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 8: Sport and Active Recreation Zone

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Date of Hearing
24 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 (the Panel) on the submissions and evidence considered in relation to the Sport and Active Recreation Zone 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 s42A Report prepared by Joanne Skuse.

1.1.3 Attached is the updated provisions for the Sport and Active Recreation 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
Fire and Emergency NZ	FENZ
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
Royal Forest and Bird Society of NZ Inc	Forest and Bird
Southland Federated Farmers NZ	Federated Farmers

Sport and Active Recreation Zone	SARZ

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 Sport and Active Recreation 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 Sport and Active Recreation Zone

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 Sport and Active Recreation Zone were heard together with other matters in Hearing Stream 2.

2.1.2 No submitters appeared at the hearing specifically speaking to submissions on the Sport and Active Recreation Zone. Elizabeth Williams on behalf of the Director-General of Conservation submitted a written statement of evidence for the Panel to

consider.

2.2 Other Relevant 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 Berin 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 In addition, evidence presented at the hearing to consider submissions to the Natural Hazards chapter by Tim Morris of Tonkin and Taylor on behalf of the Council assessing the risk of inundation in the District is also relevant to this decision.

3 Assessment of Submissions

3.1 SARZ - General

Submitter (S)	Decision Requested
S146.094 Southland District Council	Supports the Chapter.

3.1.1 The support for the chapter is acknowledged. As changes have been made to provisions in the chapter as a result of decisions on other submissions, submission S146.094 Southland District Council is accepted in part.

3.2 Overview and Purpose

Submitter (S)	Decision Requested
S85.281 Environment Southland	In the Overview and Purpose, recognise that a residual flood risk exists despite stop banks.

3.2.1 The Panel notes the SARZ applies to reserve land and other Council owned land used for a range of recreation activities. While Hamilton Park, A&P Showgrounds and part of Wayland Park in Gore, and Tulloch Park and Henderson Park in Mataura, are located within areas potentially subject to inundation, other areas with Sport and Active Recreation zoning are not. The Panel agrees with Joanne Skuse at paragraph 141 of her s42A Report that given some areas are not subject to inundation risk, it is inappropriate to include the additions sought by Environment Southland. In any case, it is the view of the Panel that issues related to natural hazards should, as required by the Planning Standards, be located within the Natural Hazards chapter. The issue of the extent to which the Plan should highlight the potential risk from inundation is dealt with in Decision 44 Natural Hazards. Accordingly, submission S85.281 Environment Southland is rejected.

3.3 Objective SARZ-O2

Submitter (S) Further Submitter (FS)	Decision Requested
S110.071 Royal Forest and Bird Society of NZ Inc	Add: 5. Environmental, cultural and historic values
FS5.185 Hamish Weir	*Reject submission S110.071*

3.3.1 The Panel notes Objective SARZ-O2 sets out the character and qualities of the zone with reference to specific matters describing what is present. It is the view of the Panel that "environmental values" are amorphous rather than something tangible but agrees with the submitter that it is desirable to protect and enhance environmental values considering the SARZ contains parks. Joanne Skuse at paragraph 160 of her s42A Report recommended an addition to clause 3 of the objective, that the Panel agrees with in part, noting the words "prominent trees" are unnecessary as it is covered by "vegetation".

3.3.2 The Panel considers the issue raised in the submission highlights the need for an additional policy to promote environmental values in the SARZ.

3.3.3 Submission S110.071 is accepted in part by:

(a) adding the following to SARZ-O2:

6. areas of vegetation and green infrastructure

(b) adding the following additional policy:

SARZ-P7 Maintain and enhance biodiversity values within the Sports and Active Recreation Zone.

3.4 Policy SARZ-P2

Submitter (S)	Decision Requested
S139.084 Hokonui Rūnanga Inc	Amend to read: "Enable activities and facilities that: ... 2. contribute to the overall health and wellbeing of the community, including the ~~cultural~~ wellbeing of ~~Māori communities~~ tangata whenua"

3.4.1 Joanne Skuse at paragraph 166 of her s42A Report recommended accepting this submission. That was supported by Courtnet Bennett and Amy Beran in their Joint Witness statement in reply to Minute 15, noting that the reference to "Māori communities" is inconsistent with wording used elsewhere in the Plan. Courtney Bennett in her evidence given at HS12, without input from Amy Beran, recommended "Māori" be used. However, this would continue the inconsistency highlighted in the Joint Statement and is not supported by the Panel. Accordingly, the Panel accepts the submission as lodged and the earlier recommendation.

3.4.2 Submission S139.084 Hokonui Rūnanga Inc is accepted by amending SARZ-P2 as follows:

Enable activities and facilities that:
2. contribute to the overall health and well-being of the community, including the ~~cultural~~ well-being of tangata whenua ~~Māori communities~~; and

Submitter (S) Further Submitter (FS)	Decision Requested
S110.072 Royal Forest and Bird Society of NZ Inc	Ensuring adverse effects are minimised on the environment as part of these activities ensures people are able to engage in sport and recreation, whilst also getting the benefits of natural environmental values. Add: 3. Minimise adverse effects on the environmental, character and amenity values of the surrounding area.
FS5.183, FS5.184 Hamish Weir	*Disallow S110.072 Royal Forest and Bird Society of NZ Inc*

3.4.3 Joanne Skuse at paragraph 167 of her s42A Report considered the addition sought by Forest and Bird as too broad, noting the policy seeks to enable activities consistent with the intended purpose, character and qualities of the SARZ. In part, the Panel agrees as it does not consider it appropriate that adverse effects on the environment should be "minimised". However, the Panel considers that the additional policy added in paragraph 3.3.3 above recognises this issue to an appropriate degree.

3.4.4 S110.072 Royal Forest and Bird Society of NZ Inc is accepted in part by adopting the decision in paragraph 3.3.3 above.

3.5 Policy SARZ-P4

Submitter (S)	Decision Requested
S139.085 Hokonui Rūnanga Inc	Amend to read: 5. ~~Ngāi Tahu cultural values, including those~~ values mana whenua associate with the whakapapa or mauri of the zone and any sites of wāhi tapu or mahinga kai and other values listed in MW2.3; "

3.5.1 Joanne Skuse at paragraph 175 of her s42A Report notes that the submission refers to most of the Ngāi Tahu cultural values listed in MW-2.3 as notified. She did not see any benefit by including these matters as it does not change the policy. The Panel agrees with Joanne Skuse and notes this outcome is consistent with the advice of Courtnet Bennett and Amy Beran in their Joint Witness statement in reply to Minute 15. Accordingly, submission S139.085 Hokonui Rūnanga Inc is rejected.

3.5.2 The Panel also notes that consequential to its decision on the Mana Whenua chapter, and for consistency, the provision is amended as follows:

Ngāi Tahu cultural values~~, including those~~ listed in ~~MW2.3~~ MW-1.2; and

3.6 Policy SARZ-P5

Submitter (S)	Decision Requested
S112.163 NZ Transport Agency Waka Kotahi	Amend SARZ - P5 as follows: Require effects generated by activities to be of a type, scale and level that are appropriate in the Sport and Active Recreation Zone and to maintain the character and amenity of the zone by 3. providing ~~sufficient~~ appropriate infrastructure including land transport infrastructure and services to meet the activity's needs; 4. ensuring the size, design and type of signage is compatible with the character and amenity of the open space area that the signage is located in and does not affect the safety of users of the transportation network, including pedestrians and cyclists.

3.6.1 The Panel agrees with the assessment of Joanne Skuse at paragraphs 180-183 of her s42A Report and notes the acceptance of the recommendation by NZTA not to include all of the wording contained in the submission.

3.6.2 Submission S112.163 is accepted in part by amending SARZ-P5(3) as follows:

providing ~~sufficient~~ appropriate infrastructure and services to meet the activity's needs;

3.7 Policy SARZ-P6

Submitter (S)	Decision Requested
S139.086 Hokonui Rūnanga Inc	Amend to read: 2(b) adverse effects on cultural, spiritual and/or historic values and interests or associations ~~of importance to tangata whenua~~ mana whenua have with place."

3.7.1 Joanne Skuse at paragraph 191 of her s42A Report recommended accepting this submission. However, consequential to its decision on the Mana Whenua chapter, and for consistency, the Panel considers an amended rewording is appropriate, and that is consistent with the advice of Courtney Bennett and Amy Beran in their Joint Witness

statement in reply to Minute 15. As the words "adverse effects … on" are already contained in the provision they do not require repeating in the clause.

3.7.2 Submission S139.086 is accepted in part by amending SARZ-P6(2)(b) as follows:

(b) cultural, spiritual and/or historic values and interests, ~~or associations of importance to tangata whenua i~~including Ngāi Tahu cultural values listed in MW-1.2.

Submitter (S) Further Submitter (FS)	Decision Requested
S110.073 Royal Forest and Bird Society of NZ Inc	Add: (c) indigenous biodiversity or ecological corridors of the open space area the activity is proposing to locate in, and adjoining sites.
FS5.186 Hamish Weir	Reject Submission S110.073

3.7.3 Joanne Skuse at paragraphs 192-193 of her s42A Report recommended rejecting this submission on the basis that the management of indigenous vegetation is a District Wide matter and appropriately considered within the framework of the Ecosystems and Indigenous Biodiversity chapter. She also noted it is unclear whether there are ecological corridors located across the Sport and Recreation Zone areas as the submitter has not provided any maps showing the locations of any ecological corridors. The Panel agrees with and adopts that assessment. Accordingly, submission S110.073 Royal Forest and Bird Society of NZ Inc is rejected.

3.8 Submissions to Rules

Submitter (S) Further Submitter (FS)	Decision Requested
S110.074, S110.075, S110.076, S110.077 Royal Forest and Bird Society of NZ Inc	Add: to Rules SARZ-R1 to SARZ-R4: 3. The activity does not result in any vegetation loss, habitat fragmentation, and weed/exotic plant invasion/spread. Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 4. The effects on indigenous biodiversity, habitat connection /fragmentation and weed/exotic plant invasion/spread.
FS5.187, FS5.188, FS5.189 Hamish Weir	Reject Submissions S110.074, S110.075 and S110.077.

3.8.1 The Panel agrees with the assessment of Joanne Skuse at paragraph 202 of her s42A Report that the management of indigenous vegetation is a District Wide matter appropriately considered in the Ecosystems and Biodiversity Chapter. Forest and Bird did not present any additional information for the Panel to consider. Accordingly, submissions S110.074, S110.075, S110.076 and S110.077 Royal Forest and Bird Society of NZ Inc are rejected.

3.9 SARZ Map

Submitter	Decision Requested
S85.061 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	Reject S85.061

3.9.1 The Panel notes the SARZ applies to the following areas:

- Wayland Park, Gore, with approximately 20% of the area classified as being subject to actual or potential inundation. This is zoned Residential A in the Operative District Plan.
- Hamilton Park, East Gore, with the entire park classified as being subject to actual or potential inundation. This is zoned Rural in the Operative District Plan.

- Bannerman Park, Gore, which is not affected by any natural hazard. This is zoned Residential A in the Operative District Plan.
- Show Grounds, Gore, with the entire area classified as being subject to actual or potential inundation. This is zoned Residential A in the Operative District Plan.
- Tulloch Park, Mataura, with the entire park classified as being subject to actual or potential inundation. This is zoned Residential A in the Operative District Plan.
- Henderson Park, Mataura, with the entire park classified as being subject to actual or potential inundation. This is zoned Residential A in the Operative District Plan.
- Pukerau Recreation Reserve, with the entire park classified as being subject to actual or potential inundation. This is zoned Rural in the Operative District Plan.
- Waikaka Domain, with that portion east of Main Street classified as being subject to actual or potential inundation. This is zoned Rural in the Operative District Plan.

3.9.2 Of the seven areas with Sport and Active Recreation zoning classified as being subject to actual or potential inundation, five are zoned for residential purposes in the Operative District Plan. With the proposed zoning of all sites reflecting and maintaining the current use of the sites, the change of zoning is consistent with the intent of the submission lodged.

3.9.3 Tonkin and Taylor in a series of reports based on their nation-wide model presented at the Natural Hazards hearing (HS11) provided an assessment of the flood hazard throughout the District. Of note the reports indicated for an indicative 1% AEP Flood Hazard:

- The Waikaka Domain was located outside their modelled flood hazard risk area.
- Modelled inundation over a portion of Wayland Park will not be a significant hazard.
- Flooding within the zone at Hamilton Park, Gore Show Grounds, Tulloch Park, Henderson Park and Pukerau Recreation Reserve would create a significant hazard and the land is not suited for intensive development for sensitive activities such as residential.

3.9.4 The Panel is satisfied that the proposed Sport and Active Recreation zoning is appropriate for all of the areas within the Sport and Active Recreation Zone and that the rule framework within the Natural Hazards chapter is sufficient to manage the effects of inundation on any structures or other development provided for in the Zone. Of the zoning options available, the Panel considers the SARZ zoning is the most appropriate.

3.9.5 The Panel does recognise however that regard will need to be given to potential natural hazards when undertaking development, such a club rooms and other community facilities in the Zone. It considers it appropriate therefore to include an addition to this effect in the Overview and Purpose for the Zone.

3.9.6 Submission S85.061 Environment Southland is accepted in part by amending the fifth paragraph of the Overview and Purpose as follows:

The Plan seeks to provide for the existing level of activity, as well as enabling further development, provided adverse *effects*, such as *building* bulk, *noise*, lighting, ~~and~~ traffic and the risk associated with natural hazards, including flooding can be appropriately managed, whilst responding to the underlying relationship Ngāi Tahu hold with the natural *environment*.

3.10 Whole of Plan Submissions

Submitter (S)	Decision Requested
S139.039 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.
S139.040 Hokonui Rūnanga Inc	Amend references to 'Ngāi Tahu values' with more detailed description of particular effects to be avoided, remedied or mitigated.
S139.091 Hokonui Rūnanga Inc	Make consequential amendments to rules that refer to 'Ngai Tahu cultural values' by adding the words: "as identified in the objectives and policies for this zone and listed in MW2.3"

3.10.1 Courtney Bennett and Amy Berin in their joint response to Minute 15[1] drew attention to provisions in the SARZ chapter they considered could be reviewed having regard to the submissions of Hokonui Rūnanga.

3.10.2 The Joint Statement referred to the phrases used in Policies SARZ-P2(2), SARZ-P4(5), and SARZ-P6(2)(b); and Standard SARZ-S2 and SARZ-S5. All of the policies referred to have been amended as a consequence of submissions lodged. Consequential to the Panel's decision on the Mana Whenua chapter, and for consistency, Standard SARZ-S1 and SARZ-S5 also require amending.

3.10.3 Courtnet Bennett in her evidence presented to HS12 on 7 April 2025 also recommended the inclusion of "Māori customary activities" in Objective SARZ-O1. However, it is the view of the Panel that the suggested change goes beyond the scope of the submissions as lodged. Further, it would add an inconsistency that has been rectified by amending reference to "Māori" in Policy SARZ-P2(2).

3.10.4 Having regard to the above, Matters of Discretion in:

(a) Standard SAR-S1Height is amended as follows:

3 Impacts on Ngāi Tahu cultural values~~, including those listed in the MW2.3.~~ listed in MW1.2.

(b) Standard SAR-S5 Height is amended as follows:

4 Impacts on Ngāi Tahu cultural values~~, including those listed in the MW2.3.~~ listed in MW1.2.

4 Other Matters

4.1 Note 1

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.

[1]https://lets.talk.goredc.govt.nz/hearing-stream-9a-sites-of-significance-to-maori-sasm-ngai-tahu-cultural-values-ntcv