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 10C: Commercial Centre Zones – Town Centre 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 on the submissions and evidence considered in relation to the Commercial Centres Zone of the Proposed Gore District Plan. This includes:

(a) Town Centre Zone

(b) Local Centre Zone

(c) Neighbourhood Centres Zone

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 Joanne Skuse.

1..1.3 Attached is the updated provisions for the Commercial Zones, 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 the Panel has used the following abbreviations:

Full Text	Abbreviation
Fire and Emergency NZ	FENZ
Gore District Plan	Plan
Hearings Panel	Panel
Local Centres Zone	LCZ
Neighbourhood Centre Zone	NCZ
Proposed Gore District Plan	Proposed Plan or PDP
Resource Management Act 1991	RMA
RMA section	s
Town Centre Zone	TCZ

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 Commercial Centres Zones.

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 Commercial Centres Zones Hearing

2.1.1 The hearing in relation to the commercial chapters was held on 24 June 2024 at the Gore District Council administration building, in Gore. Submissions to the commercial chapters were heard together with other matters in Hearing Stream 2, including the Mixed Use Zone.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Victoria Woodbridge and Tina Carlson-McColl. The Report considered all submissions lodged to the Commercial Centres Zones, Mixed Use Zone and mapping. Attached to the Report

was an email memorandum from Ruth Allen, Principal Urban Regeneration for The Property Group.

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Victoria Woodbridge responding to matters raised in the evidence of submitters. The Panel sought clarification from her and Ruth Allen regarding matters contained in the s42A Report and supplementary evidence at various times during the hearing.

2.1.4 Following the hearing, the Panel issued three Minutes. Those relevant to this Decision are:

(a) Minute 11, issued on 26 June 2024, seeking clarification from FENZ regarding the on-site storage of water for fire-fighting purposes where a site is not connected to the Council's reticulated water supply.

(b) Minute 12, issued 1 July 2024, seeking addition information regarding:

- The size and dimension of tenancies within buildings in Main Street, Gore
- Provisions sought by FENZ referring to on-site screening and landscaping.

2.1.5 Replies were received on these matters on 8 July from Louisa Armstrong on behalf of FENZ, and on 10 July from Victoria Woodbridge.

2.1.6 Submitters who appeared at the hearing are shown in Table 1.

Table 1. General Industrial Zone – Submitters Attending the Hearing

No.	Submitter	Attendees	Nature of Evidence
S107	Ronald Ashby	Self	In person
S85	Environment Southland	Marcus Roy	In person
S132	KiwiRail	Louise Taylor Michelle Grinlinton-Hancock	Video Link Video Link
S77	NZ Heavy Haulage Assn	Jonathon Bhana-Thomson	In person

2.1.7 Submitters who submitted further information for the Panel to consider were:

- New Zealand Transport Agency Waka Kotahi (S112)
- The Fuel Companies (S16)

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

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 Beran for Hokonui Rūnanga

2.2.2 Plan provisions applying within areas subject to inundation were considered in the context of the HS11 Natural Hazards. Arising from submissions by Environment Southland this included consideration of zoning changes within areas of actual and potential inundation. In that regard, evidence from the following witnesses is relevant to matters considered in this decision:

- Brett Osborne, author of the s42A Report
- Tim Morris for the Gore District Council

- Marcus Roy, Jo Patterson and Matthew Gardner for Environment Southland

3 Commercial Zones General Submissions

3.1 General Submissions

Submitter (S)	Decision Requested
S16.028 Fuel Companies	Add to definition of service station: (d) Equipment, structures and infrastructure associated with charging of electric vehicles; and.

3.1.1 Tina Carlson-McColl at paragraph 162 of the s42A Report agreed that an addition was desirable to the definition because electric vehicles are becoming more common and service stations require electric vehicle charging infrastructure in addition to traditional fuel servicing. The Panel agrees.

3.1.2 Submission S16.028 Fuel Companies is accepted by adding to the definition of "service station" with consequential renumbering:

(d) Equipment, structures and infrastructure associated with charging of electric vehicles; and

Submitter (S)	Decision Requested
S146.090, S146.088, S146.087 Southland District Council	The submitter supports of the Town Centre Zone, Local Centre Zone and Neighbourhood Centre Zone chapters.

3.1.3 The Panel acknowledges the submissions in support of the chapters. As minor changes have been made to various provisions in these chapters, the submissions are accepted in part.

Submitter (S)	Decision Requested
S123.021, S123.022 Heritage New Zealand Pouhere Taonga	Adopt Precincts: Town Centre Core Local Centre Core Creamoata Historic Dairy Factory Mandeville Aviation and Rail Mataura Mill... HNZPT is supportive of the implementation of targeted Precincts which provide for the consideration and protection of the wider historic character of each area, beyond the values of a scheduled heritage site.

3.1.4 The Panel acknowledges the submissions by Heritage NZ in support of the use of precincts. As minor changes have been made to the chapters and precinct provisions, these submissions are accepted in part.

Submitter (S)	Decision Requested
S124.204, S124.163 Fire and Emergency NZ	Amend TCZ-P8 and LCZ-P8 as follows: Avoid activities establishing in the local centre that are 1. incompatible with the anticipated purpose, character and amenity values of the Town Centre Zone unless there is a functional or operational need;

3.1.5 The Panel notes Emergency Service Facilities are a discretionary activity in the Town Centre and Local Centre Zones. There is therefore an enabling pathway forward to consider proposals for the establishment of fire stations and other emergency services facilities. The Panel does not accept that functional need or operational need is an appropriate consideration as part of the policy framework within these zones, given that a number of activities cold provide a similar justification.

3.1.6 While the Panel recognises there will be suitable sites for emergency services facilities within both the Town Centre and Local Centre zones, it considers the key assessment matter is the character and amenity values of the proposal and site sought to be used.

The Panel considers that is part of the consent process rather than being subject to a permissive provision in the policy framework.

3.1.7 FENZ did not present any evidence on this issue through the hearing process. Accordingly, having regard to the matters above, Submissions S124.204, S124.163 Fire and Emergency NZ are rejected.

Submitter (S)	Decision Requested
S124.221 Fire and Emergency NZ	Amend TCZ-S2 as follows: 4. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
S124.224 Fire and Emergency NZ	Amend TCZ-S7 as follows: 3. Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
S124.159 Fire and Emergency NZ	Amend NCZ-S6 as follows: 3. Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
S124.181 Fire and Emergency NZ	Amend LCZ-S7 as follows: 3. Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

3.1.8 The Panel notes FENZ sought to ensure safety signage remains visible and access remains to emergency response facilities following any landscaping or screening. The Panel agrees with Victoria Woodbridge at paragraph 88 of the s42A Report that such a provision is appropriate for safety reasons.

3.1.9 Submission S124.221 Fire and Emergency NZ is accepted by including an additional clause in Standard TCZ-S2 as follows:

4. Landscaping shall not obscure emergency or safety signage located on or adjacent to the road boundary, or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

3.1.10 Submissions S124.224, S124.159, S124.181 Fire and Emergency NZ is accepted by including an additional clause in Standard TCZ-S7, NCZ-S6 and LCZ-S7 as follows:

3. Screening shall not obscure emergency or safety signage located on or adjacent to the road boundary, or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.233, S85.199 Environment Southland	In the Overview and Purpose sections for the TCZ and LCZ recognise that a residual flood risk exists despite stop banks.
FS5.175 Hamish Weir	Disallow S85.233 Environment Southland

3.1.11 The Panel notes that the Town Centre Zone and parts of the Local Centre Zone are located within areas subject to potential and actual inundation in the event of a flood bank breach or overtopping. At the hearing, Marcus Roy in an oral presentation stated that in his view the zone chapters should be all encompassing so as to avoid the need to refer to other chapters of the Plan. The Panel disagrees, noting to do so would result in significant duplication of provisions and increased complexity in what is already a complex framework, particularly given an addition to the Overview would necessitate further provisions in the objectives, policies and rules. The Panel agrees

with Victoria Woodbridge at paragraph 107 of the s42A Report where she expressed the view that provisions applying to any flood hazard should be located within the district wide Natural Hazards chapter, as directed by the National Planning Standards. Accordingly, submissions S85.233 and S85.199 Environment Southland are rejected.

Submitter (S)	Decision Requested
S124.203 Fire and Emergency NZ	Amend TCZ-O2 as follows: A compatible range of commercial, community, hospitality, ~~and~~ residential activities and emergency service facilities that service the needs of the town and the surrounding areas are encouraged in the Town Centre Zone.
S124.162 Fire and Emergency NZ	Amend LCZ-O1 as follows: Activities within the Local Centre Zone provide for and encourage a range of commercial activities, emergency service facilities and community activities to support the needs of the Mataura community
S124.144 Fire and Emergency NZ	Amend NCZ-P1 as follows: Enable a range of small-scale commercial activities, emergency service facilities and community activities that are compatible with residential amenity and provide for the day to day needs of the local residential community.
S124.178 Fire and Emergency NZ	Amend LCZ-R16 as follows: Emergency Services Facility Activity status: Permitted Where: 1. Any new or extended building or structure complies with Local Centre Zone Standards LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6, LCZ-S7 and LCZ-S8

3.1.12 The Panel notes Emergency Services Facilities are listed as a Discretionary Activity in the Town Centre, Local Centre and Neighbourhood Centre Zones. Whether a particular type of Emergency Services Facility is suitable on a particular site requires assessment based on a firm proposal. Inclusion of reference to "Emergency Services Facilities" in the objective implies suitability of all types of such facilities on all sites in the zones. It is the view of the Panel that is not the case, hence their listing as a Discretionary Activity is appropriate. Accordingly, submissions S124.203, S124.162 and S124.144 Fire and Emergency NZ are rejected.

3.2 Zone Maps

Submitter (S)	Decision Requested
S85.057, S85.055, S85.054 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. This comment applies to all zones and maps

3.2.1 Marcus Roy on behalf of Environment Southland in an oral presentation to the Panel stressed the need to send the right development signals to landowners and developers within areas subject to potential or actual inundation in an enduring way that goes beyond the life of the PDP. He stated that Environment Southland has concerns with the lack of understanding that areas located behind stop banks still have a residual risk from flooding, arising from events beyond their design capacity and in event of failure. He referred to other flood events elsewhere in NZ and the growing difficulty landowners are now having in securing ongoing property insurance.

3.2.2 The approach of the Panel in having regard to these submissions, noting the same submission point has been lodged to all zones, is to utilise the reports and information presented at this hearing and also at the hearing to consider submissions to the Natural Hazards chapter to determine whether the risk from inundation is significant to the extent that no "upzoning" as referred to by Marcus Roy should take place using best available information. The Panel therefore in considering these submissions has

compared the zoning in the Operative District Plan to that in the commercial centres zoning in the PDP.

3.2.3 The Panel notes the areas zoned Commercial in the Operative District Plan is identical to that zoned Town Centre Zone in the PDP. Consequently, no changes to the Town Centre zoning is required in response to submission S85.057 Environment Southland and it is rejected.

3.2.4 The Panel notes that at Mataura all the land shown in the PDP with a Local Centre zoning is zoned Industrial in the Operative Plan. It is the view of the Panel that the change of zoning does not represent an "upzoning" as described by Marcus Roy. However, having regard to the submission, the Panel considers it is appropriate for the zoning in the PDP to better reflect the existing use of the land in the area. In that regard the land at 12 – 16 McQueen Avenue, Mataura, is occupied by McDonough Contracting and used for an industrial purpose. The Panel considers this is more appropriately zoned the same as the adjoining land. Accordingly, submission S85.055 Environment Southland is accepted in part by amending the zoning of the land shown in green below from Local Centre Zone to General Industrial Zone.

3.2.5 The notified PDP showed four areas of Neighbourhood Centre Zone, as follows:

- Wentworth Street, East Gore
- Broughton Street, Gore
- West Gore Development Area
- Albion Street, Mataura, both sides of Main Street (State highway 1)

3.2.6 Except for the West Gore Development Area, the proposed zoning reflects current usage and does not represent an upzoning. The West Gore Development Area is currently undeveloped land; however, the Panel is satisfied that this area is not subject to any risks from flooding or instability. Accordingly, the proposed Neighbourhood Centre zoning is appropriate and submission S85.054 Environment Southland is rejected.

4. Submissions to Town Centre Zone

4.1 Town Centre Zone Objectives and Policies

Submitter (S)	Decision Requested
S132.215 KiwiRail Holdings Ltd	Retain TCZ-P2 as proposed.

4.1.1 The Panel acknowledges the submission in support of the policy. No other submissions were lodged to this provision and no changes have been made to it. Accordingly, submission S132.215 KiwiRail Holdings Ltd is accepted.

Submitter (S)	Decision Requested
S112.152 NZ Transport Agency Waka Kotahi	Retain TCZ-P3 as notified

4.1.2 The Panel acknowledges the submission in support of the policy. As changes have been made to Policy TCZ-P3, this submission is accepted in part.

Submitter (S)	Decision Requested
S139.077 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. Clause 6 is ambiguous. Amend TCZ-P3 to read: 5. has appropriate setbacks to waterways to maintain and enhance their amenity and ecological values, maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tais and natural character; " Delete clause 6.

4.1.3 Victoria Woodbridge at paragraph 146 of the s42A Report recommended accepting this submission because it would help focus on issues of potential concern. Lynda Murchison, appearing on behalf of Hokonui Rūnanga, supported the recommendation but suggested the matter be deferred pending presentations at other hearings. In that regard Amy Beran at later hearings providing evidence on behalf of Hokonui Rūnanga supported a more general approach as set out in the notified policy.

4.1.4 Arising from Decisions 14 and 43 and having regard to decisions on submissions to the Mixed Use Zone, the Panel prefers a modified form of what was sought in the submission with an amendment to clause (5). Arising from discussion with Amy Beran the Panel concludes that clause (6) duplicates clause (5) and can be deleted.

4.1.5 Accordingly, submission S139.077 Hokonui Rūnanga Inc is accepted in part by amending Policy TCZ-P3 as follows:

5. ~~have~~ has appropriate *setbacks* to ~~waterways~~ water bodies to maintain and enhance their amenity ~~and Ngāi Tahu cultural values and~~ natural character and access by mana whenua for mahinga kai and customary activities; and

~~6. responds to the underlying relationship Ngāi Tahu hold with the natural *environment*.~~

Submitter (S)	Decision Requested
S112.153 NZ Transport Agency Waka Kotahi	Amend TCZ-P7 as follows4. there is adequate existing and/or planned infrastructure including transport infrastructure to service the activity; and / or

4.1.6 Paragraphs 233 – 234 of the s42A Report set out that the definition of 'infrastructure' includes "*structures for transport on land by cycleways, rail, roads, walkways, or any other means*" and consequently Victoria Woodbridge did not recommend any changes

to the policy. NZTA advised by way of an email that it accepted the recommendation. Accordingly, submission S112.153 NZ Transport Agency Waka Kotahi is rejected.

4.2 Town Centre Zone Rules and Standards

Submitter (S)	Decision Requested
S97.002 Woolworths New Zealand Ltd	Retain TCZ-R1 as notified.
S125.074 Ministry of Education	Retain TCZ-R5 as proposed.
S16.048 Fuel Companies	Retain TCZ-R10 as notified
S112.154 NZ Transport Agency Waka Kotahi	Retain TCZ-R14 as notified

4.2.1 The Panel acknowledges the submissions in support of the rules. While other submissions have been lodged to these rules no changes have been made to the provisions. Accordingly, these submissions are accepted.

Submitter (S)	Decision Requested
S16.049 Fuel Companies	Amend TCZ-R13 as follows: 3. Any alteration or addition to an existing service station that complies with the Town Centre Zone standards. Or, in the alternative, amend TCZ-R17 to 'New Service Station'.
S16.050 Fuel Companies	Retain TCZ-R17 as notified or as an alternative to amendment sought to TCZ-R13 amend to 'New Service Station'

4.2.2 In response to these submissions, Tina Carlson-McColl at paragraph 158 of the s42A Report stated:

> The discretionary activity status and the policy framework provides direction for when service stations may be appropriate, and potential effects can be managed. Once established, to allow for extensions to service stations only subject to standards outside of the original scope of the activity, would mean that there could be unintended consequences with an increase in scale and intensity including adverse effects that would not be able to be managed.

4.2.3 Georgia Alston on behalf of the Fuel Companies at paragraph 9 of a written statement forwarded to the Panel advised “the Fuel Companies” do not challenge the recommendation.

4.2.4 The Panel adopts the assessment and recommendation of Tina Carlson-McColl for the reasons given. Accordingly, submissions S16.049, S16.050 Fuel Companies are rejected.

Submitter (S)	Decision Requested
S99.043 Clark Fortune McDonald & Associates	Delete TCZ-S1. Depending on definitions/interpretations it may be worth clarifying whether a new retail business in an existing building with over 10m width of shop space would be classed as a new activity (and therefore require resource consent) or not.

4.2.5 Tina Carlson-McColl at paragraph 165 - 166 of the s42A Report advised the Panel that the Standard was drafted on the advice of Ruth Allen, Principal Urban Regeneration for The Property Group and the intention was to avoid long stretches of Main Street being dominated by one tenancy. She also stated it was not the intended that the Standard would apply to retail operators taking over an existing space, rather it was intended to apply to any new development.

4.2.6 Having regard to the submission, Ruth Allen advised several changes to the provision, were appropriate, clarifying the intent the rule should only apply to new buildings and that the 10 metre figure related to the frontage of the building. Tina Carlson-McColl adopted the advice of Ruth Allen as her recommendation.

4.2.7 During the hearing, the Panel expressed the view that the 100 square metre limit in the rule did not reflect the actual situation in the Gore Town Centre Zone. The Panel sought further information regarding this provision in Minute 12. The further report submitted by Ruth Allen stated:

> Following the request for further information, more detailed analysis of the buildings and lot sizes located with the town centre (where TCZ-S1) would apply has been undertaken. The purpose of this further analysis is to confirm the likelihood of 100m^2 being large enough to provide feasible opportunity for retail units to be developed within the existing building stock. Noting that this relates to the shop floor only and not back office or storage space.
>
> This additional analysis has demonstrated that the average lot size/building footprint is between 150-180 m^2 on the eastern side of Main Street and between 300-350m^2 on the southern side Main Street (between Mersey and Medway Streets). Whilst some of the larger buildings would accommodate more than one retail unit, to allow for the depth of some existing buildings where potentially only one retail unit would be accommodated the 100m^2 requirement may unnecessarily restrict some of the buildings use for shop floor open to the public. On this basis it is recommended that consideration be given to either:
> - - Removing the maximum floor space requirement from this part of the control and relying on the 10m front width requirement to achieve the outcomes sought for the town centre; or Increasing the maximum floor space requirement to 250m^2 to ensure that feasible opportunities for retail units are provided within the existing buildings, whilst still encouraging fine grain retail and avoiding long shop facades along the main streets through the 10m frontage requirement. Retaining a maximum floor space control would further ensure that large floor plate retail is encouraged outside the main streets of the town centre.

4.2.8 In determining whether the Standard should be deleted as sought in the submission, the Panel accepts the desirability of avoiding single tenancies occupying large stretches of the main street frontage. The Panel notes there are design solutions available to enable shops with large retail floor areas to retain a street frontage complying with the Standard. The Panel considers, having regard to the provisions of RMA s32AA, the revision of the Standard is the most appropriate way, in terms of efficiency and effectiveness, meeting the objectives of the Town Centre Zone and to achieving the purpose of the RMA.

4.2.9 Submission S99.043 Clark Fortune McDonald & Associates is accepted in part by amending Standard TCZ-S1 as follows:

Any new building development or alteration shall be designed so that:

(a) The maximum ground floor area per tenancy accessible to the public shall not exceed ~~100~~ 250 square metres; and

(b) The maximum street frontage of any tenancy shall not exceed 10 metres in width.

Note: the above dimensions are retail activity dimensions, not the building dimensions.

4.3 Town Centre Zone Maps

Submitter (S)	Decision Requested
S97.001 Woolworths New Zealand Limited	The submitter supports the Town Centre Zone at 24 Medway Street and the surrounding area.

4.3.1 The Panel acknowledges the submission in support of the zoning. As no changes have been made to the zoning in this locality, submission S97.001 Woolworths New Zealand Limited is accepted.

5. Local Centre Zone Submissions

5.1 Local Centre Zone Objectives and Policies

Submitter (S)	Decision Requested
S132.182 KiwiRail Holdings Ltd	Retain LCZ objectives and policies as proposed.

5.1.1 The Panel acknowledges the submission in support of the objectives and policies. As minor changes have been made to Policy LCZ-P2, this submission is accepted in part.

Submitter (S)	Decision Requested
S139.073 Hokonui Rūnanga Inc	Clause 6 in LCZ-P2 is ambiguous. 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 to read: 6. ~~responds to the underlying relationship Ngāi Tahu hold with the natural environment~~ recognises and incorporates Ngāi Tahu history and association with Mataura and the Gore area in building layout and design and maintenance of greenspace.

5.1.2 In response to this submission, Victoria Woodbridge at paragraph 174 of the s42A Report recommended accepting this submission. Lynda Murchison, appearing on behalf of Hokonui Rūnanga requested the Panel to defer making a decision on this until the hearing on the Mana Whenua chapter took place. However, no explicit reference was made to the submissions lodged to the Commercial Zones at that hearing. Similarly, Courtney Bennett and Amy Berin in their joint response to Minute 15 did not provide any specific comment on this policy, nor did Courtney Bennett in her evidence presented to HS12 on 7 April 2025.

5.1.5 Having regard to the reports and evidence submitted, the Panel concludes that the amendment sought in the submission is generally appropriate, with a minor word changes that acknowledge it is discretionary to apply the provision and the zone only applies to Mataura.

4.1.7 Accordingly, submission S139.073 Hokonui Rūnanga Inc is accepted in part by amending Policy LCZ-P2 as follows:

6. ~~responds to the underlying relationship~~ Ngāi ~~Tahu hold with the natural environment~~ incorporates where practical Ngāi Tahu history and association with the District in building layout and design and maintenance of public open space.

Submitter (S)	Decision Requested
S125.069 Ministry of Education	Retain LCZ-P7 as proposed.

5.1 The Panel acknowledges the submission in support of the policy. No other submissions were lodged to this provision and no changes have been made to it. Accordingly, submission S125.069 Ministry of Education is accepted.

5.2 Local Centre Zone Rules and Standards

Submitter (S)	Decision Requested
S97.003 Woolworths New Zealand Limited	Retain LCZ-R1 as notified.
S125.070 Ministry of Education	Retain LCZ-R5 as proposed.

5.2.1 The Panel acknowledges the submissions in support of the rules. While other submissions have been lodged to these rules, no changes have been made to them.

Accordingly, submissions S97.003 Woolworths New Zealand Limited and S125.070 Ministry of Education are accepted.

6 Neighbourhood Centres Zone Submissions

6.1 Neighbourhood Centres Zone General

Submitter (S)	Decision Requested
S146.087 Southland District Council	The submitter supports this chapter.

6.1.1 The Panel acknowledges the submission in support of the chapter. As minor changes have been made to the chapter, this submission is accepted in part.

Submitter (S)	Decision Requested
S100.019 Charlton Rise Ltd	In the Overview and Purpose include West Gore Development Areas to the list of Neighbourhood Centre Zones.

6.1.2 As noted by Tina Carlson-McColl at paragraph 189 of the s42A Report a Neighbourhood Centre Zone is shown within the Gore West Outline Development Plan to allow for future growth and development and it is appropriate that the Gore West Development Area location is included in the chapter overview. The Panel agrees.Given it is not currently in situ further minor rewording is required.

6.1.3 Submission S100.019 Charlton Rise Ltd is accepted by amending the Overview and Purpose of the Neighbourhood Centres Zone to read:

There are ~~currently~~ ~~three~~ four Neighbourhood Centre Zones provided in the Gore District, these are located at:

- Talbot Street, East Gore
- Broughton Street, West Gore
- Albion Street, Mataura
- Gore West Development Area

6.2 Neighbourhood Centres Zone Objectives and Policies

Submitter (S)	Decision Requested
S100.020, S100.021, S100.022 Charlton Rise Limited	Supports Objectives NCZ-O1, NCZ-O2, NCZ-O3

6.2.1 The Panel acknowledges the submissions in support of the objectives. No other submissions have been lodged to these provision. Accordingly, these submissions are accepted.

Submitter (S)	Decision Requested
S100.023, S100.024 Charlton Rise Limited	Supports Policies NCZ-P1, NCZ-P2

6.2.2 The Panel acknowledges the submissions in support of the policies. No other submissions have been lodged to these provisions. Accordingly, the submissions are accepted.

Submitter (S)	Decision Requested
S139.076 Hokonui Rūnanga Inc	Amend NCZ-P3 to read: 3. has appropriate setbacks to waterways to maintain and enhance their amenity and ecological values, maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tais and natural character; " Delete clause 6 – it is ambiguous
FS6.9 Charlton Rise Limited	Allow S139.076 Hokonui Rūnanga Inc

S100.025 Charlton Rise Limited	Amend NCZ-P3 point 6 to provide clear direction on policy implementation or remove the requirement to 'respond' in all circumstances.

6.2.3 The Hokonui Rūnanga submissions is the same lodged to an identical provision in the Local Commercial Centre, considered in paragraphs 4.1.3 – 4.1.7 above, and it is appropriate to provide the same outcome, including deletion of clause NCZ-P3(5) that will satisfy the Charlton Rise submission.

6.2.4 Accordingly, submissions S139.076 Hokonui Rūnanga Inc and S100.025 Charlton Rise Limited are accepted in part by amending Policy NCZ-P3 as follows:

5. ~~have~~ has appropriate *setbacks* to ~~waterways~~ water bodies to maintain and enhance their amenity ~~and Ngāi Tahu cultural values and~~ natural character and access by mana whenua for mahinga kai and customary activities; and

~~6. responds to the underlying relationship Ngāi Tahu hold with the natural *environment*.~~

6.2.5 For consistency the same change is appropriate to LCZ-P3 as follows:

Provide opportunities for enhanced public access to the Mataura River through the provision of esplanade reserves at the time of subdivision, and have appropriate setbacks to waterways to maintain and enhance their amenity, environmental values, natural character and access by mana whenua for mahinga kai and customary activities~~. and Ngāi Tahu cultural values and natural character.~~

6.3 Neighbourhood Centres Zone Rules and Standards

Submitter (S)	Decision Requested
S97.004 Woolworths New Zealand Limited	Retain NCZ-R1 as notified
S125.068 Ministry of Education	Retain NCZ-R5 as proposed.

6.3.1 The Panel acknowledges the submission in support of the rule. As a result of other submissions, a minor change has been made to these rules. Accordingly, submissions S16.053 Fuel Companies and S125.068 Ministry of Education is accepted in part.

7 Whole of Plan Submissions

7.1 Hokonui Rūnanga

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.

7.1.1 Courtney Bennett and Amy Berin in their joint response to Minute 15 drew attention to provisions in the Commercial Centre Zones they considered could be reviewed having regard to the submissions of Hokonui Rūnanga. These included amending general references from "cultural values" to "Ngai Tahu cultural values listed in MW2.3" now MW-1.2. That is consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori and where not amended through other decisions have been changed through this decision.

7.1.2 The joint response, together with the evidence of Courtney Bennett presented to HS12 on 7 April 2025 also recommended change in wording to LCZ-S4 and TCZ-S4 from

"Ngai Tahu" to "mana whenua". The Panel accepts this as a minor change able to be made under RMA First Schedule, clause 16(2).

7.1.3 In response to submission S139.040 Hokonui Rūnanga Inc the following amendments to the District Plan are made:

TCZ-S4 Height: Matters of Discretion

(2) The *effects* on the character and *amenity values* of the surrounding *environment* and streetscape, including impacts on views to and between features of importance to ~~Ngāi Tahu~~ mana whenua.

TCZ-S6 Setbacks to *rivers* and streams: Matters of Discretion

(4) Impacts on Ngāi Tahu cultural values, ~~including those listed in MW-2.3.~~ listed in MW-1.2.

LCZ-S4 Height: Matters of Discretion

(2) The *effects* on the character and *amenity values* of the surrounding *environment* and streetscape, including impacts on views to and between features of importance to ~~Ngāi Tahu~~ mana whenua.

LCZ-S6 Setbacks to *rivers* and streams: Matters of Discretion

(5) Impacts on Ngāi Tahu cultural values, ~~including those listed in MW-2.3.~~ listed in MW-1.2.

NCZ-S5 Setbacks to *rivers* and streams: Matters of Discretion

(5) Impacts on Ngāi Tahu cultural values, ~~including those listed in MW-2.3.~~ listed in MW-1.2.

7.2 Notes

7.2.1 The Plan was notified with Note 1 following the policies in each of the Commercial Centres Zones provisions, which the Panel has considered as part of its decision to remove unnecessary duplication within the Plan and determined that these Notes 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.

7.3 Section 32AA

7.3.1 The s42A Reports for the Commercial Centre Zones, Mana Whenua and Natural Hazards hearings included assessment of section 32AA matters. In considering the submissions included in this decision, the Panel has had regard to the relevant s32AA provisions. Given the nature of changes made to the Commercial Centres Zones provisions, which in the view of the Panel are minor in nature, no additional s32AA assessment is required.