

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU25064
Applicant	McDonough Contracting Limited
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent for short term workers accommodation in the Industrial Zone. Application under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) for a change in use.
Location	Industrial Zone
Legal Description	Lot 2 DP 588607
Activity Status	Discretionary
Decision Date	29 January 2026

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Werner Murray, on 29 January 2026 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 and Section 104B, of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The applicant has provided a detailed description of the proposed activity within section 4 of the AEE, this is summarised below:

The applicant seeks to repurpose the former office building to provide short-term workers' accommodation. It is anticipated that occupants will primarily include workers employed by McDonough Contracting Limited, Alliance Group Limited, and truck drivers passing through Mataura who require overnight accommodation.

The building will not be used for long-term residential living or visitor accommodation activities. A maximum of 16 occupants is proposed at any one time.

Vehicle access to the site will continue to be provided via the existing vehicle crossings off McQueen Avenue. On-site car parking will be provided along the southwestern side of the building and the eastern site boundary. The applicant will continue to use the remainder of the site for storage and parking in association with its rural contracting business.

The site is a verified HAIL site and is recorded on Environment Southland's Selected Land Use Register (SLUS). The registration relates to historic use of the wider Alliance Group Limited meatworks site prior to its subdivision in 2023. The site was previously used for office and storage activities associated with the meatworks. The proposed use of the building for workers' accommodation constitutes a change of land use under Regulation 5(6) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). Accordingly, the applicant is seeking consent under Regulation 11 of the NES-CS.

It is noted that the applicants AEE states the intention to vary a consent notice pursuant to section 221(3) of the RMA, however, later clarifies that the retention of the consent notice is supported.

Based on a review of the proposal it is not considered necessary, or appropriate to vary the consent notice 12798390.4, specifically condition (a) which is outlined below:

The landowner is informed that this site has been used for activity associated with hazardous activities and industries. Prior to earthworks, development or subdivision, further investigation may be required by a Suitably Qualified and Experience Practitioner (SQEP) in contaminated land assessment to assess the risks of human health under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011(NES-CS)

2. SITE DESCRIPTION

The site at 22 McQueen Avenue, Mataura is a 2,859m² zoned Industrial under the Operative District Plan and General Industrial under the Proposed District Plan. The property contains a vacant 380m² single-storey office building, owned by Gore District Council, with the applicant seeking to purchase.

It is flat, largely concreted, with limited grassed areas and amenity planting, and is accessed via two vehicle crossings off McQueen Avenue.

Surrounding land uses are industrial, including the Alliance Group Mataura meatworks to the north and east and McDonough Contracting to the southwest. The site is located approximately 25m from the Mataura River, 32m from the Main Trunk Railway, and 50m from State Highway 1, and is subject to flood risk and a railway noise overlay.

The site is recorded on Environment Southland's SLUS/HAIL register due to historic hazardous substance activities associated with the wider Alliance Group site, from which it was subdivided in August 2023.



Figure 1: Subject site and surrounds. Source: Gore District Council GIS Maps

3. ACTIVITY STATUS

3.1 Gore District Plan

The site is zoned Industrial in the Gore District Plan and the proposed activity requires resource consent under the District Plan for the following reasons:

A **Restricted Discretionary activity** pursuant to Rule 5.9.4 as the proposed parking area as associated landscaping is not provided in accordance with rule 5.9.2(7)(a) and there is no physical barrier between the parking area and the road in accordance with rule 5.9.2(7)(f).

A **discretionary activity** pursuant to Rule 4.2.4 as the proposed land use is not listed as a permitted activity under Rule 4.2.1, or a restricted discretionary activity in accordance with Rule 4.2.3. Therefore the land use is considered to be a discretionary activity.

3.2 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 ("NES-CS")

Based on the applicants review of Council records the proposed activity is on a piece of land that is, or is more than likely to be, a HAIL site. As the activity constitutes a change in use to residential and no PSI or DSI exists, pursuant to Clause 11 of the NES-CS, the application requires **discretionary** consent

3.3 Activity Status Summary

Overall, the application is being considered and processed as a **discretionary** activity under the District Plan, and a **discretionary** activity under the NES-CS

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA .
- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are not rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
 - a controlled activity; or
 - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approval/s

No written approvals have been provided.

The following effects may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is as follows:

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, buildings utilised for a variety of land uses are permitted. The current application is for a land use that is not permitted and. Therefore, the permitted baseline is not relevant in relation to the use of the building.

Visual effects

The proposed activity will occupy an existing building, with no external alterations. Only internal modifications are required to enable the building’s intended use.

The shift to workers accommodation will not generate any additional visual effects and will be less visually prominent than an industrial activity. Existing on-site landscaping, together with established plantings along McQueen Avenue and the rail corridor, already provides an appropriate level of visual amenity. While optional enhancements, such as repainting the building, additional landscaping, or a small outdoor seating area, may further improve the site’s appearance, these measures are not considered necessary for mitigation.

Overall, visual effects are assessed as no more than minor.

Character and Amenity

The proposed activity will not detract from the existing character or amenity of the surrounding industrial environment. It will occupy an existing industrial building with no external alterations, and its scale and operation will sit comfortably within the established context.

Although residential activities are not typically anticipated in the Industrial Zone, the workers accommodation is small-scale, short-stay in nature, and designed to complement nearby industrial and commercial activities. It will generate fewer amenity and character effects than a typical industrial activity and given the industrial association and the location of the activity within the existing built form, will not alter the wider character of the area.

Overall, the proposal is expected to have no more than minor effects on character and amenity.

Transportation and Parking

The site is accessed via two existing slot crossings from McQueen Avenue, both of which are well-constructed and provide safe and efficient access and egress. The adjoining footpath is fully concreted, and no upgrades are proposed or considered necessary. The Gore District Council Roadway Manager has reviewed the proposal and confirmed that the existing accesses are appropriate for the intended activity, with compliant sight distances and no safety concerns identified.

Vehicle movements will fluctuate depending on guest numbers, noting that many occupants may not have vehicles. Overall traffic generation is expected to be comparable to, or less than, the level associated with the building's previous use as an office for the applicant's contracting business.

A concreted area along the eastern side of the building and at the rear provide sufficient space for on-site parking, even though individual spaces are not marked. The site layout ensures that all vehicles can manoeuvre safely and exit in a forward gear. While the proposal does not comply with landscaping and separation requirements for parking areas, these non-compliances are not considered to give rise to adverse effects in this context. The Roadway Manager has raised no concerns regarding safety, and the absence of additional landscaping is appropriate given the industrial zoning and surrounding built character.

Overall, the existing access arrangements, parking supply, and manoeuvring areas are suitable for the proposed workers accommodation. Transportation-related effects are assessed as no more than minor.

Servicing

The proposal is for short term residential use within an existing building which is already connected to council services. The application has been reviewed by GDCs three waters operation manager Aaron Green, who has concluded that the proposed use will not increase demand on council services. Corresponding adverse effects will be no more than minor.

Natural Hazards:

Environment Southland's modelling confirms that the site is subject to flooding in large events. The building may be inundated in a 0.5% AEP (200-year) flood, while in a 1% AEP (100-year) event parts of the site, however not the building, may be affected. The site remains free of floodwaters in all 2% AEP (50-year) breach scenarios. The potential for flooding is an existing environmental constraint and is not intensified by the proposed activity.

The building floor level sits approximately 600 mm above ground level, reducing the likelihood of inundation. Although residential activities are typically more sensitive to flood risk, the proposed use, short-term workers accommodation, reduces long-term vulnerability. Guests will not establish permanent residence, and the internal fit-out will be modest, avoiding high-value fixtures or facilities that would otherwise increase exposure to financial loss.

Environment Southland has recommended that the owner develop a flood contingency plan and ensure familiarity with the Mataura Catchment flood warning system, including identifying a

location for vehicle relocation and ensuring flood-sensitive items can be stored at height. The applicant has accepted this recommendation and will prepare a flood management plan prior to occupation.

Overall, while a flood risk exists, it is not worsened by the proposal, noting no additional built form. The activity makes efficient use of an existing elevated building, and the adoption of a flood contingency plan will ensure that flood-related effects are appropriately mitigated. Potential flooding effects are therefore assessed as no more than minor.

Conclusion: Effects On The Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor.

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is not on, and will not affect, land that is the subject of a statutory acknowledgment. While it is noted that the Mataura River is subject to a statutory acknowledgment and is located approximately 50m from the subject site - the proposal does not result in any physical works and is unlikely to result in adverse effects on the statutory acknowledgement area.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.
- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

Taking into account the exclusions in sections 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

The proposal does not involve any physical works and is located within an existing building. The short-term residential use of the subject site are unlikely to give rise to adverse effects on adjacent persons, noting effects such as noise, amenity, traffic, privacy etc from the short term residential use of the property are likely to result in less adverse effects on adjoining persons, than the continued industrial use of the subject site, with the exception of possible reverse sensitivity effects. These are addressed further below.

Reverse Sensitivity Effects

Establishing a residential activity in an industrial zone raises potential reverse sensitivity concerns relating to noise, dust, traffic, and proximity to the Main Trunk railway line. In this case, several factors mitigate these risks.

- Short-term occupancy: Guests stay only intermittently and are professionally associated with nearby industrial activities, reducing the likelihood of complaints.
- Activity partly ancillary to industry: The accommodation will support staff of the applicant’s contracting business and the Alliance meatworks, aligning to some extent with the PDP’s intention to enable staff accommodation associated with industrial activity.
- Separation from the rail line: The building is set back approximately 35 m from the Main Trunk Line and is separated by an unused rail corridor, vegetation, and McQueen Avenue. Train movements are limited, around eight per day, with few occurring at night, further reducing sensitivity risks.
- Proposed mitigation: The applicant proposes double-glazing to improve internal noise insulation, providing an appropriate level of acoustic amenity.

Given the short-term nature of occupancy, the physical separation from noise sources, and the proposed acoustic treatment, potential reverse sensitivity effects are considered adequately mitigated and are assessed as less than minor.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Step 4 – Special Circumstances for Limited Notification

- There are no specific circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

Positive effects of the proposal include the provision of much-needed staff accommodation to support Mataura's industrial sector. The activity also avoids placing transient worker accommodation within residentially zoned areas, where associated vehicle movements, often involving large trucks operating at irregular hours, can generate adverse amenity and noise effects. While the activity is residential in nature, its operational characteristics mean it is more appropriately located within the industrial zone, where it aligns with and supports existing industrial activity without impacting residential neighbourhoods.

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies are contained within Part 3 of the District Plan.

Objective (1) Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.

Objective (2) Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.

Policy (1) Establish zones that reflect the characteristics and amenity values of the area.

Policy (2) Control the adverse effects of land use activities on the environment.

The exclusion of residential land uses within the permitted activity list in the industrial zone has been set up that way because areas of industrial activities have higher levels of noise, lighting, heavy vehicle movements, bulk storage of hazardous substances and larger buildings than other parts of the residential parts of the District. These are elements that can cause amenity loss in residential areas and as such the uses have been separated.

While the proposed residential land use has the potential to have amenity implications for the users of the site and reverse sensitivity implications for the industrial users of the neighbouring sites, it is considered that this will not adversely affect the quality of the environment. Given the context of the proposed residential use, being short term workers accommodation location to support the surrounding industrial use, it is considered that the proposed residential activity is compatible with the characteristics and amenity values of the surrounding locality. As a result the characteristics and amenity values will be maintained.

Overall, the application is considered to be consistent with the objective and policies of Part 3 of the District Plan.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The proposed activity is on a piece of land that is, or is more than likely to be, a HAIL site. As the activity constitutes a change in use to residential and no PSI or DSI exists, pursuant to Clause 11 of the NES-CS, the application requires discretionary consent.

The site is identified as a verified HAIL property, and the introduction of residential activity represents a change in use under the NES-CS. However, no soil disturbance is proposed, and the site is predominantly concreted, significantly reducing any potential exposure to underlying soils.

The proposed workers accommodation is short-stay in nature, meaning occupants will be present only intermittently and are therefore at a lower risk of exposure compared with permanent residential use. To ensure that any residual risk is appropriately managed, the applicant proposes conditions of consent to prevent activities that could increase exposure:

- Vegetable growing on the site shall be prohibited, and
- Guests shall not undertake any activities that may disturb soil.

With these conditions in place, potential exposure pathways are effectively removed. The applicant also supports retention of Condition 1 of Consent Notice 12798390.4, which alerts future owners that any further development involving soil disturbance will require assessment under the NES-CS.

Given the short-term nature of the activity, the largely sealed site conditions, and the proposed controls, risks to human health from contaminated land are considered to be appropriately mitigated.

7. PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

The proposal is consistent with Part 2 of the RMA. It will provide for the appropriate land use and development of physical resources in a way that will enable the applicant's economic wellbeing. Matters of national importance have been considered including the avoidance of development in significant landscape areas. The principles of the Treaty of Waitangi have further been considered noting that the site is not within any known heritage sites or statutory acknowledgement areas.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **granted** to establish temporary workers accommodation subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The activity must be undertaken in general accordance with the application as submitted to Council, specifically that the subject site may be utilised for short-term workers accommodation, the building will not be used for long-term residential activity or for visitor accommodation activity.

2. Prior to the occupation or use of the building for workers accommodation, the consent holder shall prepare a Flood Contingency Plan (FCP) for the site. The FCP shall:
 - a. Be informed by Environment Southland's flood risk information and recommendations provided through the consenting process, and
 - b. Address procedures for responding to flood warnings within the Maitara Catchment, including:
 - i. Identification of a location to which vehicles can be relocated during a flood warning,
 - ii. Procedures for securing or elevating flood-sensitive items, and
 - iii. Communication protocols to ensure occupants are aware of, and can respond to, flood alerts.

The Flood Contingency Plan shall be submitted to the Gore District Council Planning Manager for certification that it appropriately reflects Environment Southland's recommendations and provides adequate procedures for managing flood risk on the site.

The certified FCP shall be implemented for the duration of the activity, and all occupants shall be made aware of its requirements.
3. Prior to the occupation or use of the building for workers accommodation, the consent holder shall install acoustic window treatments to all habitable rooms within the building. The acoustic treatment shall:
 - a. Be designed to achieve a minimum performance equivalent to double-glazed window units.
4. Contaminated Land Management
 - a. No planting or growing of vegetables or other edible produce shall occur anywhere on the site for the duration of the consent.
 - b. Guests and occupants of the workers accommodation facility shall not undertake any activities that may result in the disturbance of soil on the site, including digging, trenching, or removing any ground material.
 - c. The consent holder shall ensure that all guests are made aware of these restrictions as part of their accommodation information.

Advice Notes

1. This resource consent does not constitute a Building Consent under the Building Act 2004. You should consult with the Building Control Manager of the Gore District Council to obtain information on any Building Consents required to undertake development.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by

A handwritten signature in black ink, appearing to be 'Mishka Banhidi', with a large, sweeping horizontal stroke across the middle.

Mishka Banhidi, Consultant Planner

Decision made by

A handwritten signature in black ink, appearing to be 'Werner Murray', with a large, sweeping horizontal stroke across the middle.

Werner Murray, Delegate