



**GORE DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN  
VARIATION No. 2 – FINANCIAL CONTRIBUTIONS**

**SUMMARY OF SUBMISSIONS**

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**Variation 2: Financial Contributions**

Plan Reference: Rule 9.9

**204/01 Director-General of Conservation – Supports**

Strongly supports the proposed Financial Contributions Variation as it will enable Council, when new subdivision or development occurs in Gore, Mataura and Waikaka to extend the sewage and stormwater reticulation systems and if necessary upgrade the Council's sewage and stormwater treatment systems. These systems discharge to the nationally significant Mataura River system and its Waikaka tributary.

It is also noted that discharge of sewage to land from houses in the peri-urban area around Gore has been problematical in the past with reports of almost untreated sewage flowing to drains. Connection to the Gore sewage system would have ensured that such discharges would not have occurred.

**Decision Sought:**

Retention of section (4) Infrastructure as outlined in the Proposed Variation No. 2 without any amendments.

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Plan Reference: Rule 9.9 (2)

**210/01 Transit New Zealand – Supports Conditionally**

We support the specific provisions but wish to amend the provisions.

In regard to certifications, the provisions are in error and should refer to section 223 and 224 of the Resource Management Act 1991.

**Decision Sought:**

Rule (2)(c)(i), Rule (3)(c)(i), be amended

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Plan Reference: Rule 9.9 (2)

**205/01 Dongwha Patinna NZ Limited – Opposes**

Rule 9.9: Paragraph (2), (a), (iv)

Rule 9.9: Paragraph (2), (b), (iv)

Rule 9.9: Paragraph (2), (c), (iii)

While payment of a contribution of 0.5 % of the cost of development that exceeds \$500,000 can be traced historically to the Local Government Act, that Act was prepared on a different basis to the Resource Management Act.

The Resource Management Act is effects-based. The financial contribution must be for a proper purpose and must relate to the effects of the activity in question.

This Plan Change relates specifically to Council's functions under s 31(a) and (b), and there does not appear to be an appropriate causal nexus between the development of a commercial or industrial activity and the financial contribution required by these proposed provisions. The proposed contributions appear unrelated to any effects of the development. While the demands that such an activity may place upon Council infrastructure such as sewage can be easily understood, it is difficult to see how a commercial or industrial activity could have an effect on reserves or on the usage such as to require a financial contribution of this, or any, magnitude. In addition, section (2)(b)(iv) is drafted in a manner that suggests a 0.5% contribution will always be required, rather than that percentage amounting to a maximum requirement.

No justification is provided for the fixing of a 0.5% financial contribution to reserves for commercial and industrial development. If there is such a justification, it needs to be clearly set out. It is also difficult to see if a connection exists between commercial and industrial activity on the one hand and reserve usage on the other why such a connection does not apply to developments of less than \$500,000.

In addition, the issues, objective and policies set out at sections 9.2 to 9.4 of the Plan do not disclose any need to levy a financial contribution upon commercial or industrial development for reserve purposes. There is thus no policy framework to support this rule although the policies do support contributions for infrastructural usage.

These provisions should be deleted as having no effects basis. They would not withstand an analysis under s 32 of the Resource Management Act and do not appear to have been specifically considered in the evaluation the Council has completed.

**Decision Sought:**

Delete sections (2)(a)(iv), (2)(b)(iv), and (2)(c)(iii).

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Plan Reference: Rule 9.9 (2)

**203/01 Clark Fortune McDonald & Assocs – Opposes**

Statistics have indicated that there is a nil (or negative) population growth within the urban area, with that population also being most likely an aging population. It is recognized that there may well be additional dwelling units being created, but this has to be balanced against the fact that there are now fewer people living in the average dwelling unit. We therefore suggest that the people of this urban area have already set up and paid for the various facilities, including reserves, sewage ponds, associated sewage reticulation, and the water reticulation systems. As there is a nil population growth, there seems to be little valid point in charging a small and selected part of the community for these same services again.

The response from Council that the value of the asset is not eroded by future development that occurs, and that additional costs to ratepayers are avoided is based on a false assumption (we believe) that there is extra demand on the existing services.

We believe that it is fair that Council has the ability to charge those that are outside the original "Borough" area for the ability to connect onto those Council services that are available.

We believe that this is a reasonable response, as those landowners (beyond the Borough boundary) have never contributed to those services and headworks (within the Borough) through the existing rating structures.

### Reserve Contributions

We support the provisions of the previously advertised District Plan where the requirements for such a contribution was not required. We believe that Council requires monies only for the running and maintenance of various facilities. Such payments should be spread over all ratepayers and not one small group of ratepayers who wish to subdivide. With a nil population growth, it can not be said that because an additional allotment is created there will be additional demand for recreation facilities.

We also see no grounds for the taking of contributions from subdivision development within the rural areas, let alone the requirement for such a contribution for any parcel up to 4 hectares.

We would suggest that Council take a broader view of the development of the District as a whole and not impose additional costs on a small section of the community - it is suggested that Council follow the lead of the Invercargill City Council (for example) and impose a nil contribution.

### **Decision Sought:**

We suggest that Council not take a negative view to development within the District, and submit that the methods as currently outlined by Council are neither fair nor reasonable and will do little to promote the growth of the District. We suggest that Council delete all mention in relation to the taking of a financial contribution for reserve purposes as a result of a subdivision and the subsequent creation of new allotments.

This approach will promote Gore as a community that is competitive with other communities and that setup structures are not geared to disadvantage this community over other.

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Plan Reference: Rule 9.9 (2)

### **201/01 Blakely Pacific Limited – Opposes**

(Section 2 of Variation 2)

In the Section 32 analysis relating to the rural subdivision of areas less than four hectares, explicit reference is made to "non-residential developments and farming use are intended to be subject to this provision".

Blakely Pacific Ltd submits that where such an allotment is created and there is clearly no intention to establish housing, that there are insufficient grounds for any financial contribution toward capital infrastructure. Blakely Pacific therefore opposes the inclusion of “non-residential developments” as being subject to this provision.

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Plan Reference: Rule 9.9 (2)

### **201/02 Blakely Pacific Limited – Opposes**

Blakely Pacific Ltd is concerned should commercial forest growing be interpreted by the council as either a ‘commercial or industrial activity’ as defined in the Gore District Plan. At present commercial forest growing is defined under the Gore District Plan as ‘Commercial Forestry’. This is clearly distinct from either a ‘commercial activity’, or 'industrial activity', which is the apparent focus of the Variation.

Blakely Pacific Ltd wishes to bring the Council's attention to this distinction as a condition for Blakely Pacific Ltd's non-opposition to this Variation.

However, should forest growing be interpreted by Council as being a Commercial Activity or Industrial Activity with reference to this Variation, then Blakely Pacific Ltd is strongly opposed to this Variation on the grounds that forest growing does not create demands on water, sewerage and transport infrastructure that may arise from urban-based industry and commerce.

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Plan Reference: Rule 9.9 (3)

**210/02 Transit New Zealand – Supports Conditionally**

In regard to “Rule (3) Constructing or Upgrading of Traffic and Pedestrian Routes”, Transit New Zealand supports this provision but submits that there needs to be a duplicate provision for financial contributions to Transit's assets as opposed to contributions to Council's assets.

Transit New Zealand agrees that subdivision and development can have adverse effects off site that require works or a contribution to works. The contribution for works may be for works on either the Council's land or roading network, as well as Transit's land and roading network.

These contributions need to be separated and held separately. It is envisaged that the Council will hold their contribution as they see fit. Transit will hold the funds in a interest bearing trust fund until required.

**Decision Sought:**

- (1) Rule (2)(c)(i), Rule (3)(c)(i) be amended.
  - (2) Rule (3) be written specifically for contributions to the Council's assets and that Rule (3) be repeated for contributions to Transit's assets.
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Plan Reference: Rule 9.9 (3)

**203/02 Clark Fortune McDonald & Assocs – Opposes**

Statistics have indicated that there is a nil (or negative) population growth within the urban area, with that population also being most likely an aging population. It is recognized that there may well be additional dwelling units being created, but this has to be balanced against the fact that there are now fewer people living in the average dwelling unit. We therefore suggest that the people of this urban area have already set up and paid for the various facilities, including reserves, sewage ponds, associated sewage reticulation, and the water reticulation systems. As there is a nil population growth, there seems to be little valid point in charging a small and selected part of the community for these same services again.

The response from Council that the value of the asset is not eroded by future development that occurs, and that additional costs to ratepayers are avoided is based on a false assumption (we believe) that there is extra demand on the existing services.

We believe that it is fair that Council has the ability to charge those that are outside the original "Borough" area for the ability to connect onto those Council services that are available.

We believe that this is a "reasonable" response, as those landowners (beyond the Borough boundary) have never contributed to those services and headworks (within the Borough) through the existing rating structures.

### Constructing or Upgrading of Traffic and Pedestrian Routes

Although we have some support for this provision, we believe that it is poorly worded in the belief that as it currently stands, Council would have the ability to take contributions on all subdivisions - this is, we believe, not an outcome that is necessary.

We have supported Council in the past and have worked with Council on these matters to provide money and/or infrastructure where there has been additional demand created by a development e.g the upgrading of Waimea Street as part of the most recent subdivision along that road.

#### **Decision Sought:**

We suggest that Council not take a negative view to development within the District, and submit that the methods as currently outlined by Council are neither fair nor reasonable and will do little to promote the growth of the District. We suggest that Council amend the requirements in relation to constructing or upgrading of traffic and pedestrian routes so as not to catch all subdivision.

This approach will promote Gore as a community that is competitive with other communities and that setup structures are not geared to disadvantage this community over other.

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Plan Reference: Rule 9.9 (4)

#### **203/03 Clark Fortune McDonald & Assocs – Opposes**

Statistics have indicated that there is a nil (or negative) population growth within the urban area, with that population also being most likely an aging population. It is recognized that there may well be additional dwelling units being created, but this has to be balanced against the fact that there are now fewer people living in the average dwelling unit. We therefore suggest that the people of this urban area have already set up and paid for the various facilities, including reserves, sewage ponds, associated sewage reticulation, and the water reticulation systems. As there is a nil population growth, there seems to be little valid point in charging a small and selected part of the community for these same services again.

The response from Council that the value of the asset is not eroded by future development that occurs, and that additional costs to ratepayers are avoided is based on a false assumption (we believe) that there is extra demand on the existing services.

We believe that it is fair that Council has the ability to charge those that are outside the original "Borough" area for the ability to connect onto those Council services that are available .

We believe that this is a "reasonable" response, as those landowners (beyond the Borough boundary) have never contributed to those services and headworks (within the Borough) through the existing rating structures.

#### Infrastructure

Landowners have already paid for (and continue to pay for) the infrastructure that is in place. The sewerage ponds and associated infrastructure was set up (about 1971) for a population of some 12,000 people - clearly a figure that had not been reached, or likely to be reached in the foreseeable future. If the current system is in need for upgrading, then this should be a burden on all of those urban ratepayers.

The premise that each ratepayer is "losing" about \$1.00 for each new allotment being created is a little mischievous and not telling the full story about the infrastructure setup - for example

we see no comment about the additional rating revenue that Council will receive from each new allotment created, with that benefit being effectively spread over all ratepayers! Further it may be fair to say that each ratepayer may also “lose” more than \$1.00 each year because of the depreciating value of the infrastructure.

We would suggest that the approach taken should be that charges should not apply to existing sites within the existing reticulated area (of the former borough), but that such a contribution could apply to those allotments beyond the (former) borough area that wish to connect to Council's water or sewage systems.

**Decision Sought:**

We suggest that Council not take a negative view to development within the District, and submit that the methods as currently outlined by Council are neither fair nor reasonable and will do little to promote the growth of the District. We suggest that Council delete (or amend) requirements for contributions as a result of subdivision to limit the take for those wishing to connect who are beyond the existing (former) Borough area.

This approach will promote Gore as a community that is competitive with other communities and that setup structures are not geared to disadvantage this community over other.



**GORE DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN  
VARIATION No. 3 – HERITAGE STRUCTURES**

**SUMMARY OF SUBMISSIONS**

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Plan Reference: Rule 2.5.9

**206/01 Gore District Council –**

All listed buildings.

The supporting documentation indicated that it was only the external portions of the buildings listed that were intended to be subject to control. This is not reflected in the rules, and requires clarifying.

**Decision Sought:**

Amend Rule 2.5.9 to clarify that resource consent approval is not required from Council for any works undertaken within listed buildings, and that the rule applies only to the external portions of the buildings, or where referred to, parts thereof.

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Plan Reference: Table 2.5.1

**204/02 Director-General of Conservation – Supports**

The Director-General of Conservation strongly supports the proposed inclusions of buildings and other structures into Table 2.5.1. These buildings and structures representative examples of Gore's industrial, commercial, education and religious historical heritage. These buildings/structures are important features of Gore's street-scape. The Director-General of Conservation strongly encourages Gore District Council to complete further work to broaden the range of protected heritage, in particular residential heritage.

**Decision Sought:**

Seek Retention of Table 2.5.1 without any amendments.

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Plan Reference: Table 2.5.1

**208/01 New Zealand Historic Places Trust – Supports**

The Trust has previously expressed its concern at the lack of consideration in the Proposed Plan as to the sustainable management of the heritage resources of the district. This is clear at a number of levels:

1. The absence of any recognition that Gore district has a significant history which is reflected in its landscapes, structures and sites, and that these are strongly valued by its communities.
2. The failure to list in the Proposed Plan any heritage resources in the district of local significance, despite the fact that the previous transitional plans listed some of these, and that a report commissioned by the Council identified a range of locally significant heritage.

The proposed Variation 3 goes some way to correcting the above defects in the current Proposed Plan by including public and CBD buildings of historical importance to Gore District within Schedule 2.5.1. The Trust looks forward to further Plan variations/changes that will provide District Plan recognition for residential and rural historic places.

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Plan Reference: Table 2.5.1

**209/01 Parare Trust – Opposes**

H17 Former Methodist Church

The Parare Trust is registered as a charitable trust and as owner of the property is opposed to having any Category placed on its property.

**Decision Sought:**

That the building in question remains free of any Category leaving us as freehold owners the democratic right to control our own affairs.

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Plan Reference: Table 2.5.1

**207/01 Ministry of Education – Opposes**

Gore High School Hostel and Memorial Gates.

These buildings are designated for ‘education purposes’. District Plan Rules therefore do not apply.

The specific concerns the Ministry has are as follows:

- (a) While the Ministry can rely on the designation provisions under section 176 of the Resource Management Act 1991, it is possible that the Council may impose additional requirements by way of modifications or conditions as they relate to heritage matters. It may also mean that a waiver of an outline plan could be difficult given the heritage classification. The Ministry stresses that the function of the school is primarily for education purposes.
- (b) The Ministry submits that a designation should carry more weight, given that it existed prior to the heritage classification, and that any subsequent district plan classifications should be secondary.
- (c) Rule 5.1.11.1 is applicable to buildings listed on the Schedule of Heritage Structures and states that any alteration of any listed structure requires a resource consent. The Ministry is concerned that there may be undue weight put on heritage values at the expense of the ability to maintain and use the buildings (see *Steven v Christchurch City Council*). Currently Gore High School is undergoing a programme of replacing its hostel windows with aluminium windows and the Ministry is concerned that the listing of the building may mean this necessary work would not be possible.

Furthermore the Ministry understands that the intent of the heritage rules is to allow non-structural internal alterations as a permitted activity. However Rule 5.1.11.1 does not allow alteration of any structure at all.

- (d) Any structural additions to, or demolition of, the Gore High School Hostel Building would be subject to a consideration of heritage values with a corresponding heritage assessment being required by the Council. If the Ministry is required to maintain buildings beyond their economic life as a result of a heritage listing, this will impose a

significant financial burden on the Ministry. Furthermore any heritage assessment will also be an extra expense to the Ministry.

- (e) There is no mention of the protection to be afforded to the Memorial Gates. While the Ministry acknowledges their local significance, the gates are of greater significance to the school and will be afforded the appropriate protection by the school.
- (f) No submissions were made on any aspects of the Gore High School site designation or heritage values during the Proposed District Plan submission period. The Ministry may have been amenable to considering conditions relating to the heritage features on the site using the designation mechanism, but only under circumstances where these were raised as part of the district plan process.

**Decision Sought:**

The Ministry seeks that the Council makes the following decision(s):

- (a) That the proposed listings H15 - Gore High School Hostel and H16 Gore High School Memorial Gates be removed from Table 2.5.1 Scheduled Heritage Structures.

OR:

- (b) Should the above listings still be included in Table 2.5.1 of the Proposed District Plan, then a Memorandum of Understanding between the Ministry and Council be drafted to outline how any applications for building alterations to these items be treated in terms of matters affecting heritage values.
- (c) Should the listing H15 Gore High School Hostel still be included in Table 2.5.1 of the Proposed District Plan, then any internal alterations (excluding structural changes) to the Gore High School Hostel shall be exempt from the consideration of heritage values and rules.

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Plan Reference: Table 2.5.1

**202/01 The Catholic Bishop of the Diocesan of Dunedin – Opposes**

Xavier House H10 in Table 2.5.1

By letter dated 4 August 2005, it was made clear that the retention of Xavier House conflicted with the St Mary's Primary School/The Church of the Blessed Sacrament precinct. While support was given to adequate documentation of the history of Xavier House, its retention was not supported.

The inclusion of Xavier House in Table 2.5.1 conflicts with the advice given and initiates a statutory process that involves time, energy and expenses.

In many situations, Council's wish to protect certain buildings can be achieved through co-operation with the building owner. Council, on behalf of the community, can purchase and assume responsibility for the on-going maintenance to achieve protection.

Such an option is not available at Xavier House. Its position within the Catholic precinct prevents its sale to Council or its unrelated use.

**Decision Sought:**

Delete Xavier House from Table 2.5.1