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 20: General Industrial Zone

Hearings Panel Members

Keith Hovell

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Date of Hearing
23 - 24 July 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 General Industrial Zone Hearing 2
2.2 Other Relevant Hearings 3

3. General Industrial Zone Submissions

3.1 Interpretation 3
3.2 General 4
3.3 General Industrial Zone Overview and Purpose 4
3.4 General Industrial Zone Objectives 5
3.5 General Industrial Zone Policies 7
3.6 General Industrial Zone Notes 10
3.7 General Industrial Zone Rules 10
3.8 General Industrial Zone Additional Rules Sought 13
3.9 General Industrial Zone Standards 14

4. Mapping

4.1 Environment Southland Submission 22
4.2 Other Zoning Submissions 26

5. Additional Matters

5.1 Whole of Plan Submissions 30
5.2 Section 32AA 31

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 General Industrial Zone of the Proposed Gore District Plan. The Hearings Commissioners comprising the Panel for this hearing were Commissioners Keith Hovell, Cliff Bolger, Maria Bartlett and Glenys Dickson. Unfortunately, Commissioner Bolger took ill during the hearing and took no part in deliberations with regard to the matters in this decision.

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 Victoria Woodbridge.

1.1.3 Attached is the updated provisions for the Light Industrial 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
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
General Industrial Zone	LIZ
New Zealand Heavy Haulage Association	NZHHA
New Zealand Transport Agency Waka Kotahi	NZTA
Proposed Gore District Plan	Proposed Plan or PDP
Resource Management Act 1991	RMA

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 General Industrial 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 General Industrial Zone Hearing

2.1.1 The hearing in relation to this topic was held on 20 August 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the GIZ were heard together with other matters in Hearing Stream 4 that included the Light Industrial Zone, and Development Area 1 South Gore.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Victoria Woodbridge, together with a flooding assessment by Tonkin and Taylor. The Report considered all submissions lodged to the Industrial Zones chapters and mapping.

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Victoria Woodbridge responding to matters raised in the evidence and additional

information received by the Panel. The Panel sought clarification from her regarding matters contained in her s42A Report and supplementary evidence at various times during the hearing.

2.1.4 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**
S121	Alliance	Doyle Richardson	In person
S40, FS29	Silver Fern Farms	Steve Tuck	Video
S85	Environment Southland	Marcus Roy	In person
S114	Donna Vincent	Self	In person

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

- New Zealand Transport Agency (S112)
- KiwiRail Holdings Ltd (S132)
- NZ Heavy Haulage Association (S77

2.1.6 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 General Industrial Zone Submissions

3.1 Interpretation

Submitter (S)	Decision Requested
S121.008 Alliance Group Ltd S40.006 Silver Fern Farms S121.009 Alliance Group Ltd S40.007 Silver Fern Farms	Retain "Industrial activity" definition as notified

3.1.1 The Panel acknowledges the submissions in support of the industry activity definition, and as no changes are being made to the definition, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S121.017 Alliance Group Ltd S40.015 Silver Fern Farms	Insert new definition: <u>Seasonal workers accommodation: Means any premises used for residential accommodation purposes directly</u>

	associated with the seasonal labour requirements of the District's agriculture, horticulture, viticulture, and cropping industries, including both existing permanent buildings and new relocatable structures. Seasonal workers accommodation includes ancillary kitchen, dining and ablution facilities and other ancillary living and recreation facilities for the exclusive use of resident seasonal workers, whether in one building or multiple buildings.
FS17.106 Federated Farmers	*Allow S40.015 Silver Fern Farms*
FS14.002 NZ Transport Agency Waka Kotahi	*Disallow S40.015 Silver Fern Farms*
S40.083 Silver Fern Farms S121.103 Alliance Group Ltd	Insert new rule follows: GIZ-RXX Seasonal workers accommodation Activity status: Discretionary Activity status where compliance not achieved: N/A
FS7.9 HWR Property Ltd	*Disallow S40.083 Silver Fern Farms*

3.1.2 The Panel agrees with the assessment of Victoria Woodbridge at paragraphs 261 – 263 of her s42A Report where she reinforced the intent of the General Industrial Zone is to allow for industrial activities while restricting sensitive activities, such as residential use, which is incompatible with the permitted industrial activities and would have the potential to result in reverse sensitivity effects. The Panel also agrees that the appropriate status for residential activities, including seasonal workers accommodation is non-complying. Arising from that no definition for "seasonal workers accommodation" is required in the Plan.

3.1.3 Accordingly, submissions S121.017, S121.103 Alliance Group Ltd S40.015, S40.083 Silver Fern Farms are rejected. The Panel notes Steve Tuck on behalf of Silver Ferns Farms and Doyle Richardson for Alliance in their statements of evidence were accepting of that outcome.

3.2 General

Submitter (S)	Decision Requested
S146.092 Southland District Council	None specified - supports General Industrial Zone chapter.
S123.026 Heritage NZ Pouhere Taonga	Adopt General Industrial Zone chapter - 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.

3.2.1 The submissions support the Zone chapter provisions. As minor changes have been made to the chapter, these submissions are accepted in part.

3.3 General Industrial Zone – Overview and Purpose

Submitter (S)	Decision Requested
S121.083 Alliance Group Ltd S40.062, S40.063 Silver Fern Farms	Retain Overview and Purpose as notified

3.3.1 The submissions support the Overview and Purpose. While other submissions seek changes to this section none have been made. Accordingly, these submissions are accepted.

Submitter (S)	Decision Requested
S112.160 NZ Transport Agency Waka Kotahi	Further clarification is sought from the Council about how the staging or sequencing of this area is intended to be managed. Amend the provisions in this chapter to make it clear how staging will occur in the new General Industrial area south of Gore (DEV1).

3.3.2 Victoria Woodbridge at paragraph 176 of her s42A Report outlined that in this chapter of the Plan a general statement is made referring to the Development Area to ensure a connection between the zone and the development area, but it is not intended to explain the specifics of the development area approach. The Development Area Chapter itself contains a more detailed description and Decision 25 at paragraph 3.1.4 adds to the Overview and Purpose of the Development Area in response to an identical submission by NZTA. The Panel does not consider it is necessary to also make an addition to the General Industrial Zone provisions. Accordingly, submission S112.160 NZ Transport Agency Waka Kotahi is rejected.

Submitter (S)	Decision Requested
S85.267 Environment Southland	Recognise that residual flood risk exists despite flood banks

3.3.2 Marcus Roy, in an oral presentation to the hearing considering submissions to the Residential zone, 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 272 of her s42A Report where she expressed the view that provisions applying to flood hazard should be located within the district wide Natural Hazards chapter, as directed by the National Planning Standards. Accordingly, submission S85.267 Environment Southland is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S108.006 HWR Property Ltd	Remove sensitive activities from the zone purpose altogether. The GIZ is anticipated to generate high levels of noise, odour, dust and other discharge effects. Sensitive activities such as dwellings, whether or not they are ancillary to an industrial activity are likely to be adversely impacted by industrial use. Residential use should be non-complying with notification/neighbors approval required.
FS27.021 Alliance Group Ltd	Disallow S108.006 HWR Property Ltd

3.3.3 Victoria Woodbridge at paragraph 273 of her s42A Report highlighted that the reference in the Overview and Purpose for the General Industrial Zone is intended to emphasise that sensitive activities are discouraged within the zone and this is reinforced by these being a non-complying activity. The Panel agrees with that assessment.

3.3.4 The submission also refers to caretaker accommodation seeking its deletion from the Zone. However, the Panel is aware of the need for some businesses for security and operational reasons to have persons on-site overnight. The Panel acknowledges that the acoustic design of caretaker accommodation requires particular attention to provide appropriate amenity for the occupant, but the provisions are subject to a standard to ensure this is the case.

3.3.5 Having regard to the matters above, submission S108.006 HWR Property Ltd is rejected.

3.4 General Industrial Zone – Objectives

Submitter (S)	Decision Requested
S108.007 HWR Property Ltd S121.084 Alliance Group Ltd	Retain GIZ-O1 as notified

S40.064 Silver Fern Farms S108.008 HWR Property Ltd S121.085 Alliance Group Ltd S40.065 Silver Fern Farms	

3.4.1 The Panel acknowledges these submissions that support Objective GRZ-O1. While other submissions seek changes to this objective none have been made. Accordingly, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S12.001 P & J Talbot	GIZ-O2 - Consent from neighbouring properties should be sought before any industrial activities or businesses are developed.
FS27.022 Alliance Group Ltd *FS29.050 Silver Fern Farms Ltd*	*Disallow S12.001 P & J Talbot*

3.4.2 The Panel agrees with the assessment of Victoria Woodbridge at paragraph 285 of her s42A Report where she advised that in her opinion objectives should not direct any requirements for notification and that the need for any written approvals from affected persons requires determination on a case by case basis. The Panel is not aware of any RMA Plans that use objectives in a manner sought by the submitter and notes the purpose of an objective is to respond to an RMA issue and to provide direction as to what position should be adopted through policies, rules and standards. Accordingly, submission S12.001 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S121.086 Alliance Group Ltd S40.066 Silver Fern Farms	Retain GIZ-O3 as notified

3.4.3 The Panel acknowledges the submissions in support of Objective GIZ-O3, and as no changes are being made to the provision, these submissions are accepted.

Submitter (S)	Decision Requested
S121.087 Alliance Group Ltd S40.067 Silver Fern Farms	Retain GIZ-O4 as notified
S139.080 Hokonui Rūnanga Inc	Replace objective GIZ-O4 with "Potential sensitivity effects or reverse-sensitivity effects on people their values and activities resulting from activities within the GIZ are managed, particularly at the zone interfaces."

3.4.4 The Panel acknowledges the submissions in support of Objective GIZ-O4. As changes have been made to the provision, these submissions are accepted in part.

3.4.5 Victoria Woodbridge in her s42A Report recommended rejecting this submission on the basis that the reference to Ngai Tahu cultural values in the objective provided an explicit link to policy gIZ-P5(3). She invited the Hokonui Rūnanga to give further consideration to the wording of the objective and discuss this at the hearing. However, no reference was made to the submissions lodged to the Light Industrial Zone at that hearing. Similarly, Courtney Bennett and Amy Beran in their joint response to Minute 15 did not provide any comment on this objective. Courtney Bennett in her evidence presented to HS12 on 7 April 2025 did not have regard to the specifics of the submission lodged, however she did recommend including reference to MW-2.3, now MW1.2, when referring to and that is consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori.

3.4.5 The Panel considers the role of objectives is to identify desired outcomes, and it is appropriate for them to be expressed in general terms and for policies to delve into

greater detail. The Panel therefore agrees, with minor wording changes, with the Hokonui Rūnanga submission noting a similar objective LIZ-O5 has also been amended.

3.4.6 Submission S139.080 Hokonui Rūnanga Inc is accepted in part by amending Objective GIZ-O4 to read:

Adverse environmental *effects*, including reverse sensitivity ~~or impacts, on Ngāi Tahu cultural values, generated by activities within the General Industrial Zone~~ are managed within the General Industrial Zone, particularly at the zone interface~~s, whilst recognising the purpose and operational requirements of the zone~~.

3.5 General Industrial Zone – Policies

Submitter (S)	Decision Requested
S108.009 HWR Property Ltd	Supports in Part GIZ-P1
S40.068 Silver Fern Farms S121.088 Alliance Group Ltd	Retain GIZ-P1 as notified (but delete the typo after "which")

3.5.1 The Panel acknowledges the submissions in support of Policy GIZ-P1, and as no changes are being made to the provision, other than to correct the typo identified by Silver Fern Farms and Alliance Group, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S121.089 Alliance Group Ltd S40.069 Silver Fern Farms	Retain GIZ-P2 as notified
S12.005 P & J Talbot	GIZ-P2 - Properties adjacent to the General Industrial Zone are consulted with as part of the consenting process for any development.
FS27.023 Alliance Group Ltd *FS29.052 Silver Fern Farms Ltd*	*Disallow S12.005 P & J Talbot*

3.5.2 The Panel acknowledges the submissions in support of Policy GIZ-P2, and as no changes are being made to the provision, these submissions are accepted.

3.5.3 The Panel notes the issue raised by P & J Talbot is the same as that in paragraph 3.4.2 above, and again the Panel agrees with the assessment of Victoria Woodbridge at paragraph 309 of her s42A Report where she advised that in her view it is inappropriate for a policy to specify any notification requirements. The Panel also notes the performance standards included within the GIZ Chapter along with requirements in the Noise, Light and Transport Chapter will manage the effects of activities and where activities do not comply with the provisions resource consent will be required. On receipt of an application, on a case by case basis a determination would be made on who could reasonably be affected and consulted. Accordingly, S12.005 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S121.090 Alliance Group Ltd S40.070 Silver Fern Farms	Retain GIZ-P3 as notified
S125.077 Ministry of Education	The submitter supports GIZ-P3 in principle as it seeks to protect the integrity of the zone, whilst allowing for activities where there is a functional or operational need to establish.

3.5.4 The Panel acknowledges the submissions in support of Policy GIZ-P3, and as changes are being made to the provision in response to other submissions, these submissions are accepted in part.

Submitter (S)	Decision Requested
S101.088 Transpower NZ Ltd	Policy GIZ-P3 has the potential to prevent the upgrade and development of the National Grid. Amend Policy GIZ-P3 as follows: "GIZ-P3 Avoid non-industrial activities from establishing unless: 1. there is a functional or operational need for their location amongst industrial activities; and 2. the activity is of a similar scale and nature to an industrial activity; or 3. the activity is providing for the day-to-day needs of people and activities within the industrial zone; or 4. the activity is ancillary to an industrial activity; or x. the activity is critical infrastructure.
S125.078 Ministry of Education	Amend GIZ-P3 as follows: Avoid non-industrial activities from establishing unless: 1. there is a functional or operational need for their location ~~amongst industrial activities~~ in the zone; and

3.5.5 The Panel endorses the recommendation of Victoria Woodbridge at paragraphs 319 - 320 of her s42A Report where she recommends accepting the Transpower submission for the reasons she has set out in her report. The change being made to clause (1) of the policy is also consistent with the submission from the Ministry of Education.

3.5.6 Submission S101.088 Transpower NZ Ltd is accepted, and submission S125.078 Ministry of Education is accepted in part by amending Policy GIZ-P3 as follows:

GIZ-P3 Avoid non-*industrial activities* from establishing unless:

1. there is a functional or *operational need* for their location in the General Industrial Zone ~~amongst *industrial activities*~~; and
2. the activity is of a similar scale and nature to an *industrial activity*; or
3. the activity is providing for the day-to-day needs of people and activities within the industrial zone; or
4. the activity is ancillary to an *industrial activity .or*
5. the activity is *critical infrastructure*.

Submitter (S) Further Submitter (FS)	Decision Requested
S12.006 P & J Talbot	GIZ-P3: Equal opportunity for non-industrial activities on land zoned as general/light industrial.
FS27.024 Alliance Group Ltd *FS29.054 Silver Fern Farms Ltd*	*Disallow S12.006 P & J Talbot*
S108.010 HWR Property Ltd	Amend GIZ-P3 to add: (4). other than residential activity**,** the activity is ancillary to an industrial activity.
FS29.053 Silver Fern Farms Ltd	*Disallow S108.010 HWR Property Ltd*

3.5.7 The Panel notes a key purpose of zones in a district plan is to avoid the mixing of incompatible activities and associated reverse sensitivity issues. Standards have been adopted in the Proposed Plan to manage the effects of activities beyond zone boundaries. This will not be effective if, within industrial zones, other activities are allowed to establish. Accordingly, submission S12.006 P & J Talbot is rejected.

3.5.8 The issue raised by HWR Property Ltd is the same as that in paragraphs 3.3.3 and 3.3.4 above. The Panel also agrees with Victoria Woodbridge at paragraph 325 of her s42A Report where she expresses the opinion the amended wording creates confusion as to whether residential activities should be avoided or not. Accordingly, submission S108.010 HWR Property Ltd is also rejected.

Submitter (S)	Decision Requested
S108.011 HWR Property Ltd S121.091 Alliance Group Ltd	Retain GIZ-P4 as notified

S40.071 Silver Fern Farms S132.232 KiwiRail Holdings Ltd	
S12.007 P & J Talbot	Clarify GIZ-P4 as not fully understood.

3.5.9 The Panel acknowledges the submissions in support of Policy GIZ-P4, and as no changes are being made to the provision, these submissions are accepted.

3.5.10 P & J Talbot seek clarification as to the intent of the policy. In that regard, clause 1 seeks to avoid retail outlets, especially those of a large scale destination type, from establishing in industrial areas. This can adversely affect the economic viability of those areas where the Council wants to focus and retain retailing activities. Clause 2 reinforces Objective GIZ-O2 in seeking to exclude non-compatible activities from industrial areas. As no change is being made to the policy, submission S12.007 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S121.092 Alliance Group Ltd S40.072 Silver Fern Farms	Retain GIZ-P5 as notified

3.5.11 The Panel acknowledges the submissions in support of Policy GIZ-P5, and as changes are being made to the provision in response to other submissions, these submissions are accepted in part.

Submitter (S)	Decision Requested
S139.081 Hokonui Rūnanga Inc	Amend to GIZ-P5 read: 3. requiring appropriate setbacks to waterways to maintain and enhance amenity and ecological values, maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tai and ~~Ngāi Tahu cultural values~~ and natural character"

3.5.12 The Panel notes the changes sought in this submission are the same as those sought to Town Centre Zone Policy TCZ-P3 discussed in Decision 10 at paragraphs 4.1.3 – 4.1.7. For consistency the Panel considers the wording adopted should be the same as in that decision for the same reasons.

3.5.13 Submission S139.081 Hokonui Rūnanga Inc is accepted in part by amending Policy GIZ-P5 as follows:

3. requiring 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

Submitter (S) Further Submitter (FS)	Decision Requested
S12.008 P & J Talbot	GIZ-P5: Consultation with adjacent properties in regard to screening. Provisions to address the effects on adjacent properties, which may require further screening from 24/7 light, sound protection, visual impact and security on private properties.
FS7.3 HWR Property Ltd *FS27.025 Alliance Group Ltd* *FS29.056 Silver Fern Farms Ltd*	*Disallow S12.008 P & J Talbot*

3.5.14 The Panel notes that the policy sets the framework for what follows in the rules and standards. In the event that the rules and standards are not met then resource consent will be required and at that time an assessment can be made as to who is potentially affected and whether consultation is required. Within that context it is not appropriate to amend the policy, and accordingly submission S12.008 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S12.009 P & J Talbot	GIZ-P6: Reserve land should not be developed, use existing land instead.

3.5.15 As noted by Victoria Woodbridge at paragraph 349 of her s42A Report the intent of the policy is to enable use of reserve land in a manner provided for in the Council's Reserve Management Plan without the need to adopt any RMA consenting procedures. The policy is not intended to enable use of reserve land for industrial purposes. The Panel is of the view the submitters have misread the intent. Given no changes are being made to the policy, submission S12.009 P & J Talbot is rejected.

3.6 General Industrial Zone – Notes

Submitter (S)	Decision Requested
S101.089 Transpower NZ Ltd	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.

3.6.1 The Panel, in Decision 39, considers the issue of how the Infrastructure chapter of the Proposed Plan relates to the various zone chapters, concluding that unless otherwise stated the rules of the Infrastructure chapter dominate the zone provisions. The Panel is of the view that it is unnecessary to include a statement along the lines sought by the submitter in each zone chapter. Rather, an addition is being made to the "How the Plan Works" Chapter. Accordingly, submission S101.089 Transpower NZ Ltd is rejected.

3.6.2 The Plan was actually notified with two Notes following the policies of the General Industrial Zone. Note 1 referred to "Provisions in Other Chapters" and Note 2 referred to "Other Legislation". These Notes have no legal standing and as part of its decision to remove unnecessary duplication within the Plan the Panel has deleted these Notes 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.

3.7 General Industrial Zone – Rules

Submitter (S)	Decision Requested
S108.012 HWR Property Ltd S121.093 Alliance Group Ltd S40.073 Silver Fern Farms	Retain GIZ-R1 as notified

3.7.1 The Panel acknowledges the submissions in support of Rule GIZ-R1, and as no changes are being made to the provision, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S108.013 HWR Property Ltd S121.094 Alliance Group Ltd S40.074 Silver Fern Farms	Retain GIZ-R2 as notified
S12.010 P & J Talbot	GIZ-R2: Should be prohibited on sites that boundary private property.
FS29.064 Silver Fern Farms Ltd	*Disallow S12.010 P & J Talbot*

3.7.2 The Panel acknowledges the submissions in support of Rule GIZ-R2, and as no changes are being made to the provision, these submissions are accepted.

3.7.3 The Panel notes that activities are provided for by way of the rules and standards included in the district plan and arising from that it is the zone boundaries that are key,

rather than the use of adjoining sites, notwithstanding that zone rules are intended to protect the amenity of areas outside of industrial zones.

3.7.4 A prohibited activity is one totally banned from a zone. In the context of industrial activities within an industrial zone such a status is not appropriate. If there is any non-compliance with the provisions of the district plan, then it is the view of the Panel that the effects of that non-compliance should be assessed through the resource consent process, rather than banned altogether.

3.7.5 Having regard to the matters above, submission S12.010 P & J Talbot is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S108.014 HWR Property Ltd S121.095 Alliance Group Ltd S40.075 Silver Fern Farms	Retain GIZ-R3 as notified
S12.011 P & J Talbot	GIZ-R3: Training facilities should be setback 500m from private properties.
FS29.065 Silver Fern Farms Ltd	*Disallow S12.011 P & J Talbot*

3.7.6 The Panel acknowledges the submissions in support of Rule GIZ-R3, and as no changes are being made to the provision, these submissions are accepted.

3.7.7 It is unclear to the Panel why Trade and Industry Training Facilities should be set back 500 metres from private properties, as these are generally located inside buildings with little or no off-site effects. It is the view of the Panel the performance standards within the Proposed Plan will adequately manage adverse effects on adjoining landowners. As noted by Victoria Woodbridge at paragraph 358 of her s42A Report, a setback distance of 500 metres would be too onerous and result in an inefficient use of land, particularly in urban areas where such a restriction would effectively prevent the activity being located on most sites. Accordingly, submission S12.011 P & J Talbot is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S108.015 HWR Property Ltd S121.096 Alliance Group Ltd S40.076 Silver Fern Farms	Retain GIZ-R4 as notified
S12.012 P & J Talbot	GIZ-R4: No more service stations required in the Gore District. Service stations will create significant negative effects on surrounding properties.
FS7.5 HWR Property Ltd	*Disallow S12.012 P & J Talbot*

3.7.8 The Panel acknowledges the submissions in support of Rule GIZ-R4, and as no changes are being made to the provision, these submissions are accepted.

3.7.9 The Panel notes district plans are not intended, nor can they legally, allocate the number of businesses of different types allowed to locate within the district. It is the decisions of individual businesses and the market that will dictate the range and number of businesses within the district. The Panel members have observed an increase of petrol stations in Gore in recent years and that has brought with it more competition and lower prices for fuel than in other parts of Southland.

3.7.10 The Panel agrees that service stations can give rise to adverse effects, but is confident that the Proposed Plan rules, together with requirements under other legislation, will ensure these effects are limited in their extent.

3.7.11 Having regard to the matters above, submission S12.012 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S108.016 HWR Property Ltd S121.097 Alliance Group Ltd S40.077 Silver Fern Farms S124.256 Fire and Emergency NZ	Retain GIZ-R5 as notified

3.7.12 The Panel acknowledges the submissions in support of Rule GIZ-R5, and as no changes are being made to the provision, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S121.098 Alliance Group Ltd S40.078 Silver Fern Farms	Retain GIZ-R6 as notified
S12.013 P & J Talbot	GIZ-R6: Increase the distance to boundary of stored items. No storage allowed for reasons of convenience only i.e. car bodies, used building materials, hazardous liquids, gases, products
FS29.073 Silver Fern Farms Ltd	*Disallow S12.013 P & J Talbot. Appropriate controls are specified in the notified standards.*

3.7.13 The Panel acknowledges the submissions in support of Rule GIZ-R6, and as no changes are being made to the provision, these submissions are accepted.

3.7.14 The Panel agrees with Victoria Woodbridge at paragraph 368 of her s42A Report that while there are no boundary setbacks for stored items only buildings and structures, Standard GIZ-S7 requires sites are screened where they adjoin other zones and Standard GIZ-S8 requires outdoor storage areas to also be screened. As commented by Victoria Woodbridge, these standards will ensure that storage of outdoor material does not adversely affect the amenity value of adjoining landowners.

3.7.15 The Panel also notes other issues associated with the storage of chemicals and hazardous substances are controlled through other legislation and not the Proposed Plan.

3.7.16 Having regard to the matters above, submission S12.013 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S108.017 HWR Property Ltd S121.099 Alliance Group Ltd S40.079 Silver Fern Farms	Retain GIZ-R7 as notified
S12.016 P & J Talbot	GIZ-R7: Food and Beverage setback of 1000m from adjacent properties to the GIZ and restrict the hours to normal work hours, 24/7 prohibited.

3.7.17 The Panel acknowledges the submissions in support of Rule GIZ-R7, and as no changes are being made to the provision, these submissions are accepted.

3.7.18 The Panel considers the issue raised by P & J Talbot are the same as those discussed in paragraph 3.7.7 above. For the same reasons submission S12.016 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S121.100 Alliance Group Ltd S40.080 Silver Fern Farms	Retain GIZ-R8 as notified

3.7.19 The Panel acknowledges the submissions in support of Rule GIZ-R8, and as no changes are being made to the provision, these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested

S121.101 Alliance Group Ltd S40.081 Silver Fern Farms	Retain GIZ-R9 as notified
S108.018 HWR Property Ltd	GIZ-R9: Remove rule or amend activity status to non-complying
FS29.074 Silver Fern Farms Ltd	Disallow S108.018 HWR Property Ltd

3.7.20 The Panel acknowledges the submissions in support of Rule GIZ-R9, and as no changes are being made to the provision, these submissions are accepted.

3.7.21 The Panel agrees with Victoria Woodbridge at paragraph 377 of her s42A Report where she acknowledged general residential activities would not be appropriate in the General Industrial Zone due to the potential for reverse sensitivity effects. However, as set out in paragraph 3.3.4 above, the Panel considers it is appropriate to provide for caretaker accommodation recognising the need for some businesses for security and operational reasons. The Panel acknowledges that the acoustic design of caretaker accommodation requires particular attention, and the Standards provide for this. The Panel also notes that residential use for any other purpose is a non-complying activity and that is consistent with the status sought by HWR Property Ltd.

3.7.22 Given the functional need for accommodation on-site in some circumstances and non-complying status for any other reason, the Panel does not consider it necessary to amend the provision. Accordingly, submission S108.018 HWR Property Ltd is rejected.

Submitter (S)	Decision Requested
S108.019 HWR Property Ltd S121.102 Alliance Group Ltd S40.082 Silver Fern Farms	Retain GIZ-R12 as notified

3.7. The Panel acknowledges the submissions in support of Rule GIZ-R12, and as no changes are being made to the provision, these submissions are accepted.

3.8 General Industrial Zone – Additional Rules Sought

Submitter (S) Further Submitter (FS)	Decision Requested
S125.079 Ministry of Education	Educational Facilities Activity status: Discretionary
FS27.031 Alliance Group Ltd FS29.080 Silver Fern Farms Ltd	Disallow S125.079 Ministry of Education

3.8.1 The Panel agrees with Victoria Woodbridge at paragraphs 141 – 145 of her s42A Report where she notes that while Trade and Industrial Training Facilities have been provided for within the General Industrial Zone other educational facilities, particularly schools where pupils spend time outdoors, are incompatible with the character of the industrial area and can give rise to reverse sensitivity effects. The Panel also notes the policies for the zone seek to avoid sensitive activities such as schools, which require a high indoor amenity, from locating in the zone. The Panel does not agree with the Ministry that educational facilities should be a discretionary activity within the General Industrial Zone. There are far better locations for them in other zones. Accordingly, submission S125.079 Ministry of Education is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S12.003 P & J Talbot	No activities that operate 24/7. No fuel stations due to environmental damage risk, additional traffic, noise and light pollution.
S12.004 P & J Talbot	Sites adjacent to the general industrial zone shall be consulted with full agreeance, prior to any development in the general industrial zone. Including emergency services and training. No 24/7 activities

FS7.1 HWR Property Ltd	*Disallow S12.004 P & J Talbot*
S141.005 Debra & Gary Gibson	Seek more stringent regulations concerning noise, smell, and lights as General industry will increase smell, noise, lights and there is potential for hazardous chemicals which may depreciate land value and amenity.
FS7.2 HWR Property Ltd	*Disallow S141.005 Debra & Gary Gibson*

3.8.2 The Panel notes that the main concern of these submitters relates to the effects of general industrial development on the land between the Gore Racecourse and Saleyard Road in South Gore. The submitters are referred to in paragraph 4.2.16 below where some of the land within that area has been rezoned to Light Industrial.

3.8.3 In the context of the General Industrial zone, the Panel agrees with the assessment of Victoria Woodbridge at paragraphs 258 - 259 of her s42A Report where she noted the provisions relating to noise and light spill are dealt with in separate chapters of the Plan, and that these provisions are appropriate to manage the effects of activities within the industrial zones.

3.8.4 Accordingly, submissions S12.003 and 12.004 P & J Talbot and S141.005 Debra & Gary Gibson are rejected.

3.9 General Industrial Zone – Standards

Submitter (S) Further Submitter (FS)	Decision Requested
S108.020 HWR Property Ltd S121.104 Alliance Group Ltd S40.084 Silver Fern Farms S124.257 Fire and Emergency NZ	Retain GIZ-S1 as notified
S12.018 P & J Talbot	GIZ-S1: Ground level should be measured prior to any "building up" of the site. Surrounding properties should be consulted with to approve all build designs and dimensions. Site profiles to be set (build foot print and height) for better understanding of scale.
FS29.076 Silver Fern Farms Ltd	*Disallow S12.018 P & J Talbot*

3.9.1 The Panel acknowledges the submissions in support of Standard GIZ-S1, and as no changes are being made to the provision, these submissions are accepted.

3.9.2 Victoria Woodbridge at paragraphs 386 - 388 of her s42A Report explained the definition of ground level in the Proposed Plan, and the Panel notes this prevents landowners elevating ground level on their property prior to seeking a building consent, thereby effectively increasing the height of buildings being erected.

3.9.3 At paragraph 387, Victoria Woodbridge stated:

> In relation to notification of surrounding properties the control of building height is one mechanism to protect adjoining landowners, height in relation to boundary and setbacks are used in combination with height limits to manage adverse effects on sites outside of the GIZ where there may be more sensitive activities, for example Residential and Rural zoned sites.

3.9.4 The Panel agrees that the amenity of sites adjoining industrial zones should be protected by a combination of controls on height, building setback and height in relation to boundary. However, the Panel notes that the relevant control for height in relation to boundary, Standard GIZ-S2, does not apply where the adjoining site is zone Rural Lifestyle. At paragraph 3.9.10 of this decision, that omission is rectified. It is the view of the Panel, that together with a requirement for a building setback of 10 metres from the site boundary that is appropriate protection of the amenity on properties zoned Rural Lifestyle from the bulk of buildings within the General Industrial Zone.

3.9.5 The Panel notes that when a resource consent is lodged, the Council will, on a case by case basis, assess the extent and effect of any non-compliance with the relevant rules and arising from that determine whether any persons could reasonably be affected. If so, then there are procedures in the RMA to enable input by those persons, either by way of seeking their written approval or by notifying the consent. Building design is not controlled through the Proposed Plan and if there is compliance with height and bulk rules in the Plan then there is no opportunity for adjoining landowners, or the Council, to comment or seek changes.

3.9.6 Having regard to the above, submission S12.018 P & J Talbot is accepted in part by adopting the decision at paragraph 3.9.10.

Submitter (S) Further Submitter (FS)	Decision Requested
S108.021 HWR Property Ltd	Retain GIZ-S2 as notified
S12.022 P & J Talbot	GIZ-S2: Include rural lifestyle in 1 (a). Better clarity of "note" as to which side of a right of way as in build side/private property side.
FS27.028 Alliance Group Ltd FS29.077 Silver Fern Farms Ltd	Disallow S12.022 P & J Talbot

3.9.7 The Panel acknowledges the submission in support of Standard GIZ-S2, and as changes are being made to the provision in response to other submissions, this submission is accepted in part.

3.9.8 The Panel agrees with Victoria Woodbridge at paragraph 394 of her s42A Report where she accepted the Rural Lifestyle Zone should be included in GIZ-S2(1)(a) to provide consistency with other rules and standards in the Proposed Plan that seek to manage amenity values in relation to sites with more sensitive activities such as those zoned Rural Lifestyle.

3.9.9 The Panel does not agree with Victoria Woodbridge at paragraphs 395 - 397 of her s42A Report where she concluded the Note included in the Standard is clear. The Panel agrees with P & J Talbot and has revised this to better express the intent.

3.9.10 Submission S12.022 P & J Talbot is accepted by amending Standard GIZ-S2 as follows:

(a) Zoned General Residential, Medium Density Residential, Large Lot Residential, Rural Lifestyle or Māori Purpose Zone.

Note: Where a ~~boundary forms part of~~ site adjoins a legal right of way, entrance strip, access site or pedestrian access way, the rule applies from the ~~farthest~~ boundary of that feature farthest from the General Industrial Zone boundary. ~~legal right of way~~

Submitter (S) Further Submitter (FS)	Decision Requested
S124.258 Fire and Emergency NZ	Retain GIZ-S3 as notified
S108.022 HWR Property Ltd	Amend GIZ-S3 to require minimum 2 metre setback where the boundary adjoins a site not in the GIZ or LIZ Zone. A 5m setback (or 10m from rural lifestyle boundary) is excessive and will negate the ability of industrial zoned properties to utilize their properties efficiently and effectively. The effects of this rule can be clearly seen at 68 Charlton Road which has General Residential land bordering the site to the east and rural lifestyle zoned land bordering the site to the west.
S12.024 P & J Talbot	GIZ-S3: Increase the setback distance of buildings to the full height of the building, and a minimum of 15 metres. No reduction in setbacks permitted.
FS7.6 HWR Property Ltd	*Disallow*

FS27.029 Alliance Group Ltd *FS29.078 Silver Fern Farms Ltd*	

3.9.11 The Panel acknowledges the submission in support of Standard GIZ-S3, and as no changes are being made to the provision, this submission is accepted.

3.9.12 The Panel notes that the maximum height of buildings located 10 metres from side and rear boundaries complying with Standard GIZ-S2 “Height in Relation to Boundary” is as follows:

- from east and west boundaries 12.6 metres
- from south boundaries 9.6 metres
- from north boundaries 16.8 metres, but the maximum allowable height is 15 metres under Standard GIZ-S3

3.9.13 The Panel is satisfied that the height limit required by GIZ-S1 at 15 metres and setback required by GIZ-S3(2) at 10 metres provides the appropriate level of protection to the amenity of adjoining properties. Given openness is part of the amenity of rural lifestyle properties the Panel considers it appropriate for this to be reflected in a larger setback from any such zones adjoining industrial land.

3.9.14 The Panel also recognises the resource consent process is available to landowners to enable a reduction in that standard having regard to the effects of any non-compliance. The Panel does not agree with P & J Talbot that any non-compliance should be prohibited. There will be circumstances where lesser setbacks are appropriate and if adjoining owners and occupiers are deemed affected they will be consulted.

3.9.15 Having regard to the above, submissions S108.022 HWR Property Ltd and S12.024 P & J Talbot are rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S121.105 Alliance Group Ltd S40.085 Silver Fern Farms	Retain GIZ-S4 as notified
S12.026 P & J Talbot	GIZ-S4: Setbacks from RoW to be the same as boundary setbacks otherwise there would be no provision for screening, sound protection, aesthetics, green strip etc. No reduction in setbacks permitted.
FS7.7 HWR Property Ltd	*Disallow S12.026 P & J Talbot*

3.9.16 The Panel acknowledges the submissions in support of Standard GIZ-S4, and as no changes are being made to the provision, these submissions are accepted.

3.9.17 The Panel is unclear as to the intent of the submission from P & J Talbot as the Standard applies to roads not to private land or Rights-of-Way. Accordingly, submission S12.026 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S12.028 P & J Talbot	GIZ-S5: Applicants shall be required to perform "environmental good work" if riparian planting is not necessary. Some sites may not benefit from riparian planting, erosion control may be more beneficial as a part of the consent. If neither are required the applicant should be required to plant an equal amount in another site, e.g. wetland.
S12.029 P & J Talbot	GIZ-S5: If the waterway forms a boundary, the applicant should be liable for riparian planting on the opposite bank or erosion control.

3.9.18 Victoria Woodbridge at paragraph 416 of her s42A Report noted the standard requires a setback and where there is a reduced setback sought through a resource consent

then the matters of discretion include consideration of proposed planting and riparian enhancement. The Panel agrees with P & J Talbot that some sites will benefit from riparian planting and erosion control may also be beneficial. These are both matters that can be considered through the resource consent process if any reduction in the required setback is sought.

3.9.19 The RMA does not enable a Council to impose a condition on a resource consent to undertake works on private land not owned by the applicant, although in some cases the applicant may choose to do so. As a consequence, the Panel is unable to include a requirement in the Proposed Plan to undertaken off-site works.

3.9.20 As no changes are warranted to Standard GIZ-S5, submissions S12.028 P & J Talbot and S12.029 P & J Talbot are rejected.

Submitter (S)	Decision Requested
S121.106 Alliance Group Ltd	Modify Standard GIZ-S5 so that this does not apply to the Alliance site (Lot 1 DP588607) as the eastern boundary of the southern site of the Alliance Mataura plant immediately abuts the Mataura River with a concrete wall which has a height of between five and 10 metres.

3.9.21 The Panel undertook an inspection of the Alliance sites and noted the feature of most significance is the concrete wall extending along the river edge, and for much of its length buildings do so as well.

3.9.22 Doyle Richardson attended the hearing representing Alliance Group Ltd. At pages 10 – 14 of his evidence, he set out reasons why an exemption from the Standard should be provided for the entire site, legally described as Lot 1 DP 588607, highlighted in yellow on the map below. He referred to a lack of existing riparian vegetation and indigenous biodiversity values within the adjoining river area and referred to the Memorandum of Understanding Alliance has with the Hokonui Rūnanga.

3.9.23 The Panel accepts that Standard GIZ-S5 cannot reasonably or practically be applied to the Alliance site as a whole. The Panel did note however, that for part of the site there are no buildings adjacent to the Mataura River. In discussing this issue at the hearing, Doyle Richardson and Victoria Woodbridge expressed a willingness to liaise

with a view of seeking agreement amending Standard GIZ-S5 in a way that recognised the current layout and location of buildings and other structures, potentially also including relocatable structures used for temporary storage, on the Alliance site. In Minute 20, the Panel directed the two planners to work together with a view of agreeing on the wording of a bespoke Standard.

3.9.24 The Panel received a joint statement dated 30 October 2024 prepared by Victoria Woodbridge on behalf of the Gore District Council and Doyle Richardson and Nicolai Berry on behalf of Alliance Group Limited setting out an agreed new Standard to include in the Plan. The Panel notes a particular issue in drafting the agreed provision required recognition that over parts of the site buildings are erected to the river edge atop a substantial concrete wall, whereas for other parts there are no buildings (but still a concrete wall) within 20 metres of the river.

3.9.25 The Panel considers the agreement reached provides a practical approach to the unique circumstances applying to the site, and adopts the agreed outcome, for the reasons given both in the response to the Minute and in the accompanying s32AA Assessment.

3.9.26 Submission S121.106 Alliance Group Ltd is therefore accepted in part by including the following new Standard in the General Industrial Zone chapter after GIZ-S5 with consequential renumbering:

GIZ-S6 Setbacks to streams and rivers at Lot 1 DP588607

1. Any extension or alteration of an existing building or structure within 20 metres of the top of the closest bank of the Mataura River anywhere on the site does not reduce the existing setback to the Mataura River or increase the building height, excluding any roof mounted structure such as: panels, architectural features, satellite dishes or antennas, aerials or flues, provided these do not exceed the height by more than 1 metre and are no more than 1 metre in width or length.

2. Any new or relocated building or structure anywhere on the site must be set back from the top of the closest bank of the Mataura River by a minimum distance of 20 metres; or

3. Within that part of the site shown as purple in GIZ-S6 Figure 1, any new or relocated building or structure must be:

a. set back from the top of the closest bank of the Mataura River by a minimum distance of 10 metres;
b. screened by landscaping (comprising planting and / or landscaping with species that will grow to at least 2 m in height) or existing buildings on the river side; and
c. finished in recessive colours with reflectivity values less than 30%.

4. Any building or structure is set back less than 10 metres from the top of the closest bank of the Mataura River:

   a. does not exceed a floor area of 30 m^2 and a height of 5 metres; and

   b. is screened by landscaping (comprising planting and / or landscaping with species that will grow to at least 2 metres in height) or existing buildings on the river side; and

   c. is finished in recessive colours with low reflectivity values less than 30%.

Activity status where compliance is not achieved:

Restricted Discretionary

Matters of discretion:

1. Whether there is a functional need for the building or structure to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility.

2. The effects on water quality and the stability and health of the stream bed and banks, including erosion and sedimentation control measures.

3. The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous biodiversity and proposed mitigation measures, including:

   (a) opportunities for enhancement and restoration;

   (b) methods proposed to monitor or inspect the works undertaken; (g) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and

   (c) management of potential adverse effects through a Council Authorised Biodiversity Management Plan.

4. The natural character of the riparian margin and the effects of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian areas. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Mataura River.

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

6. The effects on public and customary access to the stream or river.

7. The potential for flooding and to create new or exacerbate existing natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other sites

3.9.27 Consequential to the decision in paragraph 3.9.26, an addition is required to Standard GIZ-S5 as follows:

Except as provided for in GIZ-S6:

Submitter (S)	Decision Requested
S108.023 HWR Property Ltd	Amend GIZ-S6 to include minimum requirements min 1m height. what is considered suitable minimum landscaping will help landowners make informed choices.
S112.161 NZ Transport Agency Waka Kotahi	Amend GIZ-S6: 1. A landscaping strip with an average width of 2 metres along the frontage of the site is provided.~~,~~ Eexcept for any area required for vehicle or pedestrian access, where: (a) the plants do not result in any of the following effects on the road network: (i) the visual obstruction of sight lines to and from any vehicle crossing or intersection; (ii) shading, causing icing of the road carriageway; (iii) branches or foliage that overhangs the road corridor; (iv) plant debris, especially from deciduous plants, that could block drainage systems within the road corridor. Add an additional matter of discretion, where compliance is not achieved with the standard, as follows: 3. The effect of the non-compliance on the safe, efficient and effective function of the road network.

3.9.28 The Panel agrees with Victoria Woodbridge at paragraph 423 of her s42A Report where she highlighted the intent of the standard is to require landscaping without being overly prescriptive as to what was required given the anticipated level of amenity within the zone. The Panel does not see any benefit in being more specific to allow flexibility. Accordingly, submission S108.023 HWR Property Ltd is rejected.

3.9.29 The Hearings Panel generally agrees with Victoria Woodbridge and notes vegetation overhanging roadside property boundaries is subject to the Council's Long Grass and Overhanging Vegetation Bylaw.

3.9.30 In considering the impact of vegetation on sight lines to and from any vehicle crossing or at intersections the Panel is mindful of the provision in Transport Standard TRANS-S11(4) that limits the height of any vegetation within corner visibility splays to 0.5 metres.

3.9.31 The Panel agrees with Victoria Woodbridge that the provisions of the other matters sought by NZTA are vague and not capable of clear and consistent administration. NZTA did not present any additional evidence to the Panel on this submission. Accordingly, submission S112.161 NZ Transport Agency Waka Kotahi is rejected.

Submitter (S)	Decision Requested
S124.259 Fire and Emergency NZ	Amend GIZ-S6: 2. Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
S124.260 Fire and Emergency NZ	Amend GIZ-S8 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.

3.9.32 The submission points by FENZ seek to ensure safety signage remains visible and access remains to emergency response facilities following any landscaping or screening. The Panel agrees, subject to a minor wording change, with Victoria Woodbridge at paragraph 88 of the s42A Report that such a provision is appropriate for safety reasons.

3.9.33 Submission S124.259 Fire and Emergency NZ is accepted in part by adding to Standard GIZ-S6:

2. 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.

3.9.34 Submission S124.260 Fire and Emergency NZ is accepted in part by including an additional clause in Standards GIZ-S8 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
S12.031 P & J Talbot	GIZ-S7: All screening must be approved by neighbouring property owners.
FS7.8 HWR Property Ltd *FS27.030 Alliance Group Ltd* *FS29.079 Silver Fern Farms Ltd*	*Disallow S12.031 P & J Talbot*

3.9.35 The Panel does not consider it appropriate to require approval of adjoining landowners when providing screening on a site but that does not prevent neighbours from consulting when landscaping is proposed. There is no procedure under the RMA that enables it, other than a resource consent and in the Panel's view that is not justified. Nor is there any mechanism outside of the resource consent process to resolve a conflict if the developer and adjoining neighbour do not agree. Accordingly, submission S12.031 P & J Talbot is rejected.

Submitter (S)	Decision Requested
S112.162 NZ Transport Agency Waka Kotahi	Amend GIZ-S8 to include an additional clause (3) and a sixth matter of discretion as follows, or with words of similar intent: 3. Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind. And matters of discretion: 6. Any adverse effects on the road network.

3.9.36 The Panel agrees with Victoria Woodbridge at paragraph 175 of her s42A Report where she recommends accepting this submission for the reasons she has given.

3.9.37 Submission S112.162 NZ Transport Agency Waka Kotahi is accepted by adding to Standard GIZ-S8:

4. Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind.

Matters of Discretion

6. Any adverse effects on the road network

Submitter (S)	Decision Requested
S12.032 P & J Talbot	GIZ-S8: Additional screening is required for security fences along boundaries with rural, rural lifestyle, public or residential zones.

3.9.38 The Panel agrees with Victoria Woodbridge at paragraph 429 of her s42A Report where she recommends accepting this submission in part for the reasons she has given.

3.9.39 Submission S12.032 P & J Talbot is accepted in part by amending Standard GIZ-S8 as follows:

1. Any on-*site* service area, including rubbish collection areas, must be fully screened by a solid, close-boarded 1.8m high fence or landscaping from view of:

   (a) public *road*

   (b) an adjoining *site* in ~~any rural or residential zone.~~ the Medium Density Residential, General Residential or Large Lot Residential Zones or the General Rural or Rural Lifestyle Zones; or

   (c) other public space

   Except that outdoor storage of goods for sale as part of the activity do not require screening from a public *road*.

2. Any on-site parking must be fully screened by a solid, close-boarded 1.8m high fence or landscaping from view of an adjoining *site* in the Medium Density Residential, General Residential or Large Lot Residential Zones or the General Rural or Rural Lifestyle Zones ~~any residential or rural zone~~.

Submitter (S)	Decision Requested
S108.024 HWR Property Ltd	Delete GIZ-S9. Industrial sites are generally fully sealed in order to operate efficiently and often due to a requirement to have outdoor storage, maneuvering areas for large vehicles and large buildings. A requirement to have 10% permeable surface is considered out of keeping with the intent for the General Industrial Zone and is opposed. The landscaping strip required along the site frontage (GIZ-S6) is considered sufficient to provide some measure of permeable surfaces on site.

3.9.40 Victoria Woodbridge at paragraph 430 of her s42A Report recommended rejecting this submission on the basis that permeable areas should be provided on industrial sites to facilitate the disposal of stormwater. The Panel notes if there was non-compliance with the 10% net site area standard, a matter to have regard to in considering a resource consent is the ability to dispose of stormwater.

3.9.41 The Panel considers that amenity values within industrial areas also require consideration. There are no rules in the Proposed Plan that limit the coverage of buildings within the Industrial Zones. The Panel is of the view that open areas in some form should be provided, and this Standard is one way of achieving that.

3.9.42 The Panel accepts in part the contention of the HWR Property Ltd that small properties are adversely affected by the standard. The smaller industrial properties are generally located within that part of South Gore north of Falconer Road, and the majority of these are fully developed and will have existing use rights. The Panel considers that with a small number of vacant lots, complying with the rule is appropriate for permitted activity status. For those lots fronting the State Highway, including those further south, additional setback requirements also apply making compliance with the standard non-problematic.

3.9.43 For larger industrial sites of 5 ha or more the Panel considers it important to include both landscape planting and permeable areas to ensure industrial development has regard to amenity values. The Panel notes that the figure of 10% is low compared to other areas in NZ.

3.9.44 For the reasons set out above, submission S108.024 HWR Property Ltd is rejected.

Submitter (S)	Decision Requested
S108.025 HWR Property Ltd	Delete GIZ-S10. The GIZ is anticipated to generate high levels of noise, odour, dust and other discharge effects. Sensitive activities such as dwellings, whether or not they are ancillary to an industrial activity are not considered appropriate in this zone and certainly outdoor living space within the GIZ is likely to experience high levels of sensitivity not in keeping with the intentions for the zone. This provision should be deleted even if the ability to establish ancillary residential activities is retained.

3.9.45 Victoria Woodbridge at paragraph 431 of her s42A Report recommended rejecting this submission and the Panel agrees. In other decisions the Panel has recognised that provision of caretaker accommodation is appropriate within the General Industrial Zone, and this standard provides some private open space. The Panel accepts that at times the amenity within the outdoor area will be impacted by the effects of activities within the Zone but considers the purpose of the area is also to provide some openness adjacent to the residence both in terms of outlook but also facilitating sunlight. For these reasons submission S108.025 HWR Property Ltd is rejected.

4. Mapping

4.1 Environment Southland Submission

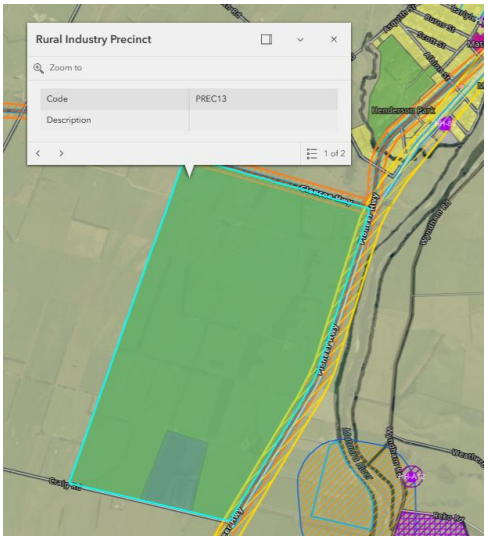
Submitter (S)	Decision Requested
S85.059 Environment Southland	Prevent any new zone changes from the current District Plan which have the potential to intensify land use change and development within a flood inundation area. This comment applies to all zones and maps

4.1.1 The approach of the Panel in having regard to this submission, 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.

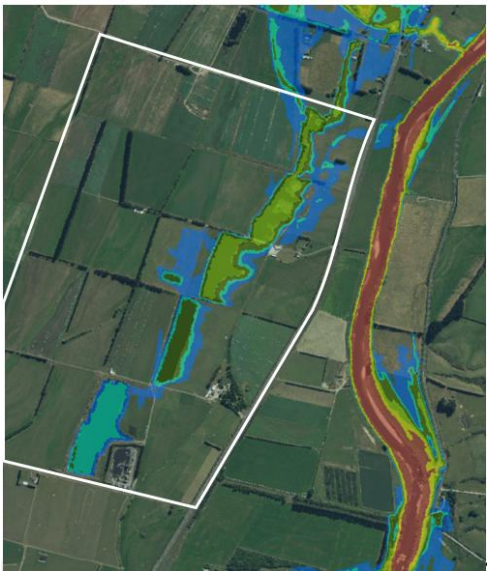
4.1.2 There are three areas previously zoned Rural in the Operative Plan where general industrial activities are provided for in the Proposed Plan that would fit within the descriptor of “upzoning” referred to by Marcus Roy, as follows:

(a) Craig Road, Mataura

4.1.3 The Industrial zoning of the Operative District Plan, with a minor variation arising as a result of following legal boundaries, has been used to delineate a Rural Industry Precinct as shown below.



4.1.4 The best information available to the Panel is the modelling results of Environment Southland at the Natural Hazards hearing on 10 March 2025, shown on the following plan, depicting maximum water depth from flooding at a 1% Annual Exceedance Probability.:



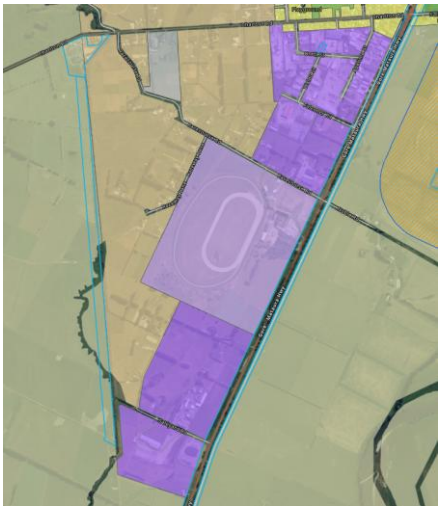
4.1.5 The modelling shows the majority of the site is flood free. The light and dark green areas are pits left following lignite mining on the site and are not suitable for development, being in excess of 10 metres deep. The blue areas show land with shallow depths of water.

4.1.6 The provisions for the Rural Industrial Precinct recognise the hazards present, and with regard to flooding the Panel is satisfied that subject to management under the Precinct provisions and the provisions of the Natural Hazards chapter industrial use of this land is appropriate.

(b) South Gore (Gore Racecourse)

4.1.7 The Proposed Plan rezones land fronting State highway 1 from Falconer Street

to south of Saleyards from Rural in the Operative Plan to a mix of General Industrial and Light Industrial as shown below:

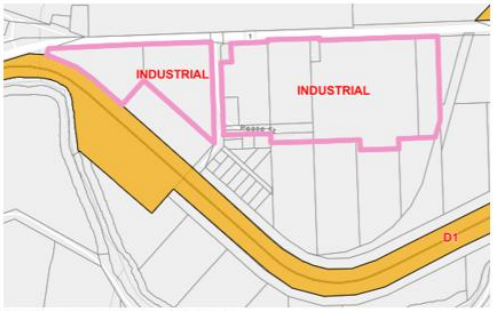


4.1.7 The risk of flooding over this land is referred to in Decision 21 at paragraphs 3.8.10 – 3.8.16. Having regard to the modelling provided by Environment Southland the Panel is satisfied that, subject to management under the provisions of the Natural Hazards chapter, this land is suitable for industrial development.

4.1.8 Submitters should note that in paragraph 4.2.16 below a portion of this land zoned General Industrial in the PDP is being changed to Light Industrial as a consequence of the Panel's decision in response to submissions lodged opposing the zoning.

(c) McNab

4.1.9 The area zoned Industrial in the Operative District Plan has been shown as General Industrial Zone in the Proposed Plan and expanded, as shown on the plans below.



Above: Operative District Plan
Below: Proposed District Plan

4.1.10 A report by Tonkin and Taylor attached to the s42A Report assessed the potential for flooding in the McNab area, concluding there was a significant risk to the lower lying land and recommending the area outlined in red below be zoned rural.

4.1.11 The Panel considers the Tonkin and Taylor Report to be the best available information and accepts the recommendation.

4.1.12 Submission S85.059 Environment Southland is accepted in part by zoning the land shown outlined in red above as Rural.

Submitter (S)	Decision Requested
S28.001 Ravensdown Ltd	Rezone 1.4160ha of Ravensdown owned land (legally described as Section 1SO 12143) from 'General Rural' to 'General Industrial'.

4.1.13 The land referred to in this submission is coloured yellow on the plan below. As set out in paragraph 4.1.11 above the Panel has accepted the recommendation from Tonkin & Taylor that the low lying land at McNab should not be zoned Industrial. The land subject to this submission is also within that low lying area and as such the Panel concludes it is not suitable for industrial purposes. Accordingly, submission S28.001 Ravensdown Ltd is rejected.

4.2 Other Zoning Submissions

Submitter (S)	Decision Requested
S54.002 Webbline Agriculture Ltd	Fully support the rezoning of the industrial area, as there is a large shortage of suitable land within the Gore district
FS5.193 Hamish Weir	*Allow 54.002 Webbline Agriculture Ltd*
S31.001, 31.002 Stephen Hook	Opposing the change in land use for the South Gore area from Rural to General Industrial.
S89.003 Karen Menlove	Disagree with the inclusion of the commercial expansion along the state highway 1 to South Gore to Racecourse Road being incorporated into the GIZ
S12.002 P & J Talbot	Industrial zoning adjacent to the rural lifestyle zone must be light industrial only.
S141.003 Debra & Gary Gibson	Extend Light Industrial Zone to the boundary of Silver Fern Farms off Saleyard Road (opposed to General Industrial Zone).
S114.001 Donna Vincent	Change the area in Gore South (excluding existing freezing works) from proposed industrial to light industrial i.e. continue the light industrial area from Racecourse to Saleyard Road excluding existing Silver Farms buildings and yards only and not adjoining clear land owned by them.
S12.033 P & J Talbot	GIZ-O2 - The proposed general industrial zone on Saleyard Road should be light industrial not general industrial.
FS29.051 Silver Fern Farms Ltd	*Disallow S12.033 P & J Talbot*

4.2.2 The Panel records that while P & J Talbot lodged a submission to Objective GIZ-O2 the outcome sought was a rezoning of the land on Saleyard Road. Given the complexities of the submission process, and that the submission comes from a lay person, the Panel does not wish to penalise the submitters for the manner in which the submission was presented, particularly given that the outcome sought is perfectly clear, and given that outcome is also sought by other submitters, the Panel concludes that no other person could reasonably claim to be adversely affected.

4.2.2 Victoria Woodbridge at paragraphs 207 – 211 highlighted the rationale and assessments undertaken leading to the conclusion that additional industrial land was required within the Gore District and the Panel agrees with that.

4.2.3 The Panel notes that in the Operative District Plan the land north of Falconer Road, outlined in red on the map below is zoned Industrial. That zoning is being retained and extended through to Racecourse Road. Webbline Agriculture, located on the corner of Racecourse Road and the State highway supports the extension of the Industrial zoning in the PDP. Karen Menlove, a landowner in the Rural Lifestyle Zone, located adjacent to the transport yard (marked as a blue triangle) accessed from Falconer Road opposes the extended zoning.

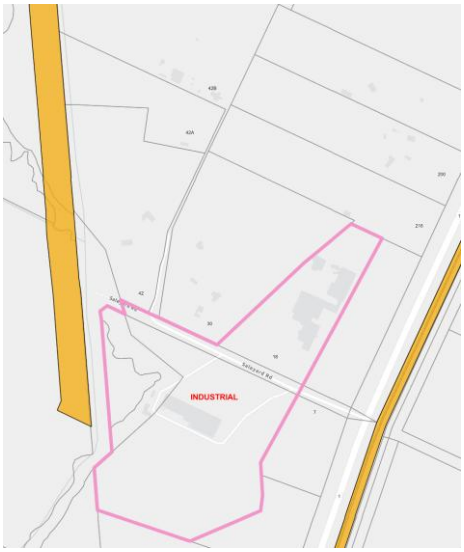
4.2.4 Victoria Woodbridge at paragraphs 207 – 211 highlighted the Council is required to provide land for sufficient development capacity to meet the expected demands of the district. Following a robust assessment of potential locations for industrial zones the area in Gore South was identified as being the most suitable because it maintained a compact urban form, had good access to the State Highway, was close to reticulated services and contained a number of existing industrial activities which would be enabled and provided for through the zoning.

4.2.4 The Panel supports the rationale of Victoria Woodbridge in her assessment and following an inspection of the area between Falconer Road and Racecourse Road agrees that the General Industrial is the most appropriate in the area, particularly having regard to the range of industrial activities in the area and its proximity to the State highway. Accordingly, submission S54.002 Webbline Agriculture Ltd that supports the General Industrial Zoning is accepted, while submission S89.003 Karen Menlove that opposes the zoning is rejected.

Submitter (S)	Decision Requested
S31.001, 31.002 Stephen Hook	Opposing the change in land use for the South Gore area from Rural to General Industrial.
S12.002 P & J Talbot	Industrial zoning adjacent to the rural lifestyle zone must be light industrial only.
S141.003 Debra & Gary Gibson	Extend Light Industrial Zone to the boundary of Silver Fern Farms off Saleyard Road (opposed to General Industrial Zone).
S114.001 Donna Vincent	Change the area in Gore South (excluding existing freezing works) from proposed industrial to light industrial i.e. continue the light industrial area from Racecourse to Saleyard Road excluding existing Silver Farms buildings and yards only and not adjoining clear land owned by them.
S12.033 P & J Talbot	GIZ-O2 - The proposed general industrial zone on Saleyard Road should be light industrial not general industrial.
FS29.051 Silver Fern Farms Ltd	*Disallow S12.033 P & J Talbot*

4.2.5 In the Operative District Plan, the Gore Racecourse is zoned Rural and this is subject to a Light Industrial Zoning in the Proposed Plan. Given the size of the racecourse site it is the view of the Panel that this land is ideally suited for industrial purposes. Recognising the racecourse is currently open and void of any industrial activity and taking into account the amenity of adjoining land, the LIZ zoning has been applied together with bespoke provisions and a Development Plan.

Operative District Plan



Proposed District Plan

4.2.6 The area south of the Racecourse to and past Saleyard Road is shown on the map above, indicating the zoning of both the Operative Plan and Proposed Plan. The Operative Zoning contains the Silver Fern Farms meat processing facility on the north side of Saleyard Road, and the Gore Saleyards on the south side. The land between meat processing facility and the highway is owned by Silver Fern Farms and on the land between the saleyards the highway there is now a rural based machinery business. It is the view of the Panel that all of this land zoned Industrial in the Operative Plan should retain that zoning with it being extended to the State highway.

4.2.7 The remainder of the land between the racecourse and Saleyard Road is used for a mix of rural lifestyle and rural (grazing purposes). It is the Panel's view this land is of a rural character. One landowner, Stephen Hook at 194 Gore-Mataura Highway (adjoining the Racecourse) opposes the General Industrial Zoning of his land. Behind the land shown as General Industrial in the PDP, (towards the west) is an area used for, and zoned, rural lifestyle. Submitters, Donna Vincent, P & J Talbot and D & G Gibson live within Rural Lifestyle Zone. These submitters oppose the proposed GIZ zoning seeking this be amended to Light Industrial Zone.

4.2.8 Donna Vincent appeared at the hearing. She described that while she has owned her property for 17 years she has only lived there since later 2024. She has five horses and an arena measuring 60m by 20m where young children come for horse riding lessons. She also accepted that industry needs to be somewhere but opposed the General Industrial Zoning and sought a more substantial buffer between the right-of-way access to her property and adjoining industrial uses. It was her vision that such a buffer, planted with indigenous vegetation, could extend from Saleyard Road to Racecourse Road, possibly 15 metres wide and be used as a walking track and bridle path.

4.2.9 The land between Racecourse Road and Saleyard Road is subject to the provisions of Development Area 1 with an associated Outline Development Plan that shows a 5 metre wide landscape buffer at the interface of the General Industrial and Rural Lifestyle Zones. In addition, Rules GIZ-S3 and LIZ-S4 require buildings to be set back 10m from the Rural Lifestyle Zone boundary. Panel considers these provisions are appropriate in protecting the amenity of adjoining rural lifestyle land.

4.2.10 It is the view of the Panel that a walking / bridle track from Racecourse Road to Saleyard Road, while worthy of consideration, is beyond the scope of any submissions lodged to the Proposed Plan and cannot be progressed by the Panel.

4.2.11 The Panel did consider increasing the size of the buffer area shown on the Outline Development Plan but concluded that for consistency a similar change would be required in all cases where industrial land adjoined rural lifestyle land. The Panel concludes such an outcome could not be foreseen by the submissions lodged. However, the Panel is of the view that issues related to the buffer area and the setback back of buildings on the industrial land are also relevant in considering the zoning of the land.

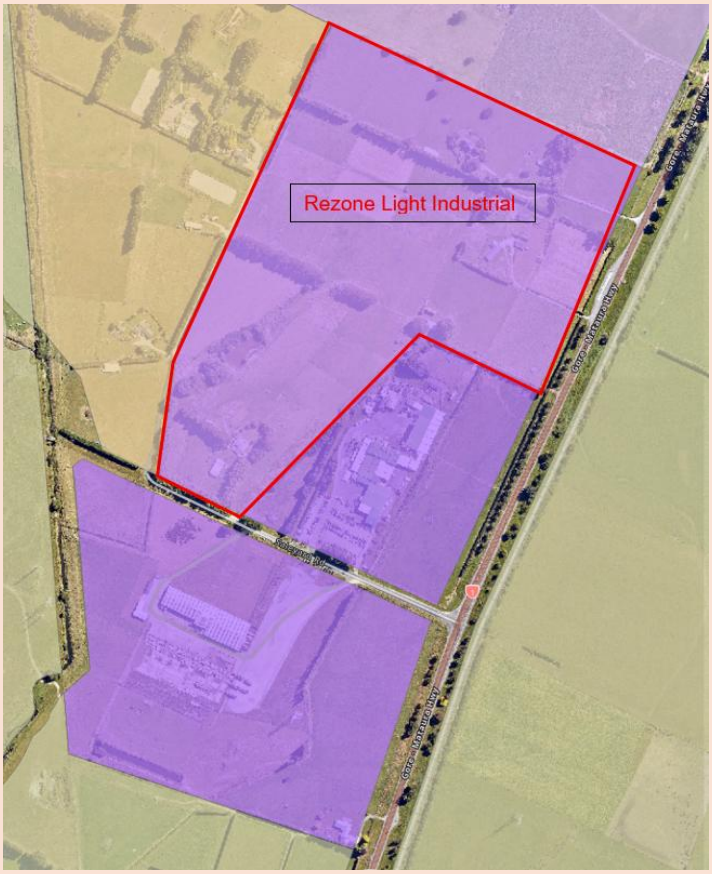
4.1.12 In determining the outcome on these submissions, the Panel is mindful of the recommendations in the s42A Report not to amend the zoning as sought by submitters, and the agreement of Steve Tuck on behalf of Silver Fern Farms to those recommendations where relevant. That may also explain why Silver Fern Farms may not have presented any evidence with regard to the zoning of the land between Racecourse Road and Saleyard Road.

4.2.13 Having regard to all of the matters above the, it is the decision of the Panel to rezone that part of the land between the proposed Light Industrial Zone (the Racecourse) and Saleyard Road, not described above as Light Industrial, as shown below. Submitters should also refer to Decision 22 where some changes are made to the Outline Development Plan for the area.

4.2.14 The Panel is mindful that this decision rezones land owned by Silver Fern Farms, being Lot 3 DP 8038 to Light Industrial. Given this land is used for grazing and the matters above, the Panel considers such zoning appropriate.

4.2.15 Having regard to the provisions of RMA s32AA the Panel considers the rezoning is the most appropriate way, both in terms of efficiency and effectiveness, to meet the objectives of the industrial zones and Rural Lifestyle Zone and to achieve the purpose of the RMA. While the outcome is to reduce the overall area of land zoned General Industrial in the PDP the Panel notes the overall availability of land for industrial purposes is not changed, and as a consequence of other decisions is actually being increased.

4.2.16 Accordingly, submissions S31.001, 31.002 Stephen Hook, S12.002 and S12.033 P & J Talbot, S141.003 Debra & Gary Gibson and S114.001 Donna Vincent are accepted in part by rezoning the land from General Industrial to Light Industrial as shown outlined in red on the plan below.



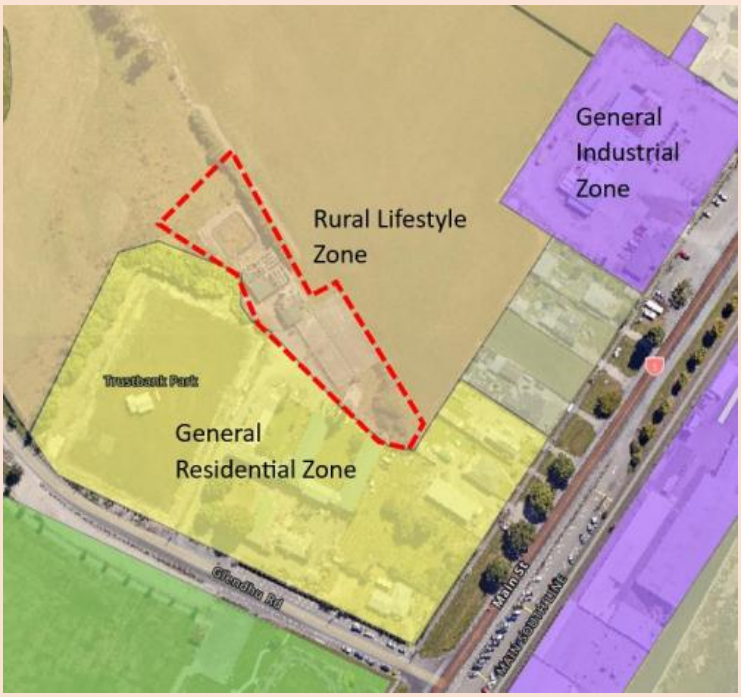
Submitter (S)	Decision Requested
S121.001, S121.108 Alliance Group Ltd	Amend the Rural Lifestyle Zone overlay to exclude the Alliance water treatment plant and include it as GIZ.

4.2.17 The Panel agrees with Victoria Woodbridge at paragraph 231 of her s42A Report where she accepts that the Rural Lifestyle Zoning over the Alliance water treatment site is not appropriate. The recommendation of Victoria Woodbridge was that this land should be rezoned Light Industrial.

4.2.18 Doyle Richardson, appearing at the hearing representing Alliance, in his written statement of evidence noted that the activities on the Alliance site did not fit within the definition of Light Industrial Activity, but did match what is provided by the General Industrial Zone definition and provisions. He also considered the use of the site should be seen as being ancillary to the Alliance meat processing plant, noting chemicals are stored on-site and regardless of whether the site has a GIZ or LIZ zoning. As a consequence he considered similar Standards should apply.

4.2.19 Having considered the matters above, Victoria Woodbridge at paragraph 34 of her statement of evidence to Hearing Stream 4 amended her recommendation to accept the submission of Alliance. The Panel accepts that is the appropriate outcome.

4.2.20 Submission S121.001, S121.108 Alliance Group Ltd is accepted by rezoning the area shown on the following Plan outlined with a dashed red line as General Industrial.



5 Additional Matters

5.1 Whole of Plan Submissions

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

5.1.1 Courtney Bennett and Amy Beran in their joint response to Minute 15 drew attention to the Matters of discretion in Standard GIZ-S5 Setbacks from Rivers and Streams in the General Industrial Zone chapter which they considered could be reviewed having regard to the submissions of Hokonui Rūnanga. Consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori the Panel agrees that clause (5) requires revising as follows:

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

5.2 Section 32AA

5.2.1 The s42A Reports prepared for Industrial Zones, Mana Whenua, Sites and Areas of Significance and Natural Hazards hearings included assessment of Section 32AA matters. In considering the submissions included on this decision, the Panel has had regard to the relevant Section 32AA provisions and where appropriate provided comment on the relevant matters. Given the nature of other changes made to the General Industrial Zone provisions, which in the view of the Panel are minor in nature, no additional Section 32AA assessment is required what is outlined in the Decision.