IN THE MATTER AND IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further Submissions on the Proposed Gore District Plan

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Gore District Plan - Decisions on Submissions

Topic 4: Urban Form and Development

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Maria Bartlett

Date of Hearing

5 June 2024

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1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to the Urban Form and Development chapter of the Proposed District Plan. The Hearings Commissioners comprising the Panel for this hearing were Commissioners Cliff Bolger, Keith Hovell, Maria Bartlett, and Glenys Dickson.

1.1.2 This Decision focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, the Panel has adopted the recommendations and the underlying evaluation contained in the s42A Report prepared by Matt Heale.

1.1.3 Attached is the updated provisions for the Urban Form and Development chapter, referencing changes authorised by this and other Decisions of the Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.4 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.5 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In preparing this decision we have used the following abbreviations:

Full Text	Abbreviation
Gore District Plan	Plan
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
NZ Transport Agency Waka Kotahi	NZTA
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under section 42A of the RMA	S42A Report
Resource Management Act 1991	RMA
RMA section	s
Southland Federated Farmers NZ	Federated Farmers
Transpower NZ Ltd	Transpower
Urban Form and Development	UFD

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to the Urban Form and Development chapter.

1.4.2 None of the Panel members identified any conflicts of interest.

1.4.3 No procedural matters were raised at the hearing.

1.4.4 No matters of trade competition were raised.

2 The Hearings

2.1 Urban Form and Development Hearing

2.1.1 The hearing in relation to this topic was held on 5 June 2024 at the Gore District Council administration building, in Gore. That hearing considered submissions to the Introduction to the PDP, General Provisions and the Strategic Direction of the Plan, including the UFD chapter.

2.1.2 At the commencement of the hearing, the Panel received supplementary evidence from Matt Heale responding to matters raised in the evidence and additional information received by the Panel. The Panel then sought clarification from Matt Heale regarding matters contained in his s42A Report and supplementary evidence.

2.1.3 Shelley Chadwick, Counsel for the Gore District Council, also presented legal submissions to the Panel. These generally dealt with matters contained in Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions.

2.1.4 Submitters who appeared at the hearing on the UFD chapter are shown in Table 1.

Table 1: Hearing Stream 1 – Submitters Attending the Hearing

No.	Submitter	Attendees	Appearance
S101	Transpower NZ Ltd	Ainsley McLeod John Sutherland	Video Link Video Link
S74	Hamish Weir	Self	In person
S126	Southland Federated Farmers NZ	Bernadette Hunt Rachel Thomas	In person Video Link
S3	Stoney Creek Station	Brett Highsted Annette Tulloch	In Person In Person
S128	Greenbriar Ltd	Bridget Irving Megan Justice	Video Link Video Link
S139	Hokonui Rūnanga	Joshua Leckie Dr Lynda Murchison	Video Link Video Link
S66	Groundswell	Laurie Paterson Russell Faulkner Diane Smillie	In Person In Person In Person
S85	Environment Southland	Marcus Roy	In Person

2.1.5 Submitters who provided further information for the Panel to consider are shown in Table 2.

Table 2: Additional Material from Submitters

No.	Submitter
S35	Chorus NZ Ltd
S33	Forty South
S32	One New Zealand Group Ltd
S37	Connexa Ltd
S154	Spark New Zealand Trading Ltd
S112	New Zealand Transport Agency
S147	New Zealand Defence Force
S121	Alliance Group
S132	KiwiRail Holdings
FS28	Kāinga Ora

2.1.6 During the hearing, Ainsley McLeod, appearing on behalf of Transpower Ltd, provided an oral response to matters contained in the supplementary evidence of Matt Heale. She also requested the opportunity to give further consideration to the supplementary evidence and provide a written response. This was agreed to by the Panel and a further statement of evidence was received, dated 14 June 2024.

2.1.7 Similarly, Marcus Roy, representing Environment Southland, in reply to questions from the Panel, requested the opportunity to provide additional comment on the wording of an additional Objective recommended to the UFD chapter. This was also agreed to by the Panel and was provided by way of an email dated 18 June 2024.

2.1.8 Following the hearing, the Panel issued Minute 9 seeking a response from Matt Heale and Shelley Chadwick on various matters. Responses from each was received in documents dated 27 June.

2.1.9 All written material received by the Panel is available on the Council's web site.

2.2 Hearings Relevant to Whole of Plan Submissions

2.2.1 Section 2 of Decision2 Whole of Plan and Repeated Submissions lists the submissions lodged to the Whole of the Plan. Submission S139.040 Hokonui Rūnanga Inc raises issues relevant to this decision and in that regard, relevant evidence was received by the Panel during the hearings to consider submissions to the Mana Whenua and Sites of Significance to Māori chapters from:

- Courtney Bennett for the Gore District Council
- Amy Berin for Hokonui Rūnanga
- Rachel Thomas for Federated Farmers
- Ainsley McLeod for Transpower

2.2.2 That evidence is considered where relevant in this decision. For further details refer to Decisions 14 Mana Whenua and 43 Sites and Areas of Significance to Māori.

3 Assessment of Submissions to UFD Chapter

3.1 UFD General

Submitter (S)	Decision Requested
S140.001 Robina Johnston	Considers managed retreat is needed for the Gore community, that growth needs to be projected for 30 years and the west of Gore is most appropriate for growth.
S146.009 Southland District Council	This section may be improved by adding provisions focused on: (a) nature-based solutions are preferred over hard-engineering solutions, and (b) comprehensive area-wide measures are preferred over site-specific solutions.

3.1.1 As noted by Matt Heale at paragraph 298 of his s42A Report, the Gore District Plan Review Economic and Population Growth Analysis (October 2021) and Gore District Plan Review Planning for Growth June 2022 have had regard to a 30 year planning period and the approach of the UFD chapter is consistent with that. 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. No additions are required to the PDP. Accordingly, submission S140.001 Robina Johnston's is rejected.

3.1.2 The Panel agrees with the comments of Matt Heale at paragraph 299 of his s42A Report that the matters raised by the Southland District Council are covered by Objective UFD-O1 that seeks to minimise adverse impacts on natural values and Objective UFD-O7 that incorporates natural features and water management into design to minimise environmental effects. Accordingly, submission S146.009 Southland District Council is rejected. However, the submitter should note that the Panel in the response to submissions to the Infrastructure chapter has included provisions in the Plan providing for "nature-based solutions".

3.2 UFD Overview

Submitter (S)	Decision Requested
S128.008 Greenbriar Ltd.	Add additional text as follows: 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 <u>and/or their locational constraints</u>. The Special Purpose Zones include Camp Columba, Charlton Aerodrome, Field Days, <u>New Vale</u> and the Mult-sports and Showgrounds areas. <u>The balance of the district is predominantly zoned Rural which will enable the ongoing use and</u>

	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.
FS20.029 Hokonui Runanga Inc	*Allow S128.008 in part*

3.2.1 Matt Heale in his s42A Report at paragraphs 274 – 275 recommended changing the Overview in response to this submission. The recommended changes were accepted by both Greenbriar and Hokonui Rununga and are adopted by the Panel.

3.2.2 Submission S128.008 Greenbriar Ltd is accepted by amending the UFD Overview to read:

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.

…. 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.

3.3 Objective UFD-O1

Submitter (S) Further Submitter (FS)	Decision Requested
S121.018 Alliance Group Ltd S125.006 Ministry of Education S145.002 Rural Contractors NZ Inc S40.016 Silver Fern Farms S154.056 Spark NZ Trading Ltd S32.056 One NZ Group Ltd S33.056 Forty South S35.056 Chorus NZ Ltd S37.056 Connexa Ltd	Retain as notified
FS21.013, FS21.035, FS21.010, FS21.011, FS21.009 and FS21.012 Yrless Ltd	*Supports S154.056, S32.056, S33.056, S35.056 and S37.056*

3.3.1 The submissions in support are acknowledged. Given changes made to the Objective, these submissions are accepted in part.

Submitter (S)	Decision Requested
S139.041 Hokonui Rūnanga Inc	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: 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.

3.3.2 Matt Heale at paragraph 316 of his s42A Report recommended changes to clauses 2 and 3 of Objective UFD-O1. Dr Lynda Murchison in her statement of evidence agreed with the recommendation.

3.3.3 The Panel recognises the benefit of altering clause 3 which is consistent with Hokonui Rūnanga submission S139.040 to amend general provisions referring to mana whenua values to be more specific. The Panel considers however that clause 1 referring to cultural values should remain as worded. That avoids duplication in referring to mana whenua values. In addition, with the Urban Form and Development chapter being of a general nature, reference to cultural values should be wider than those values attributable to Māori.

3.3.4 Arising from the decision to amend clause 3, the Panel notes the similarity with clause 8, which as a consequence is no longer required.

3.3.5 S139.041 Hokonui Rūnanga Inc is accepted in part by amending UFD-O1 by deleting clause 8 and amending clause 3 as follows:

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;*

Submitter (S)	Decision Requested
S128.009 Greenbriar Ltd.	Add: 3A: recognises that some resources and associated activities are locationally constrained;

3.3.6 It was the recommendation of Matt Heale to reject this submission. However, the Panel agrees with Megan Justice at paragraph 24 of her evidence where she stated:

> I consider that some recognition of locationally constrained activities is required within overarching objective UFD-O1, as this objective will be relevant to the consideration of the location of zones and spatial layers in the District Plan, as well as resource consent applications for new development.

3.3.7 Megan Justice also stated at paragraph 5 of her evidence, a provision of this type is also important in this overarching chapter for other activities reliant on locationally constrained resources including aggregate, renewable energy such as wind, hydrogeneration, solar and various Crown Minerals. The Panel agrees.

3.3.8 Submission S128.009 Greenbriar Ltd is accepted by adding a further clause to Objective UFD-O1 as follows:

9. recognises that some resources and associated activities are locationally constrained;

Submitter (S) Further Submitter (FS)	Decision Requested
S130.009 Mercury NZ Ltd	Add 5B. provides for the transition away from fossil fuels, through increased use and development of renewable resources.
FS30.052 Transpower NZ Ltd *FS24.005 Contact Energy Ltd*	*Supports S130.009*

3.3.9 Matt Heale at paragraph 321 of his s42A Report recommended accepting this submission. At the hearing Commissioner Hovell questioned the desirability of the second part of the provision. Ainsley McLeod on behalf of Transpower in her Supplementary Statement of Evidence agreed a shortened version of the provision was appropriate and this is adopted by the Panel.

3.3.10 S130.009 Mercury NZ Ltd is accepted by adding a further clause to UFD-O1 as follows:

5(b) provides for the transition away from fossil fuels.

Submitter (S) Further Submitter (FS)	Decision Requested
S112.010 Waka Kotahi NZ Transport Agency	Amend the wording of UFD-O1 as follows or words to this affect: UFD-01 (...) 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).
S132.014 KiwiRail Holdings Ltd	Amend as follows: (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~~.
FS30.088 Transpower NZ Ltd	*Allow S112.010*
FS28.007, FS28.008 Kainga Ora	*Disallow in part S112.010 and S132.014*
FS21.014 Yrless Limited	*Disallow in part S132.014*

3.3.11 Both of the original submitters seek the inclusion of reference to "safe" as recommended by Matt Heale at paragraph 315 of his s42A Report. The Panel agrees.

3.3.12 The Panel also accepts the advice of Matt Heale at paragraph 315 of his s42A Report, that the additional two clauses sought by NZTA are covered by other provisions in the PDP. The Panel notes NZTA is accepting of this.

3.3.13 S112.010 Waka Kotahi NZ Transport Agency and S132.014 KiwiRail Holdings Ltd are accepted by amending clause 6 of UFD-O1 as follows:

6. provides for the safe, effective and efficient use and development of new and ~~utilises~~ existing *infrastructure* ~~and/or can be efficiently serviced with new *infrastructure*~~

Submitter (S)	Decision Requested
S143.067 Rural Ratepayers Group S148.068 Alistair & Bernadette Hunt S60.058 Ronald Crispin S68.176 John Baynes S115.056 Kevin Robertson S126.055 Southland Federated Farmers of NZ	Amend UFD-O1 to include: 10. considers the potential loss of highly productive soils.

3.3.14 The Panel agrees with the assessment of Matt Heale at paragraph 320 in his s42A Report that the addition sought aligns with the NPSHPL and should be accepted.

3.3.15 Submissions S143.067 Rural Ratepayers Group, S148.068 Alistair & Bernadette Hunt, S60.058 Ronald Crispin, S68.176 John Baynes, S115.056 Kevin Robertson, S126.055 Southland Federated Farmers of NZ are accepted by adding to UFD-O1:

10. considers the potential loss of highly productive soils.

3.4 Objectives UFD-O4 and UFD-O5

Submitter (S)	Decision Requested
S125.007 Ministry of Education	Amend UFD-O4 as follows: 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.
S125.008 Ministry of Education	Amend UFD-O5 as follows: 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

3.4.1 The Panel notes that educational facilities within the Gore District are generally located within the residential areas they serve, or in locations to meet specific needs, such as at Camp Columba. The Panel agrees with Matt Heale at paragraph 329 of his s42A Report where he noted Objective UFD-O1 already makes provision for social infrastructure. Having regard to both matters the Panel does not consider there is any material benefit in including the provisions sought. Accordingly, submissions, S125.007 and S125.008 Ministry of Education are rejected.

3.5 Objective UFD-O7

Submitter (S) Further Submitter (FS)	Decision Requested
S35.057 Chorus S125.009 Ministry of Education S32.057 One NZ Group Ltd S33.057 Forty South S37.057 Connexa Ltd s154.057 Spark	Retain UFD-O7
FS21.015, FS21.016, FS21.017, FS21.018, FS21.019 Yrless	Supports FS21.015, FS21.016, FS21.017, FS21.018, FS21.019
S112.011 Waka Kotahi NZ Transport Agency	Amend the wording 3. have safe, connected and efficient transport networks; 5. incorporate active transport where appropriate.
S132.015 KiwiRail Holdings Ltd	Amend as follows: 3. Have safe, connected and efficient transport networks; and

3.5.1 The Panel acknowledges the submissions in support. Given changes made to the Objective, these submissions are accepted in part.

3.5.2 The Panel accepts the recommendation of Matt Heale at paragraph 336 of his s42A Report to include “safe” as requested by the submitters. The Panel also notes that the definition of transport networks includes non-motorised forms of transport and the second addition sought by NZTA is not necessary, and that NZTA was accepting of this.

3.5.3 S132.015 KiwiRail Holdings Ltd is accepted and S112.011 Waka Kotahi NZ Transport Agency is accepted in part by revising Objective UFD-O7(3) to read:

3. have safe, connected and efficient transport networks

3.6 Objective UFD-O8

Submitter (S)	Decision Requested
S121.019 Alliance Group Limited S40.017 Silver Fern Farms	Retain as notified

3.6.1 The submissions in support are acknowledged and accepted.

3.7 Objective UFD-O9

Submitter (S) Further Submitter (FS)	Decision Requested
S40.018 Silver Fern Farms S121.020 Alliance Group Limited	Retain as notified
S112.012 Waka Kotahi NZ Transport Agency	Amend as follows: 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.
FS29.035 Silver Fern Farms Ltd *FS27.001 Alliance Group Ltd*	*Allow S112.012*
S132.016 KiwiRail Holdings Ltd	Amend as follows: 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;

3.7.1 The submissions in support are acknowledged. Given changes made to the Objective, these submissions are accepted in part.

3.7.2 The Panel accepts the recommendation of Matt Heale at paragraph 347 of his s42A Report to refer to the "safe, efficient and effective transportation of products" as requested by the submitters. The Panel also considers the second addition sought by NZTA is not necessary and notes that NZTA was accepting of this.

3.7.3 S132.016 KiwiRail Holdings Ltd is accepted, and S112.012 Waka Kotahi NZ Transport Agency is accepted in part by amening UFD-O9 (1) to read:

> 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; and/or

3.8 Objective UFD-O10

Submitter (S)	Decision Requested
S128.010 Greenbriar Ltd.	Retain as notified.
S145.003 Rural Contractors NZ Inc.	Retain as notified.
S126.056 Southland Federated Farmers of NZ S115.057 Kevin Robertson S143.068 Rural Ratepayers Group S148.069 Alistair & Bernadette Hunt S60.059 Ronald Crispin S68.177 John Baynes	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.

3.8.1 The submissions in support are acknowledged and as no change is made to the provision these are accepted.

3.8.2 The addition sought to the Objective was discussed in the s42A Report and by Federated Farmers at the hearing. The Panel agrees with Matt Heale that the use of the word "protected" is not appropriate in this context and it gives rise to an expectation that cannot be achieved through the District Plan. Matt Heale had recommended an alternative "recognised and provided for". The Panel does not accept this, reaching the view that that economic and social well-being can be recognised but cannot by itself be "provided for". Rather, economic and social well-being arises from the provision made for land use activities. The Panel therefore considers additional words are unnecessary and the submissions from Federated Farmers and others are rejected.

3.8.3 Federated Farmers noted in evidence that reference to "economic wellbeing" provided for "prosperity" and as a consequence reference to prosperity was not required. The Panel agrees and has made a minor amendment to the provision under Clause 16(2).

3.9 Objective UFD-O11

Submitter (S)	Decision Requested
S128.011 Greenbriar Ltd.	Retain as Notified
S126.057 Southland Federated Farmers of New Zealand S115.058 Kevin Robertson S143.069 Rural Ratepayers Group S148.070 Alistair & Bernadette Hunt S60.060 Ronald Crispin S68.178 John Baynes	Amend UFD-O11: ~~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.

3.9.1 The Panel accepts the recommendation of Matt Heale at paragraph 358 of his s42A Report to include the addition sought as it more closely reflects the NPS-HPL.

3.9.2 S126.057 Southland Federated Farmers of New Zealand and others are accepted by amending UFD-O11 to read:

UFD-O11. ~~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.

3.10 Additional Provisions Sought

Submitter (S) Further Submitter (FS)	Decision Requested
S101.013 Transpower NZ Ltd	Amend the UFD Chapter to include the following additional Objective: "UFD - X The operation, maintenance, upgrade and development of critical infrastructure is enabled and critical infrastructure is protected from the impacts of incompatible activities.
FS21.020 Yrless Ltd	*Allow S101.013 in part*
FS28.009 Kainga Ora	*Disallow S101.013*

3.10.1 S101.013 Transpower was referred to in the s42A Report and the supplementary evidence of Matt Heale, initially recommending rejection, but later indicating a change could be made to UFD-O1, together with a reworded objective should the Panel be of a mind to include a separate objective.

3.10.2 Ainsley McLeod also referred to this submission in her evidence, seeking inclusion of the objective, but in her supplementary evidence, having regard to matters discussed at the hearing and in the statements from Matt Heale, suggesting adopting only changes recommended to UFD-O1 and UFD-O8.

3.10.3 Given this chapter sets out the overarching directions for sustainable management of growth, land use and development of the Gore District, the Panel concludes that the intent of the additional objective is more relevant to the Infrastructure chapter and notes that Decision 39 Infrastructure makes changes to Objective INFR-O1 that incorporates matters raised in this submission. However, the Panel agrees with comments from both Matt Heale and Ainsley McLeod that within the UFD chapter it is appropriate to make several amendments to the objectives.

3.10.4 S101.013 Transpower NZ Ltd is accepted in part by amending UFD-O1 and UFD-O8 to read:

UFD-O1 The District develops in a cohesive~~, compact~~ and structured way that:

9. manages and where appropriate avoids adverse *effects* between incompatible activities and zones;

UFD-O8 The *Airport*, major facilities, *critical infrastructure*, and large-scale *industrial activities* are able to operate efficiently and effectively and the contribution they make to the economic wellbeing and prosperity of the District is recognised.

Submitter (S) Further Submitter (FS)	Decision Requested
S109.021 Department of Conservation	Insert a Strategic Direction for the Natural Environment which seeks to: • 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.
FS20.003 Hokonui Runanga Inc	*Allow S109.021 in part*

3.10.5 The Panel accepts the recommendation of Matt Heale at paragraph 100 of his s42A Report where he refers to other provisions in the PDP that encapsulate the intent of the additions sought by the Department of Conservation. The Panel notes the advice received from DoC that it would not attend the hearing or provide any other material for the Panel to consider. Accordingly, S109.021 Department of Conservation is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S128.012 Greenbriar Ltd.	UFD-O12 - activities reliant on locationally constrained resources or with functional and operational needs that dictate their location are provided for.

3.10.6 The Panel notes the advice of Matt Heale recommending rejection of this submission. The Panel does however prefer the approach of Megan Justice who considers the addition made to UFD-O1 in paragraph 3.3.8 above removes the need for a separate objective. While the outcome is the same as recommended, the logic of Megan Justice is preferred. Accordingly, S128.012 submission Greenbriar Ltd is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.069 Environment Southland	Evaluation of stormwater capacity during flooding, particularly with regard to areas targeted for future development. Identify the importance of adequately mapping and protecting secondary flow paths.
FS28.0010 Kainga Ora	*Allow in part*

3.10.7 Matt Heale considered this submission at paragraph 95 of his s42A Report where he stated:

> 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.

3.10.8 However, following the receipt of supplementary evidence from Marcus Roy on behalf of Environment Southland, Matt Heale recommended the inclusion of a new clause in UFD-O1 referring to hazard sensitive activities and an associated definition. In the Panel's view however, issues associated with the management of hazard sensitive activities, and whether there is a need for a definition of "hazard sensitive activities" given there is already a definition in the Plan for "sensitive activities" is more appropriately dealt with in the Natural Hazards chapter

3.10.9 In the context of the original submission, the Panel accepts the advice of Matt Heale and submission S85.069 Environment Southland is rejected.

3.11 Whole of Plan Submissions

Submitter (S)	Decision Requested
S139.040 Hokonui Rūnanga Inc	Wherever possible the plan provisions should specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed, including when Hokonui Rūnanga Inc may be an affected party. Amend references to 'Ngāi Tahu values' with more detailed description of particular effects to be avoided, remedied or mitigated.

3.11.1 Courtney Bennett and Amy Berin in their joint response to Minute 15 drew attention to provisions in the Urban Form and Development chapter they considered could be reviewed having regard to the submissions of Hokonui Rūnanga. This is referred to and considered in paragraph 3.3.3 above with regard to Objective UFD-O1.

3.11.2 The joint response also referred to Objectives UFD-O7 and UFD-O11 with amended wording being recommended by Courtney Bennett in her evidence presented to HS12 on 7 April 2025. It is the view of the Panel that the suggested changes go beyond the scope of the submission as lodged, but in any case are not appropriate in this chapter which is sitting at a higher level considering "cultural values" in a wide spectrum, with more refined consideration of Māori and mana whenua values being included in the Māori Purpose Zone, Mana Whenua chapter and Māori Cultural Values chapter.