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 21: Light Industrial Zone

Hearings Panel Members

Keith Hovell

Glenys Dickson

Maria Bartlett

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 1

1.4 Procedural Matters 2

2. The Hearings

2.1 Light Industrial Zone Hearing 2

2.2 Other Relevant Hearings 3

3. Light Industrial Zone Submissions

3.1 Interpretation 3

3.2 General 4

3.3 Light Industrial Zone – Overview and Purpose 4

3.4 Light Industrial Zone – Objectives 5

3.5 Light Industrial Zone – Policies 6

3.6 Light Industrial Zone – Rules 7

3.7 Light Industrial Zone – Standards 7

3.8 Light Industrial Zone – Maps 9

4 Other Mattes

4.1 Hokonui Rūnanga 14

4.2 Notes 15

4.3 Section 32AA Matters 15

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 Light 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
Light 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 Light 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 Light 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 LIZ were heard together with other matters in Hearing Stream 4 that included the General 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 for land within Development Area 1 South Gore. 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 Light 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
S107	Ronald Ashby	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 Light Industrial Zone Submissions

3.1 Interpretation

Submitter (S)	Decision Requested
S126.007 Southland Federated Farmers of NZ S115.008 Kevin Robertson S143.019 Rural Ratepayers Group S148.020 Alistair & Bernadette Hunt S60.010 Ronald Crispin S68.128 John Baynes	Retain definition of ancillary activity as notified.

3.1.1 The support for the definition of "ancillary activity" is acknowledged. No other submissions were lodged to the definition and it remains unchanged. These submissions are therefore accepted.

3.2 General

Submitter (S)	Decision Requested
S146.091 Southland District Council	The submitter supports this chapter.

3.2.2 Southland District Council supports the chapter overall and does not seek any changes to it. The Panel acknowledges that support. As minor amendments have been made to the provisions, submission S146.091 Southland District Council is accepted in part.

Submitter (S)	Decision Requested
S123.023 Heritage New Zealand Pouhere Taonga	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. The Precincts, alongside the Historic Heritage provisions, appropriately balance the ongoing commercial and industrial use of each area while retaining the recognised historic heritage values.

3.2.3 The Panel acknowledges the support of Heritage NZ for the approach of adopting heritage precincts in the Plan. As the Historic Dairy Factory Precinct has been deleted arising from Decision 41 Historic Heritage, submission S123.023 Heritage New Zealand Pouhere Taonga is accepted in part.

3.3 Light Industrial Zone – Overview and Purpose

Submitter (S)	Decision Requested
S112.155 NZ Transport Agency Waka Kotahi	Amend the provisions in this chapter and/or the Outline Development Plan for the DEV1, to make it clear how staging will occur in the new DEV1 Light Industrial area south of Gore.

3.3.1 Victoria Woodbridge at paragraph 176 of her s42A Report explained that the Overview and Purpose provides a general statement on the Development Area to ensure a connection and correlation between the zone and the development area, while the Development Area Chapter contains a more detailed description and overview. NZTA advised the Panel it accepted that it was not necessary to provide detailed information such as any staging requirements in the overview and purpose. Submission S112.155 NZ Transport Agency Waka Kotahi is therefore rejected.

Submitter (S)	Decision Requested
S85.250 Environment Southland	Recognise that a residual flood risk exists despite stop banks

3.3.2 The Panel notes there are two areas zoned Light Industrial in the notified PDP. The first is located within the area bounded by the railway, the Mataura River and Oldham Street. A flood bank runs along the edge of the River and in the event of its overtopping this land may be inundated depending on the severity of the flooding. The second area is located to the south of Gore on land currently occupied by the Gore Racecourse. There is no flood bank within the vicinity of this land but it is potentially subject to flooding from the Mataura River and the Charlton Stream.

3.3.3 At the hearing, 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 445 of her s42A Report where she expresses 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 S85.214 Environment Southland is rejected.

3.3.4 Whether the two areas should be zoned Light Industrial is considered in section 3.7 of this decision.

3.4 Light Industrial Zone – Objectives

Submitter (S)	Decision Requested
S125.075 Ministry of Education	Retain LIZ-O2 as proposed.

3.4.1 The Panel acknowledges the support of the Ministry of Education for the objective. As the provision is being retained unchanged, submission S125.075 Ministry of Education is accepted.

Submitter (S)	Decision Requested
S107.001 Ronald Ashby	Clarification as to the intent of objective LIZ-O4, void on draft plan.

3.4.2 The Panel accepts the advice of Victoria Woodbridge at paragraph 451 of her s42A Report that LIZ-O4 is intended to provide direction as to the anticipated levels of amenity within the zone, with policies LIZ-P4 and LIZ-P5 giving effect to LIZ-O4 and the rules and performance standards then give effect to those policies. Deleting LIZ-O4 would leave a gap in the framework of the chapter and would not provide clear direction to plan users and decision makers as to the anticipated level of amenity within the zone. Accordingly, submission S107.001 Ronald Ashby is rejected.

Submitter (S)	Decision Requested
S139.078 Hokonui Rūnanga Inc	Amend LIZ-O5 to read: "~~The adverse environmental effects, or impacts on Ngāi Tahu cultural values, generated by activities within the Light Industrial Zone are managed, particularly at zone boundaries.~~ Potential sensitivity effects or reverse-sensitivity effects on people their values and activities resulting from activities within the LIZ are managed, particularly at the zone interfaces."

3.4.3 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 LIZ-P4(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 GIZ-O4 has also been amended.

3.4.6 Submission S139.078 Hokonui Rūnanga Inc is accepted in part by amending Objective LIZ-O5 as follows:

The adverse environmental *effects*, including reverse sensitivity ~~or impacts, on Ngāi Tahu cultural values,~~ generated by activities within the Light Industrial Zone are managed, particularly at the zone boundaries.

3.5 Light Industrial Zone – Policies

Submitter (S)	Decision Requested
S124.226 Fire and Emergency NZ	Retain LIZ-P1 as notified

3.5.1 The Panel acknowledges the support of the submitter for the policy. As the provision is retained without change, submission S124.226 Fire and Emergency NZ is accepted.

Submitter (S)	Decision Requested
S110.052 Royal Forest and Bird Society of NZ Inc	Add to LIZ-P3: Matters of discretion 3. Cause adverse effects on indigenous biodiversity or ecological corridors.
S112.156 NZ Transport Agency Waka Kotahi S132.229 KiwiRail Holdings Ltd	Retain LIZ-P3 as proposed.

3.5.2 In response to this submission, Victoria Woodbridge at paragraphs 159 - 160 of her s42A Report stated:

> The industrial zones under the ODP are typically within 'urban environments' or already developed with an industrial activity, thereby negating the likelihood that there would be an SNA on the site. Within the Gore South Development Area which has been recommended for industrial zoning in the PDP there are also existing activities and the historic and current use of the sites mean it is unlikely that there would be any areas which would fit the SNA criteria identified within the PDP.
>
> However, should any development on a site where there may be indigenous biodiversity the provisions of the ECO Chapter would be applicable. However, any requirement for setback from SNAs should be located within the ECO Chapter as I consider the management of indigenous vegetation is a District Wide matter. The PDP ECO Chapter has appropriate provisions to protect SNAs from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework.

3.5.3 The Panel agrees with and adopts the assessment of Victoria Woodbridge. Accordingly, submission S110.052 Royal Forest and Bird Society of NZ Inc is rejected. The submissions S112.156 NZ Transport Agency Waka Kotahi and S132.229 KiwiRail Holdings Ltd supporting the policy are therefore accepted.

Submitter (S)	Decision Requested
S112.157 NZ Transport Agency Waka Kotahi	Retain LIZ-P4 as notified
S139.079 Hokonui Rūnanga Inc	Amend LIZ-P4 to 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 ~~Ngāi Tahu cultural values~~ and natural character" and delete clause 5.

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

3.5.5 Submission S139.079 Hokonui Rūnanga Inc is accepted in part by amending Policy LIZ-P4 as follows:

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

3.6 Light Industrial Zone – Rules

Submitter (S)	Decision Requested
S125.076 Ministry of Education	Add an additional rule: Educational Facilities Activity status: Discretionary

3.6.1 The Panel notes that Trade and Industry Training Facilities are a permitted activity within the Light Industrial Zone. That allows training facilities associated with the type of activities expected in the Zone. Given the amenity of the locality, the Panel considers traditional schools inappropriate in the area, particularly where students would be spending part of the day outdoors, either in sport classes or during breaks. The Panel agrees with Victoria Woodbridge at paragraphs 141 – 145 of her s42A Report where she expresses concern at the potential for reverse sensitivity effects which may arise, and highlights that providing for schools within this zone is contrary to the objectives and policies for the zone. Accordingly, submission S125.076 Ministry of Education is rejected.

Submitter (S)	Decision Requested
S141.001 Debra & Gary Gibson	Seek more stringent regulations concerning noise, smell, and lights. General industry will increase smell, noise, lights and there is potential for hazardous chemicals which may depreciate land value and amenity.

3.6.2 The Panel notes provisions related to noise and light are considered in standalone chapters in the PDP, and as a consequence of decisions on submissions some of the rules have been strengthened to provide greater protection to adjoining sites. The range of industrial activities provided for in the LIZ are not those storing hazardous chemicals or likely to generate offensive smells.

3.6.3 It is the view of the Panel that no changes are required to the LIZ chapter arising from this submission and consequentially, submission S141.001 Debra & Gary Gibson is rejected.

3.7 Light Industrial Zone – Standards

Submitter (S)	Decision Requested
S124.242 Fire and Emergency NZ	Retain LIZ-S3 as notified

3.7.1 The Panel acknowledges the support of FENZ for this standard. As the provision is retained without change, submission S124.242 Fire and Emergency NZ is accepted.

Submitter (S)	Decision Requested
S124.243 Fire and Emergency NZ	In LIZ-S6 amend as follows: 2.Landscaping shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
S124.244, S124.245 Fire and Emergency NZ	LIZ-S7 and LIZ-S9 add Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

3.7.2 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.

3.7.3 Submission S124.243 Fire and Emergency NZ is accepted in part by including an additional clause in Standards LIZ-S6 as follows:

3. Landscaping must 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.

3.7.4 Submissions S124.244 & S124.245 Fire and Emergency NZ are accepted by including an additional clause in Standards LIZ-S7 & LIZ-S9 as follows:

4. Screening must 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)	Decision Requested
S112.158 NZ Transport Agency Waka Kotahi	Amend standard LIZ-S6: 1. A landscaping strip with an average width of 2 metres along the frontage of the site is provided, ~~E~~except for any area required for vehicle or pedestrian access and for any site within the Creamoata Precinct, 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 for discretion, where compliance is not achieved as follows: 3. The effect of the non-compliance on the safe, efficient and effective function of the road network.

3.7.5 Victoria Woodbridge at paragraphs 173 - 175 of her s42A Report recommended this submission be rejected because it refers specifically to the LIZ and not to other zones, resulting in an inconsistency in the rules between the zones.

3.7.6 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.

3.7.7 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.

3.7.8 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 S112.158 NZ Transport Agency Waka Kotahi is rejected.

Submitter (S)	Decision Requested
S112.159 NZ Transport Agency Waka Kotahi	Amend standard LIZ-S9 to add 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.

3.7.9 At paragraph 176 of her s42A Report Victoria Woodbridge advised that in her view windblown loose materials could create a nuisance for road users and beyond that, occupants of other nearby sites. The Panel agrees and adopts the recommendation.

3.7.10 Submission S112.159 NZ Transport Agency Waka Kotahi is accepted by adding to Standard LIZ-S9:

2. 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

3.8 Light Industrial Zone – Maps

Submitter (S)	Decision Requested
S107.003 Ronald Ashby	Retain mixed-use zoning. Unlike the perimeter area being re zoned Industrial in to Mixed Use this current area is characterised as framed by recreation/ parkland and centre of town with established dwellings. Plan supports new retail however rejects established element.

3.8.1 Ronald Ashby spoke to the Panel in Hearing Stream 2 when submissions on the Mixed Use Zone were being considered. He did not oppose the change of zoning from Mixed Use to Light Industrial provided that an industrial estate was established, rather than individual businesses, and night-time noise is controlled. He advised the Panel that his family operates a boarding house and any industrial type night noise is opposed.

3.8.2 The Panel notes the activities permitted in the Mixed Use Zoning of the Operative District Plan include:

(a) Carparking
(b) Commercial Activity
(c) Animal Boarding Activity;
(d) Commercial Recreation Activity;
(e) Communal Activity;
(f) Essential Services;
(g) Health Care Activity;
(h) Education Activity;
(i) Industrial Activity;
(j) Land Development;
(k) Service Station.
(l) Veterinary Clinic

3.8.3 Within the Light Industrial Zone similar activities are permitted, as follows:

LIZ-R1 *Light Industrial Activity*
LIZ-R2 *Trade and Industrial Training Facility*
LIZ-R3 *Emergency Services Facility*
LIZ-R4 Service Station

LIZ-R5 Specified Retail Activities

LIZ-R6 Food and Beverage Activity

LIZ-R10 Industrial Activity within the Cremoata Precinct

3.8.4 Some activities permitted under the Operative Plan require consent under the proposed Plan, including:

LIZ-R11 Community Facility

LIZ-R14 Healthcare Activity

3.8.5 The Panel considers, given the comparison of permitted activities above, the range of uses allowed within the Light Industrial Zone is reduced from the Operative Plan. In particular, the Operative Plan enables all Industrial Activities, while the Proposed Plan only permits Light Industry. Other industry is now non-complying. Overall, the Panel concludes the extent of environmental effects will be reduced within the Light Industrial Zone compared to the Operative Plan. Submission S107.003 Ronald Ashby is therefore rejected.

Submitter (S)	Decision Requested
S89.001 Karen Menlove	Exclude the land at the Gore Racecourse adjacent to Racecourse Road from the Light Industrial Zone. The area at Racecourse Road has evolved into a residential area with large residential land blocks. The development, however, is not of rural character and doesn't warrant the protection or limitations provided in the proposed zoning of Rural Lifestyle. The proposed zoning lacks protection of neighboring sites which are residential in character and use. The proposed zoning introduces industrial use immediately adjacent to existing residential homes.
S89.002 Karen Menlove	Disagree with the inclusion of the Gore racecourse land adjacent to Racecourse Road being incorporated into the LIZ Proposed zoning does not provide protection to neighboring land use which is residential in nature and use.

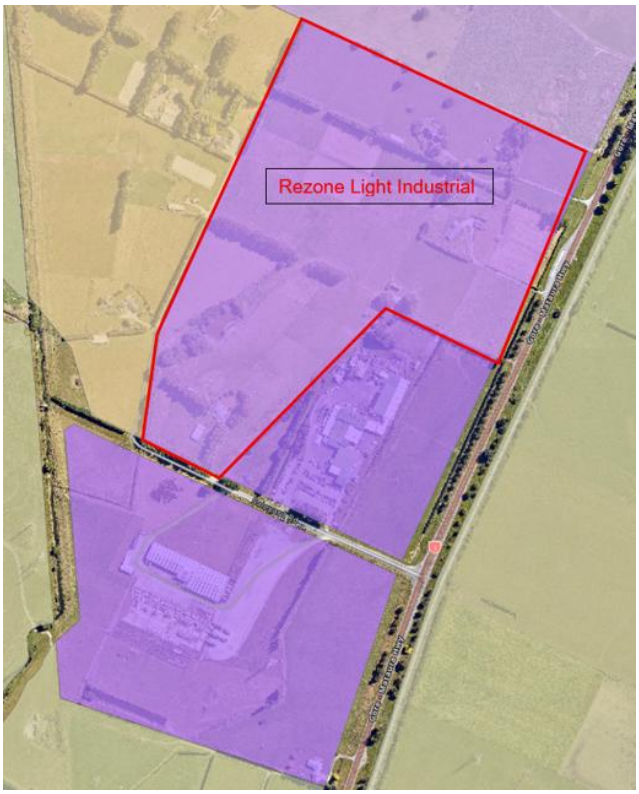
3.8.6 Victoria Woodbridge in her s42A Report provided the background to the selection of this area to enable its development for a range of industrial activities. At paragraph 210 she stated:

> 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 (UFD-O1), 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.

3.8.7 While agreeing with Victoria Woodbridge as to the need for an adequate supply of land for industrial purposes, the Panel acknowledges the proximity of rural lifestyle properties in the vicinity. This was had regard to when drafting the provisions of the PDP and is the reason why a Light Industrial zoning applies to the racecourse rather than General Industrial zoning and why activities are being managed through a Development Plan that provides a landscaped buffer along the boundary with adjoining rural lifestyle properties together with additional setbacks for buildings. In addition, any noise generated by activities within the Light Industrial Zone must comply with the Rural Lifestyle standards at the zone boundary. It is the view of the Panel that these provisions provide protection to the adjoining lifestyle areas. Accordingly, submissions S89.001, S89.002 Karen Menlove are rejected.

Submitter (S)	Decision Requested
S141.002 Debra & Gary Gibson	Extend Light Industrial Zone to the boundary of Silver Fern Farms off Saleyard Road (opposed to General Industrial Zone). General or heavy industry will result in increased smell, noise, lights and potential for hazardous chemicals (risk to wildlife and wetlands) and increased risk of flooding which is not preferred adjacent to residential activity

3.8.8 In Decision 20 General Industrial Zone, the Panel has considered submissions opposing the zoning of land as General Industrial between the racecourse and Saleyard Road. The outcome of its deliberations is to retain the General Industrial zoning over the land owned by Silver Fern Farms and rezone the remainder of the land between the racecourse and Saleyard Road as Light Industrial, as shown on the following plan:



3.8.9 Debra and Gary Gibson have requested that the Light Industrial Zone be extended to the boundary of the Silver Fern Farms land and that is the outcome provided. As a consequence, submission S141.002 Debra & Gary Gibson is accepted by adopting the above rezoning as provided for in Decision 20 General Industrial Zone.

Submitter (S)	Decision Requested
S85.058 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

3.8.10 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.

3.8.11 As noted in paragraph 3.3.2 above, there are two areas zoned Light Industrial in the notified PDP:

(a) The area in the Gore township bounded by the railway, the Mataura River and Oldham Street. In the Operative District Plan this area is zoned Mixed Use. Consequentially, this does not represent an upzoning and it is the view of the Panel that management of potential flooding issues is appropriately managed through the Natural Hazards chapter.

(b) The Gore Racecourse. This area is zoned Rural in the Operative District Plan and is an upzoning and regard is required of the potential for natural hazards on this land.

3.8.12 Tonkin and Taylor in a letter attached to the s42A Report commented on the Gore Racecourse site as follows:

> The Mataura River and Charlton Stream pose potential flooding risk to the South Gore area. The Mataura River flows through the town in the north to south direction. The Mataura River has a catchment area of approximately 4300 km^2 and ES Hydro Statistics estimates the 1% AEP flood flow at Gore in the order of 2,700 m^3/s. The Charlton Stream has a catchment area of approximately 30 km^2 and NIWA Flood Statistics estimates the 1% AEP flood flow at Gore in the order of 35 m3/s. Figure 2 shows a map of the South Gore area and the proposed Industrial Zones, ES floodplain layers and indicative flood extents from T+T's flood model (which excludes stopbanks).

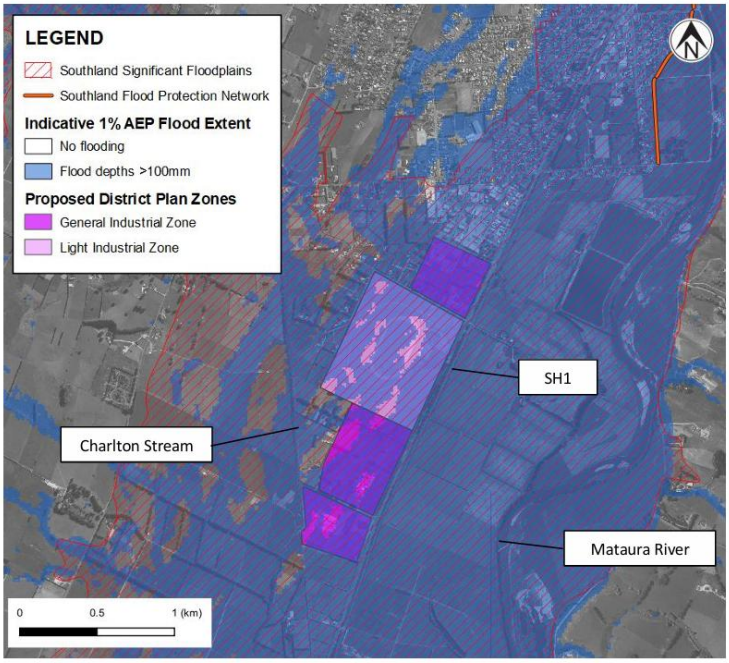


Figure 2: South Gore indicative 1% AEP flood extent

Figure 2 shows that most of the proposed Industrial Zone areas are located within a Significant Floodplain identified by ES and T+T's flood model indicating that the Zones may be flooded in a 1% AEP event, and therefore potentially meet the significant risk definition. The primary source of flooding is likely to be the Mataura River with some contribution from the smaller Charlton Stream. Indicative flood depths within eastern areas (adjacent to State Highway 1) of the proposed Industrial Zones are in the order of 1 to 2 m and up to 0.5 m within central and western areas. T+T's flood model does not include stopbanks but given the stopbanks are located some distance upstream, they are unlikely to provide significant protection for the proposed Industrial Zones in a large flood event.

Figure 3 shows a map of the indicative flood hazard in the South Gore area and the proposed Industrial Zones.

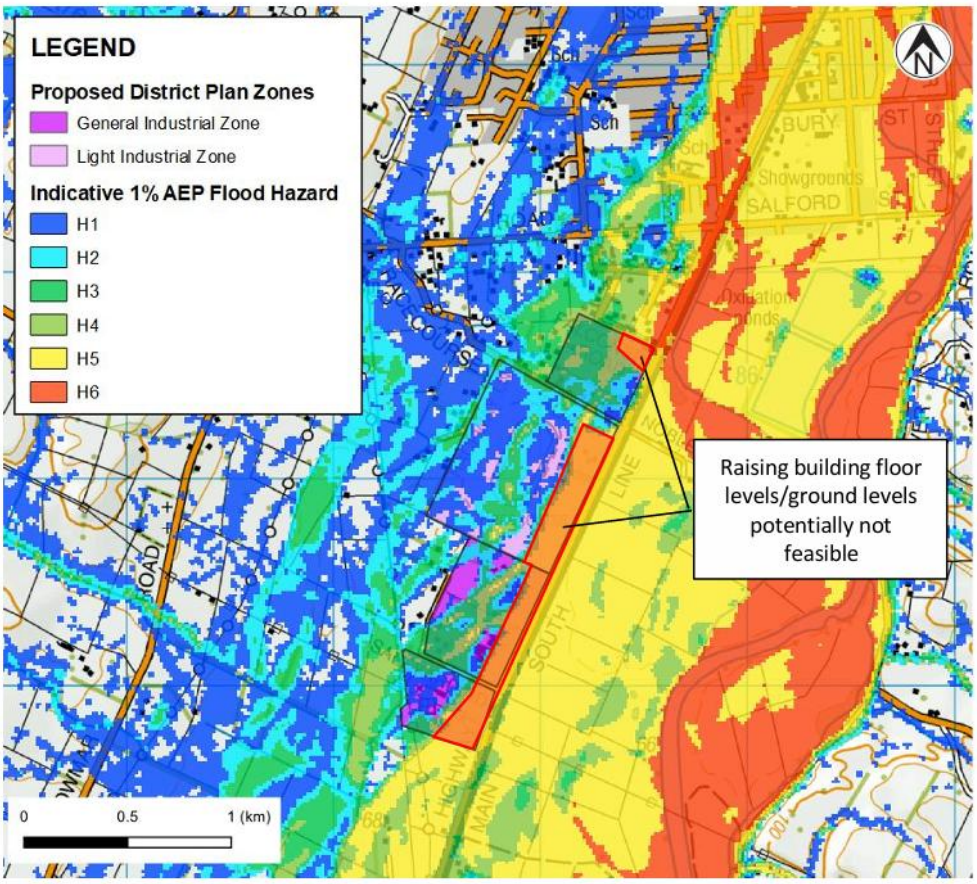


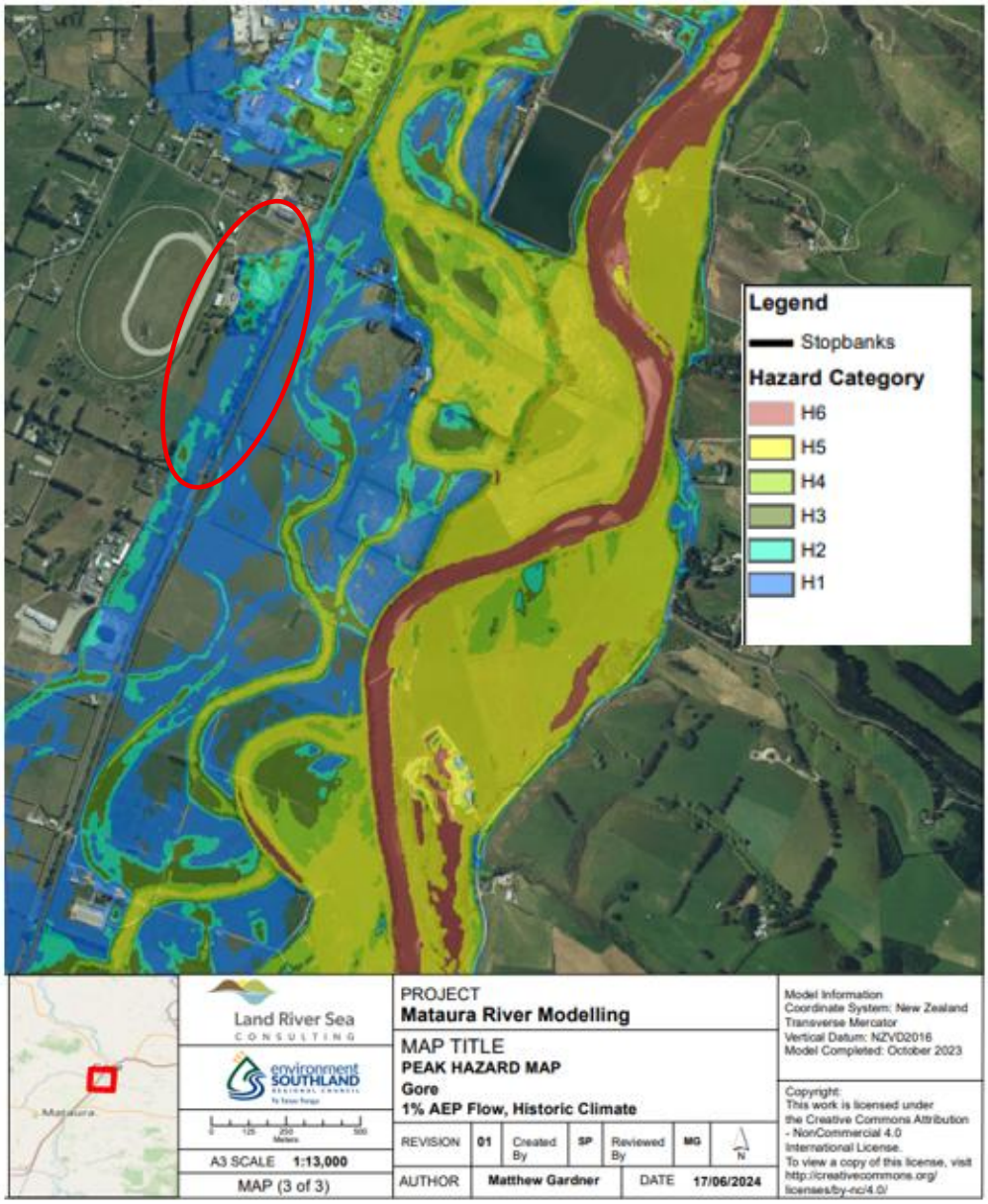
Figure 3: South Gore indicative 1% AEP flood hazard

3.8.13 With regard to this land, the recommendation in the Report stated:

> Raising building floor &/or ground levels could be feasible for industrial buildings within the proposed Industrial Zones except for eastern areas adjacent to SH1 where expected flood depths are high.
>
> Other industrial activities (not including buildings) or ancillary industrial buildings could be suitable within the significant risk area provided they do not have an adverse effect on flooding.

3.8.14 Tim Morris, of Tonkin and Taylor attended the hearing to consider submissions to the Natural Hazards chapter. In his written statement of evidence to the Natural Hazards hearing at paragraph 13, Tim Morris advised the Panel that all modelling had deficiencies, but that the work undertaken by Environment Southland is more reliable than the Tonkin and Taylor model because it has more detail with the inclusion of stop banks, finer resolution, and calibrated hydrology. The ES model also has been calibrated to a historical flood event.

3.8.15 On the basis of the ES model (shown below for a flood with a 1% return period probability) the depth of water over the eastern portion of the Light Industrial Zone was substantially less than what showed on the Tonkin and Taylor model and the extent of flooding was also less. On that basis it was his professional view that the restriction over buildings near the highway was no longer required.



3.8.16 Having regard to the evidence of Tim Morris at the Natural Hazards hearing, the Panel is satisfied that the land at the Gore racecourse is suitable for development for Light Industrial purposes without the need for any mandatory restrictions on the exclusion of buildings near the highway, and that use of the land, including controls that may be necessary on the floor level of buildings can be adequately managed through the provisions of the Natural Hazards chapter. Accordingly, submission S85.058 Environment Southland is rejected.

4 Other Matters

4.1 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.

4.1.1 Courtney Bennett and Amy Beran in their joint response to Minute 15 drew attention to provisions they considered could be reviewed having regard to the submissions of Hokonui Rūnanga. In the context of the Industrial zones that included amending general references from "cultural values" to "Ngai Tahu cultural values listed in MW-2.3" now MW-1,2. That is consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori and has been actioned as a minor change under clause 16(2) of the First Schedule.

4.2 Notes

4.2.1 The Plan was notified with two Notes following the policies of the Light 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.

4.3 Section 32AA

4.3.1 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. Given the nature of changes made to the Light Industrial Zone, which in the view of the Panel are minor in nature, no additional Section 32AA assessment is required what is outlined in the Decision.