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 5: Special Purpose Zone: Field Days Zone

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Date of Hearing
24 June 2024

Index

Page

1. Introduction

1.1 Scope of this Decision 1

1.2 Abbreviations 1

1.3 Statutory Considerations 2

1.4 Procedural Matters 2

2. The Hearings

2.1 Field Days Zone Hearing 2

2.2 Other Hearings 3

3. Assessment of Submissions

3.1 Policy FDZ-P5 and FDZ-P6 3

3.3 Policy FDZ-P10 4

3.4 Note 1 4

3.5 Transpower Submissions to Rules 5

3.6 Rule FDZ-R9 6

3.7 Zoning Map 6

Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

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 Special Purpose Zone: Field Days Zone (FDZ) of the Proposed Gore District Plan (PDP). The Hearings Commissioners comprising the Panel for this hearing were Commissioners Cliff Bolger, Keith Hovell 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 Joanne Skuse and Victoria Woodbridge. That report jointly considered submissions to the FDZ and the Camp Columba Zone, with specific commentary on submissions relating to the FDZ from Joanne Skuse. Where submissions were common to both zones a joint response and assessment was provided.

1.1.3 Attached is the updated provisions for the Field Days Zone, 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
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Field Days Zone	FDZ
Gore District Plan	Plan
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
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

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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 Field Days Zone.

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 Field Days Zone Hearing

2.1.1 The hearing in relation to this topic was held on 24 June 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the Field Days Zone were heard together with other matters in Hearing Stream 2.

2.1.2 No submitters appeared at the hearing on the Field Days Zone, nor submitted further information for the Panel to consider. However, the Hokonui Rūnanga, through Dr Linda Murchison, as part of their presentation to Hearing Stream 3, did speak to and respond to questions from the Panel with regard to submission points in this Decision.

2.2 Other Hearings

2.2.1 Decision 2 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 Beran for Hokonui Rūnanga

2.2.2 The Panel received evidence in HS3 on 22 July 2024, HS8 on 5 December 2024 and HS9A on 19 February 2025 from Courtney Bennett and Amy Beran, which included recommendations on provisions in the Field Days Zone that manage effects on Ngāi Tahu cultural values. For provisions where there were no matters in contention or further recommendations arising from evidence received in HS8 or HS9A, these are not discussed further in this decision. Otherwise, discussion the evidence is included in this decision in relation to particular provisions of the chapter.

2.2.3 HS7 considered submissions to the Infrastructure chapter. Ainsley McLeod presented evidence on behalf of Transpower seeking revision of the Notes in the zone chapters setting out that the zone chapter rules did not apply to Infrastructure. That evidence is relevant to the FDZ Notes.

3 Assessment of Submissions

3.1 Policies FDZ-P5 and FDZ-P6

Submitter (S)	Decision Requested
S139.088 Hokonui Rūnanga Inc	Amend to read: "Enable development that retains the open, rural character as viewed from public places and adjacent properties, ~~and Ngāi Tahu cultural values~~ recognises ki uta ki tai; and minimises effects on the mauri of the land, and protects sites of wāhi tapu, and mahinga kai. "
S139.089 Hokonui Rūnanga Inc	Amend to read: "Require buildings to be set back a minimum distance from zone boundaries, stream boundaries and road boundaries ~~in order~~ to**:** mitigate potential adverse effects on open space, ecological values, ~~Ngāi Tahu cultural values~~ visual amenity, and outlook from neighbouring properties; and Reduce the impact on the mauri, mahinga kai and other cultural values associated with waterbodies."

3.1.1 Joanne Skuse, other than suggesting that the words “in order” were superfluous on Policy FDZ-P6, relied on advice from Hokonui Rūnanga as to the best approach for managing effects on Ngāi Tahu cultural values. Evidence received from Courtney Bennett and Amy Beran in HS8 and HS9A included an analysis of notified FDZ-P5 and FDZ-P6 in relation to Ngāi Tahu cultural values, relying on the wording requested in the Hokonui Rūnanga submission without further modification. However, the Panel preference is to refer to Ngāi Tahu cultural values “listed in MW-1.2”, consistent with Decision 14 and Decision 43.

3.1.2 Submissions S139.088 and S139.089 Hokonui Rūnanga Inc are accepted in part by amending Policies FDZ-P5 and FDZ-P6 as follows:

FDZ-P5 Enable development that retains the open, rural character as viewed from public places and adjacent properties, and Ngāi Tahu cultural values listed in MW-1.2.

FDZ-P6 Require buildings to be set back a minimum distance from zone boundaries, stream boundaries and road boundaries ~~in order~~ to mitigate potential adverse effects on open space, ecological values, Ngāi Tahu cultural values listed in MW-1.2, visual amenity, and outlook from neighbouring properties.

3.3 Policy FDZ-P10

Submitter (S)	Decision Requested
S101.090 Transpower New Zealand Limited	Amend Policy FDZ-P10 as follows: "FDZ-P10 Only allow other activities where they are the operation, maintenance, upgrading or development of critical infrastructure or are otherwise compatible with the purpose, character and qualities of the Field Day zone; where adverse effects on the use and amenity values of adjoining sites are avoided, remedied or mitigated, ; and the activity contributes to the overall health and wellbeing of the community. "

3.3.1 The Panel agrees with the view of Joanne Skuse at paragraph 101 in her S42A Report that Policy FDZ-P10 applies to non-complying activities, and while it is appropriate to include reference to critical infrastructure in a policy in this chapter, it is better done as an additional policy located before Policy FDZ-P10. The Panel notes the submitter did not provide any feedback on this approach.

3.3.2 Submission S101.90 Transpower New Zealand Limited is accepted in part by the inclusion of an additional Policy with consequential renumbering as follows:

FDZ-P10 Provide for the operation, maintenance, upgrading or development of critical infrastructure.

3.4 Notes1

Submitter (S)	Decision Requested
S101.091 Transpower New Zealand Limited	Add to Note 1: Infrastructure activities are provided for in the Infrastructure Chapter and the rules in this chapter do not apply to infrastructure activities. "Rule INFR-R7 applies to activities and development near the National Grid."

3.4.1 Ainsley McLeod in her statement of evidence to the hearing considering submissions to the Infrastructure chapter sought the inclusion of the note above to the various zone chapters. Her evidence relied on the provisions in the National Planning Standards that outlined provisions in district plans relating to infrastructure are to be included in an Infrastructure chapter. At paragraph 32 of her statement, Ainsley McLeod stated:

> In my experience, the relationship between infrastructure specific provisions and other district plan provisions is a matter that arises in most plan-making processes. This is because, without explicit direction and clarity, provisions elsewhere in a district plan can give rise to tension, inconsistencies or conflicting direction.

3.4.2 In Decision 39 Infrastructure, the Panel has determined, generally in line with the case of Transpower that the provisions in the Infrastructure chapter have primacy over the provisions of the zone chapters. However, as that impacts on all zones, rather than include a Note in all zone chapters, the Panel prefers to include an explanation in the section of "How the Plan Works". That will remove unnecessary duplication within the Plan and determined and given the Note has no statutory force deletion of the Note is made under Clause 16(2) of the First Schedule. Arising from that, submission S101.091 Transpower New Zealand Limited seeking changes to the Note is rejected.

3.5 Transpower Submissions to Rules

Submitter (S)	Decision Requested
Transpower New Zealand Limited S101.092 S101.093 S101.094 S101.095 S101.096	**Rule FDZ-R2** ~~3. The event must not take place within 12 metres of the base of any High Voltage Network Transmission Tower~~. Activity status where compliance not achieved with: ~~FDZ-R2(1) and FDZ-R2(2)~~: 4. The matters of discretion for the infringed standard(s).~~ FDZ-R2(3): Restricted Discretionary Matters of discretion:~~

	~~5. The adverse effects on the safety and efficiency of the High Voltage Network Transmission Tower.~~ **Rule FDZ-R4** Activity status where compliance not achieved with: ~~FDZ-R4(1)~~ 1. The matters of discretion for the infringed standard(s). ~~FDZ-R4(2): Restricted Discretionary~~ ~~2. The adverse effects on the safety and efficiency of the High Voltage Network Transmission Tower.~~ **Rule FDZ-R6** ~~3. The activity must not take place within 12 metres of the base of any High Voltage Network Transmission Tower, and~~ **Rule FDZ-R8** 2. The activity complies with the following: ~~(a) the activity must not take place within 12 metres of the base of any High Voltage Network Transmission Tower ..."~~

3.5.1 The Panel notes the assessment of Joanne Skuse at paragraph 102 of her S42A Report where she states:

> The requirement for the 12m setback for buildings and activities from the National Grid Corridor is derived from the conditions of the resource consents issued for the site. Having reviewed the submission from Transpower and the Infrastructure chapter, I am satisfied the standard in the Infrastructure chapter (INFR-R7 Activities and development (other than earthworks) within the National Grid Yard) adequately requires this setback. It would be unnecessary to have it repeated in the FDZ chapter. I recommend the reference to the 12m setback and corresponding matter of discretion is deleted as per the recommendation below. I do not accept the insertion of additional text into Note 1 at the start of the chapter.

3.5.2 The Panel accepts that the duplicate, and possibly conflicting, provisions in the rules referred to should be deleted.

3.5.3 Accordingly, submissions S101.092, S101.093, S101.094, S101.095 and S101.096 Transpower New Zealand Limited are accepted with the following amendments to the rules:

FDZ-R2 *Temporary Events*

All areas Activity status: Permitted

Where:

~~3. The event must not take place within 12 metres of the base of any High Voltage Network Transmission Tower.~~

Activity status where compliance not achieved with:

~~FDZ-R2(3): Restricted Discretionary~~

~~Matters of discretion:~~

~~5. The adverse effects on the safety and efficiency of the High Voltage Network Transmission Tower~~

FDZ-R3 *Community Facility*
FDZ-R4 *Conservation Activity*

All areas Activity status: Permitted

Where:

~~2. The activity must not take place within 12 metres of the base of any High Voltage Network Transmission Tower.~~

Activity status where compliance not achieved with:

~~FDZ-R4(1)~~

1. The matters of discretion for the infringed standard(s).

~~FDZ-R4(2): Restricted Discretionary~~

~~2. The adverse effects on the safety and efficiency of the High Voltage Network Transmission Tower~~

FDZ-R6 *Rural Commercial Recreation Activity*

All areas Activity Status: Permitted

Where:

~~3. The activity must not take place within 12 metres of the base of any High Voltage Network Transmission Tower, and~~

FDZ-R8 *Visitor Accommodation*

All areas Activity status: Permitted

Where:

2. The activity complies with the following:

~~(a) The activity must not take place within 12 metres of the base of any High Voltage Network Transmission Tower~~

3.6 Rule FDZ-R9

Submitter (S)	Decision Requested
S124.308 Fire and Emergency NZ	Amend as follows: FDZ-R9 Emergency Services Facility All Areas Activity Status: Restricted Discretionary Where: Any new of extended building or structure complies with the zone standards. Matters of discretion 1. The matters of discretion of the infringed standard(s).

3.6.1 The Panel agrees with the assessment of Joanne Skuse at paragraph 93 in her S42A Report and the reasons she has given to accept this submission, albeit in a modified form.

3.6.2 Submission S124.308 Fire and Emergency NZ is accepted in part by amending Rule FDZ-R9 as follows:

FDZ-R9 *Emergency Services Facility*
All areas Activity Status: Restricted Discretionary

Where:

1. Any new, relocated, or extended buildings, structure and activity complies with standards FDZ-S1, FDZ-S2, FDZ-S3, FDZ-S4, and FDZ-S5

Matters of discretion:

1. The scale of the activity and functional need to locate in the Field Days Zone.
2. The effects on the amenity values of surrounding properties
3. Noise
4. Natural Hazards
5. Servicing including low impact design.
6. Potential impacts on Ngāi Tahu cultural values, listed in MW-2.3
7. The matters of discretion for the infringed standard(s).

Activity status where compliance not achieved: ~~N/A~~ Discretionary

3.7 Zoning Map

Submitter (S)	Decision Requested
S85.065 Environment Southland	Intensifying development in flood prone (or hazard) areas will put communities at risk. Prevent any new zone changes from the current District Plan which

	have the potential to intensify land use change and development within a flood inundation area. This comment applies to all zones and maps

3.7.1 In Decision 44 the Panel has accepted that it is appropriate to have regard to the degree of any natural hazard risk within areas proposed to be rezoned from the Operative District Plan. Within the proposed new Field Days Zone there is no land identified as being subject to a risk from inundation and it is the view of the Panel that it is appropriate to adopt the extent of the Field Days Zone as notified. Consequently, submission S85.065 Environment Southland is rejected.