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 6: Airport Zone

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Date of Hearing
24 June 2024

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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: Airport Zone (FDZ) of the Proposed Gore District Plan (PDP). The Hearings Commissioners comprising the panel for this hearing were Commissioners Keith Hovell, Cliff Bolger 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 Section 42A Report prepared by Mishka Banhidi.

1.1.3 Attached is the updated provisions for the Airport Zone, referencing changes authorised by this and other Decisions of the Hearings 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
Airport Zone	AIRPZ
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Gore District Plan	Plan
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
New Zealand Heavy Haulage Association	NZHHA
New Zealand 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

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 Airport Zone.

1.4.2 None of the Hearings 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 and Panel Minute

2.1 Airport 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 AIRPZ were heard together with other matters in Hearing Stream 2.

2.1.2 Submitters who appeared at the hearing on the Airport Zone, or submitted further information for the Panel to consider are shown in Table 1.

Table 1. Airport Zone – Submitters Attending the Hearing

No.	Submitter	Attendees	Nature of Evidence
S25	Peter Kempthorne	Self	In person

S77	NZ Heavy Haulage Assn	Jonathan Bhana-Thomson	In person
S85	Environment Southland	Marcus Roy	Video link

2.1.3 No other submitter forwarded any evidence or other information for the Panel to consider in assessing the submissions lodged to the AIRPZ.

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.

2.3 Panel Minute 12

2.3.1 The following the Hearing on 27 June 2024, the Panel issued Minute 12 seeking advice regarding:

(a) Options to ensure that “relocated buildings” was subject to the same provisions in the District Plan as new buildings erected on a site.

(b) Apparent inconsistencies in the wording of some of the provisions in the AIRPZ chapter.

2.3.2 In reply:

(c) Legal submissions dated 10 July 2024 were received from Michael Garbett noting that where a definition is included in the National Planning Standards then it is mandatory to use that definition, and it may not be altered. He also submitted that minor inconsistencies in wording in this and other chapters of the Plan are able to be amended pursuant to Clause 16(2) of the First Schedule.

(d) A right-or-reply statement dated 10 July 2024 was received from the reporting planners from Hearing Stream 2, in which Mishka Banhidi recommended wording to give effect to the minor changes referred to by Michael Garbett and adding the word “relocated” to all relevant rules in the Plan applying to new buildings. This latter matter is discussed and implemented in Decision 2.

3 Submissions

3.1 AIRPZ Overview and Purpose

Submitter	Decision Requested
S25.002 Peter Kempthorne	Support inclusion of Gore Airfield Zone in the PDP
S25.005 Peter Kempthorne	A 4km buffer zone over the Gore Airfield

3.1.1 The support of Peter Kempthorne for the inclusion of the AIRPZ in the PDP is noted and accepted by the Panel.

3.1.2 At the hearing, Peter Kempthorne expressed the view that a 4km buffer area should be put in place to avoid future complaints regarding noise from aircraft operating from the Zone. The Panel noted the approach to managing noise from airports required considerable technical input taking into account the number and type of aircraft operating from the airport. Where controls were introduced, they focused on land beneath aircraft flight paths, rather than a 360 degree buffer. None of the required technical research and assessment has been undertaken, and as a consequence submission S25.005 Peter Kempthorne is rejected.

3.1.3 The Panel doubts in any case that the volume and type of aircraft using the Gore Airfield would justify the introduction of any controls, particularly noting no noise complaints had been received from the Council in the previous five years related to aircraft use of the airfield.

3.2 Objective AIRZ-O2

Submitter	Decision Requested
S125.084: Ministry of Education	Retain AIRZ-O2 as proposed
S110.079: Royal Forest and Bird Society of NZ Inc	Add: The effects arising from new or expanded activities within the Airport Zone are managed to minimize adverse effects on the amenity of adjacent land, the environment and the underlying Ngāi Tahu relationships with the natural environment.
S138.087 Hokonui Rūnanga Inc	Amend to read: "The effects arising from new or expanded activities within the Airport Zone are managed to minimise adverse effects on the amenity of adjacent land, ~~and the underlying Ngāi Tahu relationships with the natural environment~~ or on the mauri of natural resources, sites of wāhi tapu, mahinga kai or other values mana whenua associate with the area."
S139.092: Hokonui Rūnanga Inc	Delete clause 4.

3.2.1 The support of the Ministry of Education for the objective is acknowledged and as no change is made to the provision submission S125.084: Ministry of Education is accepted.

3.2.2 Objective 2 does not have a clause 4. Accordingly, S139.092 Hokonui Runanga Inc is rejected.

3.2.3 Royal Forest and Bird Society of NZ Inc seeks inclusion of the word “environment” in the objective. This submission is rejected. The term “environment” is very broad, as defined in the RMA. Its inclusion in the objective would confuse the intent of the objective to facilitate use and development of the Gore Airfield, within its highly modified setting.

Submitter	Decision Requested
S138.087 Hokonui Rūnanga Inc	Amend to read: "The effects arising from new or expanded activities within the Airport Zone are managed to minimise adverse effects on the amenity of adjacent land, ~~and the underlying Ngāi Tahu relationships with the natural environment~~ or on the mauri of natural resources, sites of wāhi tapu, mahinga kai or other values mana whenua associate with the area."

3.2.4 Mishka Banhidi 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 MW1.2", consistent with Decision 14 and Decision 43.

3.2.5 Submission S139.087 Hokonui Rūnanga Inc is accepted in part by amending Objective AIRPZ-O2 as follows:

AIRPZ-O2 The *effects* arising from new or expanded activities within the Airport Zone are managed to minimise adverse *effects* on the amenity of adjacent *land*, and ~~the underlying Ngāi Tahu relationships with the natural *environment* ~~impacts on Ngāi Tahu cultural values listed in MW-1.2.

3.3 Policy AIRPZ-P 3

Submitter	Decision Requested
S125.085: Ministry of Education	Retain as proposed
S110.080: Royal Forest and Bird Society of NZ Inc	Change: 5. protects ~~river and stream~~ environmental values from inappropriate development

3.3.1 The support of the Ministry of Education for the policy is noted and the submission accepted.

3.3.2 For the reasons set out in paragraph 3.2.3 above, and the assessment in the Section 42A Report, S110.080: Royal Forest and Bird Society of NZ Inc is rejected.

3.4 AIRPZ-P4 and AIRPZ-P5

Submitter	Decision Requested
S112.164: Waka Kotahi NZ Transport Agency	Retain Policy 4 as advertised.
S125.086: Ministry of Education	Retain Policy 5 as proposed

3.4.1 The support of NZTA for Policy AIRPZ-P4 and the Ministry of Education for Policy AIRPZ-P5 is acknowledged and as no change is being made to the provisions these submissions are accepted.

3.5 Submissions by FENZ to Rules and Standards

Submitter	Decision Requested
FENZ 124.272	Retain AIRPZ-R3 as notified.
FENZ 124.273	Amend AIRPZ-S2 as follows: Communication towers and poles for emergency service facilities are exempt from this rule

3.5.1 The support of FENZ for rule AIRPZ-R3 is noted and as no change is being made to the provision the submission is accepted by the Panel.

3.5.2 The submission seeking an exemption to the height limit for towers is rejected. Within the proximity of an airport, aircraft safety is paramount and no structures posing a risk to aircraft because of their height are appropriate without consideration through the resource consent process so the effects on safety and amenity can be assessed.

3.6 Standard AIRPZ-S3

Submitter	Decision Requested
S124.274 Fire and Emergency NZ	Retain Standard S3 as advertised.

3.6.1 The submitter supports the Standard. As no change is being made to the provision submission S124.274 Fire and Emergency NZ acknowledged and accepted by the Panel.

3.7 Airport Zone Map

Submitter (S) Further Submitter (FS)	Decision Requested
S85.062: Environment Southland	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.
FS5.196: Hamish Weir	Disallow S85.062 Environment Southland

3.7.1 The Natural Hazards map layer in the PDP shows the land within the AIRPZ as being subject to "actual or potential inundation". Data supplied by Environment Southland as a result of new modelling indicates, over much of the zone, flood levels of less than 500mm at a 1% flood event. The AIRPZ includes the operational area of the Charlton Airfield and associated activities. While this is new zoning, it generally reflects activities already on the site. In the circumstances, the Panel considers the zoning appropriate, noting that within flood prone areas rules in the Natural Hazards chapter require buildings used for sensitive activities to have a minimum floor level above the 0.5% AEP design flood level. Accordingly, submission S85.062: Environment Southland is rejected.

4 Other Matters

4.1 Notes

4.1.1 The Plan was notified with Note 1 following the policies, which the Panel has considered as part of its decision to remove unnecessary duplication within the Plan and determined that it can be deleted because reliance can be placed on the introductory sections of the Plan. This change is made as an amendment under Clause 16(2) of the First Schedule.