avoid, remedy, or mitigate significant adverse effects from natural hazard events. To this end the further submission by Kāinga Ora (FS28.0010) is supported in part with no amendments noting that stormwater is managed at a catchment level as part of a wider network hence UFD-O1 and UFD-O7 note the need for the district as a whole to develop in a manner that can be efficiently serviced. Whether hazards are mapped in the plan or otherwise will be considered further in the Natural Hazards hearing stream.
298. Robina Johnston's submission (s140.001) that seeks growth be projected for 30 years, that managed retreat is needed for the Gore community, and that West Gore is most appropriate for growth is accepted in part with no amendments. Growth has been projected for 30 years²⁸ in accordance with the NPS-UD hence the reference to long term in objectives UFD-O1, UFD-O2, and UFD-O9. West Gore is identified as growth area in UFD-O2 (2) (a) along with industrial growth provided in south-west Gore to implement UFD-O9. While there has not been a focus on managed retreat, UFD-O1(5) requires consideration of the long-term impacts of climate change and natural hazards which has resulted in a risk-based approach to the natural hazards chapter in accordance with the RMA and RPS. This matter will be further considered in the Zones and Natural Hazards hearing streams.
299. The SDC submission (s146.009) in relation to nature based and area wide rather than site specific solutions is accepted in part with no amendments. While SDC have not defined nature-based solutions the submission by the Royal Forests and Bird Society submission does²⁹. These matters are already largely addressed in UFD-O1 that seeks to minimise adverse impacts on natural values and UFD-O7 that incorporates natural features and water

²⁸ Gore District Plan Review Economic and Population Growth Analysis (October 2021) and Gore District Plan Review Planning for Growth June 2022

²⁹ Note – The submission by the Royal Forests and Bird Society submission does include a definition as follows: Nature Based Solutions - Solutions that are inspired and supported by nature, and provide environmental, social and economic benefits and help build resilience. 3 Examples include: restoration or constructing wetlands, forest restoration, riparian planting, allowing rivers to reclaim parts of their natural flood plains in strategic places, rain gardens, green roofs and so on.

management into design to minimise environmental effects. UFD-O1(6) and UFD-O7 (4) also discuss the need to plan for infrastructure at the district and urban environment level.

300. The DOC submission (s109.021) is accepted in part with no amendments as the integrated approach to land and water resources and the health and wellbeing of communities and natural resources is broadly covered in UFD-O1(2) and the protection of SNAs is addressed in more detail in ECO-O1 to ECO-O4. The further submission by Hokonui Rūnanga (FS20.003) seeking that mana whenua connections with Te Taiao should be included is also accepted in part with no amendments for similar reasons. UFD-O1 (2) refers to cultural values, (3) relates to other taonga of significance, (8) refers to Ngāi Tahu natural environment values, and MW2.3 outlines mana whenua and Te Taiao cultural values that are referenced across the PDP.

7.10.3 Recommendation

301. The submissions seeking general amendments to the UFD chapter are accepted in part or rejected as detailed in Appendix B.

7.11 UFD – O1

7.11.1 Matters Raised by Submitters

302. Silver Fern Farms (s40.016), Chorus (s35.056), Rural Contractors NZ Incorporated (s145.002), Ministry of Education (s125.006), Alliance Group Ltd (s121.018), One NZ Group Ltd (s32.056), FortySouth (s33.056), Connexa Ltd(s37.056), Spark (s154.056) supports objective UFD-O1 and seeks that it be retained as notified. Yrless (FS21.009, FS21.0010, FS21.011, FS21.012, FS21.013, FS21.035) support the submissions by Spark NZ Ltd, Connexa Ltd, FortySouth, One NZ Group Ltd, and Chorus.
303. NZTA (s112.010) seeks amendments to manage new infrastructure, provide for resilient critical infrastructure, and provide for active transport modes as outlined below (proposed additions underlined and deletions struck through):

UFD-O1 (...) 6. manages the safe, effective and efficient use and provision of utilises new and existing infrastructure ~~and/or can be efficiently serviced with new infrastructure~~. 10. provides a resilient critical infrastructure network to meet the needs of the Gore District. 11. provides opportunities for active transport modes (walkways and cycleways)

304. Transpower (FS30.088) supported this submission in part and seeks that an additional objective is included to enable the ongoing operation, maintenance, upgrading and development of critical infrastructure while the Kāinga Ora further submission (FS28.007) seeks the retention of objective UFD-O1 is sufficient to provide for the use of existing infrastructure where needed.
305. Hokonui Rūnanga (s139.041) seeks amendments to specify the particular effects of concern to mana whenua including when Hokonui Rūnanga may be an affected party as outlined below (proposed additions underlined and deletions struck through):

Amend clauses 2 and 3 to read:

"2. minimises adverse impacts on natural, historic heritage, and cultural values including but not limited to whakapapa, mauri, mahinga kai, wāhi tapu, the retention of mātauranga associated with knowing the landscape, and the ability to exercise kaitiakitanga: and

3. recognises and provides for the relationship of Māori with their culture, traditions, lands, waterbodies, sites, areas and landscapes and other taonga of significance; mana whenua with whenua (land), wai (water), and mahinga kai."

306. Greenbriar (s128.009) seeks amendments to recognise locationally constrained resources as follows (proposed additions underlined):

Objective 3A: recognises that some resources and associated activities are locationally constrained

307. KiwiRail Holdings Ltd (s132.014) seeks amendment to align with the Railways Act 2005 as follows (proposed additions underlined and deletions struck through):

UFD-01 The District develops in a cohesive, compact and structured way that:

...

(6) manages the safe, effective and efficient use and provision of new and utilises existing infrastructure ~~and/or can be efficiently serviced with new infrastructure~~

308. The Kāinga Ora further submission (FS28.008) notes that the notified wording is appropriate and questions whether the changes requested by the submitter is in line with the Railways Act 2005. Yrless (FS21.014) seeks that the proposed objective is retained without deletion of new infrastructure.

309. Federated Farmers (s126.055), Kevin Robertson (s115.056), Ronald Crispin (s60.058), Rural Ratepayers Group (s143.067), Alastair & Bernadette Hunt (s148.068) and John Baynes (s68.176) seeks consideration of the development of the district in terms of the potential loss of highly productive land through the addition of a clause to UFD-O1 as follows (proposed additions underlined):

10. considers the potential loss of highly productive soils.

310. Mercury NZ Ltd (s130.009) seeks amendments to give effect to the NPS Renewable Electricity Generation 2011 and the Southland Murihiku Regional Energy Strategy 2022-2050 by amending clause 5 as follows (proposed additions underlined):

5 a. takes into account the short, medium, and long-term impacts of climate change and natural hazards, and the associated uncertainty and risk;

5b. provides for the transition away from fossil fuels, through increased use and development of renewable resources.

311. Contact Energy supports this submission point (FS24.005).
312. Transpower supports this submission point (FS30.052) subject to the following amendment (underlined):

"5 a. takes into account the short, medium, and long-term impacts of climate change and natural hazards, and the associated uncertainty and risk; 5b. provides for the transition away from fossil fuels, through increased use and development of renewable resources and the National Grid."

7.11.2 Assessment

313. Submissions by Silver Fern Farms (s40.016), Chorus (s35.056), Rural Contractors NZ Incorporated (s145.002), Ministry of Education (s125.006), Alliance Group Ltd (s121.018), One NZ Group Ltd (s32.056), FortySouth (s33.056), Connexa Ltd (s37.056), Spark (s154.056) and further submissions by Yrless (FS21.009, FS21.010, FS21.011, FS21.012, FS21.013, FS21.035) that support objective UFD-O1 are acknowledged, subject to amendments proposed below.
314. Submissions seeking amendments to UFD-O1 (6) (NZTA s112.010, KiwiRail s132.014) and further submissions (Transpower (FS30.088), Yrless (FS21.014) and Kāinga Ora (FS28.007 and FS28.008)) are accepted in part as outlined in the proposed amendments below (recommended additions underlined and deletions struck through):

UFD-O1 (...) 6. manages the safe, effective and efficient use and provision of ~~utilises new and existing infrastructure and/ or can be efficiently serviced with new infrastructure.~~

315. These amendments recognise safety considerations which are a key part of the sustainable management purpose of the RMA³⁰ that should be recognised in the UFD chapter. Amendments seeking specific reference to a critical infrastructure network and active transport modes (s112.010) are not considered necessary as this will be the result of managing new and efficient infrastructure, particularly considering the definition of infrastructure includes structures for transport such as cycleways, roads and walkways and other matters included in the definition of critical infrastructure. Furthermore, INFR-O1 seeks the provision of infrastructure to meet the needs of the community and businesses and TRANS-O5 promotes public transport and non-motorised transport modes. The strategic level objectives should be broader than the topic specific objectives.
316. The Hokonui Rūnanga submission (s139.041) seeking amendments to specify the particular effects of concern to mana whenua is accepted in part as outlined below (recommended additions underlined and deletions struck through):

Amend clauses 2 and 3 to read:

³⁰ RMA s5 (1) and (2)

2. minimises adverse impacts on natural, historic heritage, and cultural values (refer MW 2.3): and

3. recognises and provides for the relationship of Māori with their culture, traditions, lands, waterbodies, sites, areas and landscapes and other taonga of significance; mana whenua with whenua (land), wai (water), and mahinga kai.

317. This approach links to the mana whenua chapter where cultural values including kaitiakitanga, mātauranga, whakapapa, mauri, mahinga kai and other values are articulated. The PDP Glossary refers back to MW-2.3 to define these terms. This approach is considered user friendly for wider plan users as this helps to articulate what the cultural values are. It is noted that wāhi tapu is not included in the MW chapter but rather generally defined in the Glossary part of the PDP. This may be an oversight which should be considered further in the MW and SASM chapter hearings. Reference to MW-2.3 will also help plan users understand the amendment to clause 3 proposed above as this is where those values are further explained (refer 2.3.1, 2.3.2, and 2.3.3). The MW chapter also outlines engagement expectations with mana whenua (refer section 5). Further feedback from Hokonui Rūnanga would be appreciated to clarify if this amendment would meet their needs.

318. The Greenbriar submission (s128.009) seeking to recognise locationally constrained resources is rejected as UFD-O8 and UFD-O9 already recognise that industrial, primary production and rural industry activities should be able to operate efficiently and effectively, and they are valued for their contribution to the district. Greenbriar operate New Vale Coal Mine. Mining is included in the definition of a primary production activity. It is therefore considered unnecessary to specifically note that some activities are locationally constrained when it is recognised that these activities should be enabled to operate efficiently and effectively.

319. Submissions by Federated Farmers (s126.055), Kevin Robertson (s115,056), Ronald Crispin (s60.058), Rural Ratepayers Group (s143.067), Alastair & Bernadette Hunt (s148.068) and John Baynes (s68.176) seeks consideration of the development of the district in terms of the potential loss of highly productive land are accepted by adding clause 10 as follows (recommended additions underlined and deletions struck through):

10. considers the potential loss of highly productive soils.

320. This approach aligns with national direction from the NPS-HPL, the change from one Rural Zone encompassing rural, rural lifestyle and settlement activities to three rural zones to align with the PS and existing pattern of development, and the reduction in lot size in the new General Rural zones.

321. The submission by Mercury NZ (s130.009) and further submissions by Contact Energy (FS24.005) and Transpower (FS30.052) are accepted in part as follows (recommended additions underlined and deletions struck through):

5 a. takes into account the short, medium, and long-term impacts of climate change and natural hazards, and the associated uncertainty and risk;

5b. provides for the transition away from fossil fuels, through increased use and development of renewable resources.

322. This change reflects the NPS Renewable Electricity Generation 2011 and the Southland Murihiku Regional Energy Strategy 2022-2050 and recognises that reference to increased use and development of the National Grid is not definite given that renewable energy sources such as private solar may not rely on the National Grid. If expansion to the National Grid is necessary, then UFD-O1 (6) that supports the need for new infrastructure will enable the expansion of the National Grid.

7.11.3 Recommendation

323. The submissions seeking amendments to the UFD-O1 are accepted in part or rejected as detailed in Appendix B.

7.11.4 Section 32AA Assessment

324. In my opinion, the amendments detailed below are more appropriate in achieving the purpose of the RMA.
- a. Cross referencing in Clause 2 to MW-2.3
 - b. Amendments to clause 3 to reference mana whenua values
 - c. Additions to clause 5 to promote a transition away from fossil fuels
 - d. Amendments to clause 6 to reference safe and effective provision of infrastructure
 - e. Inclusion of Clause 10 to reference the potential loss of highly productive soils

A detailed S32AA assessment is provided in Appendix G.

7.12 UFD – O4

7.12.1 Matters Raised by Submitters

325. The Ministry of Education (s125.007) supports UFD-O4 as the objective clearly defines a hierarchy of centres and seeks an amendment to address the community's educational needs as follows (proposed addition underlined):

The District has a hierarchy of vibrant and viable centres that are locations for shopping, leisure, cultural, entertainment and social interaction experiences and provide for the community's employment, educational and economic needs.

7.12.2 Assessment

326. The submission by the Ministry of Education (s125.007) is accepted in part with no amendment as UFD-O4 relates to centres specifically whereas educational needs are not

necessarily provided for only in centres that are more clearly described in UFD-O5. For example, Camp Columba provides for wider regional educational needs and this facility is not located within a centre and the Neighbourhood Centre Zones do not typically include educational facilities. UFD-O1 recognises that the district needs to develop in a way that meets the community's social infrastructure needs. Education is a core part of the district's social infrastructure, so it is considered that UFD-O1 already addresses the point raised by the Ministry of Education.

7.12.3 Recommendation

327. The submission seeking amendments to the UFD-O4 are accepted in part as detailed in Appendix B.

7.13 UFD – O5

7.13.1 Matters Raised by Submitters

328. The Ministry of Education (s125.008) seeks that UFD-O5 is amended to address the community's educational activities as follows (proposed additions underlined):

The hierarchy of centres in the District is maintained in accordance with the following:

- 1. the Gore Town Centre is the principal centre that provides for a wide range of commercial activities, community, educational, recreational and residential activities that serve the District and the wider Southland region;*
- 2. the Mataura Local Centre provides for a range of commercial activities, educational and community activities that serve the needs of the surrounding residential catchment and the local rural and business community;*
- 3. the Settlement Zones are made up of rural service centres that provide for a cluster of residential activities, commercial activities, light industrial activities, educational and community activities that serve the needs of each settlement's community, surrounding rural area and appropriate tourism opportunities;*
- 4. Neighbourhood Centre Zones provide for small-scale commercial, educational and community activities that serve the needs of the immediate residential neighbourhood; and*
- 5. Māori Purpose Zones provide for the specific needs of Māori communities, including small to medium-scale residential, education, commercial, community, cultural and employment opportunities.*

7.13.2 Assessment

329. The Ministry of Education (s125.008) submission is accepted in part with no amendments as UFD-O1 already makes provision for social infrastructure, that would include educational activities, at a district level as outlined above.

7.13.3 Recommendation

330. The submission seeking amendments to the UFD-O5 is accepted in part as detailed in Appendix B.

7.14 UFD – O7

7.14.1 Matters Raised by Submitters

331. Chorus (s35.057), Ministry of Education (s125.009), One NZ Group Ltd(s32.057), FortySouth (s33.057), Connexa Ltd (s37.057) and Spark (s154.057) support UFD-O7.
332. Yrless (FS21.015, FS21.016, FS21.017, FS21.018, FS21.019) support the submissions by Spark, Connexa Ltd, FortySouth, One NZ Group Ltd, and Chorus.
333. NZTA (s112.011) seeks an amendment to clause 3 to recognise safety and an additional clause to incorporate active transport principles to be consistent with One Network Framework descriptions as follows (proposed additions underlined):

Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play in, which: 3. have safe, connected and efficient transport networks; 5. incorporate active transport where appropriate

334. KiwiRail Holdings Ltd (s132.015) seek amendment to clause 3 to better align with the Railways Act 2005 as follows (proposed additions underlined):

2. have safe, connected and efficient transport networks; and...

7.14.2 Assessment

335. The support of Chorus (s35.057), Ministry of Education (s125.009), One NZ Group Ltd(s32.057), FortySouth (s33.057), Connexa Ltd (s37.057), Spark (s154.057) and Yrless (FS21.015, FS21.016, FS21.017, FS21.018, FS21.019) is acknowledged subject to amendments outlined below.
336. Submissions by NZTA (s112.011) and KiwiRail (s132.015) are accepted in part as follows (recommended additions underlined):

Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play in, which: 3. have safe, connected and efficient transport networks;

337. As noted earlier, safety is a key consideration in achieving the sustainable management purpose of the RMA. Reference to incorporating “active transport where appropriate” is unnecessary as this is inherent in having a connected, and accessible efficient transport network (UFD-O7(3)) and being adequately serviced by existing and new infrastructure (UFD-O7(4)). Both the definition of transport network and infrastructure reference non-motorised modes of transport and pedestrians along with structures supporting cycleways and walkways.

7.14.3 Recommendation

338. The submission seeking amendments to the UFD-O7 are accepted in part as detailed in Appendix B.

7.14.4 Section 32AA Assessment

339. In my opinion, the amendments detailed below are more appropriate in achieving the purpose of the RMA.

- a. Referring to “safe” transport networks

A detailed S32AA assessment is provided in Appendix G.

7.15 UFD-O8

7.15.1 Matters Raised by Submitters

340. Silver Fern Farms (s40.017) and Alliance Group Ltd (s121.019) support Objective UFD-O8 as the objective provides helpful recognition about the strategic importance of major facilities and large-scale industrial activities.

7.15.2 Assessment

341. Submissions in support of UFD-O8 by Silver Fern Farms (s40.017) and Alliance Group Ltd (s121.019) are acknowledged with no amendments recommended.

7.15.3 Recommendation

342. The submissions supporting UFD-O8 are acknowledged with no amendments recommended as detailed in Appendix B.

7.16 UFD-O9

7.16.1 Matters Raised by Submitters

343. Silver Fern Farms (s40.018) and Alliance Group Ltd (s121.020) support Objective UFD-O9 as the objective promotes strategic outcomes for industrial activities.
344. NZTA (s112.012) seeks amendment to ensure appropriate upgrading works would be required to key transport routes when land is developed for industrial activities as follows (proposed additions underlined):

There is sufficient land for industrial activities in the short, medium, and long-term in appropriate locations, including: 1. along key transport routes to ensure the safe, efficient and effective transportation of products and minimisation of heavy vehicles and high traffic volumes on local roads. 3. upgrade works are undertaken to key transportation routes to support the safe, efficient and effective transportation of people and goods.

345. Alliance Group Ltd (FS27.001) and Silver Fern Farms Limited (FS29.035) support this submission point.
346. KiwiRail (s132.016) seeks amendments to UFD-O9 clause 1 to recognise the importance of safe and effective transportation as follows (proposed additions underlined):

1. Along key transport routes to ensure safe, efficient and effective transportation of products and minimisation of heavy vehicles and high traffic volumes on local roads;

7.16.2 Assessment

347. Submissions by Silver Fern Farms (s40.018) and Alliance Group Ltd (s121.020), Waka Kotahi NZTA (s112.012) and KiwiRail (s132.016), and further submissions by Alliance Group Ltd (FS27.001) and Silver Fern Farms Limited (FS29.035) are accepted in part as per amendments below (recommended additions underlined):

There is sufficient land for industrial activities in the short, medium, and long-term in appropriate locations, including: 1. along key transport routes to ensure the safe, efficient and effective transportation of products and minimisation of heavy vehicles and high traffic volumes on local roads.

348. It is not recommended to include a clause regarding the upgrade of key transport routes as proposed by NZTA as this objective is about the provision of Industrial land and the additions to Clause 1 requiring safe and effective as well as efficient transportation of products along key transport routes would necessitate upgrades, particularly when read in conjunction with UFD-O7 (3) and (4) and UFD-O1 (6) which necessitate provision of new infrastructure and transport networks.

7.16.3 Recommendation

349. The submission seeking amendments to the UFD-O9 are accepted in part as detailed in Appendix B.

7.16.4 Section 32AA Assessment

350. In my opinion, the amendments detailed below are more appropriate in achieving the purpose of the RMA.

a. Reference to “safe” and “effective” transportation in clause 1

A detailed S32AA assessment is provided in Appendix G.

7.17 UFD – O10

7.17.1 Matters Raised by Submitters

351. Rural Contractors NZ (s145.003) and Greenbriar (s128.010) support UFD-O10.
352. Federated Farmers (s126.056), Kevin Robertson (s115.057), Ronald Crispin (s60.059), Rural Ratepayers Group (s143.068), Alastair and Bernadette Hunt (s148.069) and John Baynes

(68.177) seek amendment to UFD-O10 so that primary production and rural industry activities is protected as follows (proposed additions underlined):

Amend UFD-O10:

Primary production and rural industry activities are able to operate efficiently and effectively and the contribution they make to the economic, social wellbeing and prosperity of the District is recognised and protected.

7.17.2 Assessment

353. The support of Rural Contractors NZ (s145.003) and Greenbriar (s128.010) is acknowledged while amendments by Federated Farmers (s126.056) et al ((s115.057), (s60.059), (s143.068), (s148.069), and (68.177)) are rejected.
354. While it is important to ensure that primary production and rural activities are able to operate efficiently and effectively and the contribution made to the district is recognised it is not always appropriate to protect these activities in all circumstances, particularly where these activities may lead to amenity effects or impacts on other critical resources such as landscape, biodiversity, heritage, SASM. This is the overriding principal outlined in UFD-O1 that recognises a wider consideration of these broader values in determining how the district should develop in accordance with the purpose of the RMA. This approach is re-enforced in the rural zone objectives and policies such as GRUZ-P2 that enables rural industry while preserving rural character and productive capacity by limiting the nature and scale of these activities or GRUZ-P5 that enables small scale quarries and mines.

7.17.3 Recommendation

355. The submissions to the UFD-10 are accepted in part with no amendments as detailed in Appendix B.

7.18 UFD-O11

7.18.1 Matters Raised by Submitters

356. Greenbriar (s128.011) support UFD-O10.
357. Federated Farmers (s126.057), Kevin Robertson (s115.058), Ronald Crispin (s60.060), Rural Ratepayers Group (s143.069), Alastair and Bernadette Hunt (s148.070) and John Baynes(s68.178) seek amendment to UFD-O11 to refer to highly productive land rather than productive and versatile land as follows (proposed additions underlined and deletions struck through):

~~Productive, versatile~~ Highly productive land and natural, physical and cultural resources located within rural areas that are of significance to the District are protected and maintained.

7.18.2 Assessment

358. Submissions by Greenbriar (s128.011) and Federated Farmers (s126.057) et al ((s115.058), (s60.060), (s143.069), (s148.070), and (s68.178)) are accepted in part as per the changes below (recommended additions underlined and deletions struck through):

~~Productive, versatile~~ Highly productive land and natural, physical and cultural resources located within rural areas that are of significance to the District are protected and maintained.

359. This amendment is accepted as the wording more closely reflects the NPS-HPL.

7.18.3 Recommendation

360. The submissions to UFD-O11 are accepted in part with amendments as detailed in Appendix B.

7.19 Minor or consequential amendments under clause 16, Schedule 1

361. A number of minor changes are recommended to the PDP to ensure that the Plan stays current with national direction. A more recent review of national direction has been undertaken since notification of the PDP in August 2023. Consequently, a number of updates are proposed to the National Direction Instruments section of the PDP as follows:

National Policy Statements and New Zealand Coastal Policy Statement

...

National Policy Statement for Highly Productive Land 2022	This Policy Statement been reviewed (~~October 2022~~ <u>May 2024</u>)
National Policy Statement on Urban Development 2020	This Policy Statement has been reviewed (~~August 2022~~ <u>May 2024</u>)
National Policy Statement on Freshwater Management 2014 (amended in August 2017)	This Policy Statement has been reviewed (~~August 2022~~ <u>May 2024</u>)
National Policy Statement on Renewable Electricity Generation 2011	This Policy Statement has been reviewed (~~August 2022~~ <u>May 2024</u>)
New Zealand Coastal Policy Statement 2010	This Policy Statement does not apply to the Gore District Plan.
National Policy Statement on Electricity Transmission 2008	This Policy Statement has been reviewed (~~August 2022~~ <u>May 2024</u>)
National Policy Statement for Indigenous Biodiversity 2023	This Policy Statement has been reviewed (~~July 2023~~ <u>May 2024</u>)

<u>National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023</u>	<u>This Policy Statement has been reviewed (May 2024)</u>
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National Environmental Standards

...

1. Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021;
2. Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020;
3. Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
4. Resource Management (National Environmental Standard on ~~Plantation~~ Commercial Forestry) Regulations 2017;
5. Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016;
6. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
7. Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009;
8. Resource Management (National Environmental Standard for Sources of Drinking Water) Regulations 2007; ~~and~~
- ~~8.~~ 9. Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (amended 2011);
10. Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023.

362. Additional consequential changes may also be needed given the current review phase of the RMA. Additional changes will be identified as hearings progress.

7.18.5 Section 32AA Assessment

363. In my opinion, the amendments detailed below are more appropriate in achieving the purpose of the RMA.

- a. Reference to Highly productive land in UFD-O11

A detailed S32AA assessment is provided in Appendix G with respect to the Urban Form and Development chapter.

8. Conclusions and Closing Recommendations

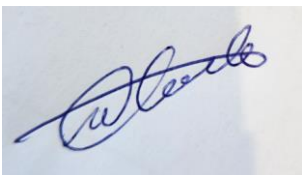
8.1 Conclusions

364. Submissions on the PDP include opposition, support and partial support. The submissions seek a wide range of outcomes – which are chiefly addressed in this report with respect to the chapters that form Hearing Stream 1. Appendix B includes specific recommendations on all submissions and further submissions that are not specifically identified or discussed in this report.
365. Having considered all submissions and further submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
366. For the reasons set out in the Section 32AA evaluation included throughout this report and in Appendix G of this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate method to:
- a. Achieve the purpose of the RMA where it is necessary to revert to Part 2;
 - b. Give effect to all other relevant higher level statutory planning documents, in respect to the proposed objectives.

8.2 Closing Recommendation

367. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in Appendix B of this report.

Signed:

Name and Title	Signature	Date
Matthew Heale Consultant Planner		07.05.2024