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 22: Development Areas

Hearings Panel Members

Glenys Dickson

Keith Hovell

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Date of Hearing
23 - 24 August 2024

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Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to the Development Areas:

(a) South Gore Industrial Development Area DEV1

The Hearings Commissioners comprising the Panel for this hearing was Commissioners Keith Hovell, Maria Bartlett and Glenys Dickson.

(b) West Gore Residential Development Area DEV-2

The Hearings Commissioners comprising the Panel for this hearing was Commissioners Keith Hovell and Glenys Dickson.

1.1.2 While the two Development Areas were considered in separate hearings and s42A Reports on consecutive days, there was some overlap in the submissions lodged, and to facilitate integration on common issues within the Development Areas chapter, all relevant submissions have been considered in the same Decision.

1.1.3 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 and Joanne Skuse.

1.1.4 Attached is the updated provisions for the Development Areas chapter, referencing changes authorised by this and other Decisions of the Panel, in particular Decision 12 McNab includes Development Area DEV-3 into this chapter. 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.

1.1.5 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.

1.1.6 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
Clark Fortune McDonald and Associates	Clark Fortune
Environment Southland	ES
Fire and Emergency New Zealand	FENZ

Gore District Council	GDC or Council
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
New Zealand Transport Agency Waka Kotahi	NZTA
Proposed District Plan	PDP
Report prepared under section 42A of the RMA	s42A Report
Resource Management Act 1991	RMA
RMA section	s

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.3.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to this Decision.

1.3.2 No member of the Panel identified any conflicts of interest.

1.3.3 No procedural matters were raised at the hearings with regard to the Development Areas chapter.

1.3.4 No matters of trade competition were raised.

2 The Hearings and Minute 19

2.1 South Gore Industrial Development Area DEV-1

2.1.1 The hearing in relation to DEV1 was held on 20 August 2024 at the Gore District Council administration building, in Gore. This hearing also considered submissions to the Light and General Industrial Zones which contained provisions applying to the DEV1 land.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Victoria Woodbridge, together with a technical report considering flooding issues by Tonkin and Taylor. The s42A 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: Development Area DEV1– 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)

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

2.2 South West Residential Development Area DEV-2

2.2.1 The hearing in relation to DEV-2 was held on 21 August 2024 at the Gore District Council administration building, in Gore. This hearing also considered submissions to the General Residential Zone which contained provisions applying to the DEV2 land.

2.2.2 Prior to the hearing, the Panel received a s42A Report from Joanne Skuse.

2.2.3 At the commencement of the hearing, the Panel received supplementary evidence from Joanne Skuse responding to matters raised in the evidence and additional information received by the Panel. The Panel sought clarification from Joanne Skuse regarding matters contained in her s42A Report and supplementary evidence at various times during the hearing.

2.2.4 Submitters who appeared at the hearing are shown in Table 3.

Table 3: Development Area DEV-2 – Submitters Attending the Hearing			
No.	**Submitter**	**Attendees**	**Nature of Evidence**
S100, FS6	Charlton Rise Ltd	Christine McMillan	In person
S99' FS22	Clark Fortune McDonald and Associates	Ben Wilson	In person

2.2.5 No other submitters provided information for the Panel to consider.

2.2.6 All written material received by the Panel is available on the Council's website.

2.3 Minute 19

2.3.1 The Panel issued Minute 19 on 9 September 2024, following the Residential zones hearing, seeking further consideration of the policy framework to support recommendations made to Rule DEV2-R1. In a reply dated 10 October 2024 Joanne Skuse recommended the inclusion of a new policy referring to staging in the Gore West Residential Development Area.

2.4 Other Relevant Hearings

2.4.1 Decision 12 McNab provides for an additional Development Area DEV3. Submissions by McNab Management Ltd relevant to land at McNab were considered at a hearing held on 5 December 2024 and 7 April 2025.

2.4.2 Decision 2 lists the submissions lodged to the Whole of the Plan. Submission S139.040 Hokonui Rūnanga Inc raised 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

2.4.3 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, Joanne Patterson and Matthew Gardner for Environment Southland

3 Development Areas General

3.1 General

Submitter (S)	Decision Requested
S152.014 Nigel Cowburn	Servicing: Stormwater - Requests best management approach to stormwater management including SuDS or Sponge city

3.1.1 The Panel agrees with Joanne Skuse at paragraphs 461 – 466 of her s42A Report for the Residential Zones where she outlined the provisions in the DEV-2 area to manage stormwater to achieve the relief sought by the submitter. Victoria Woodbridge at paragraph 528 of her s42A Report for the Industrial Zones highlighted provisions in the PDP referring to low impact design and also referencing the Council's Subdivision and Development Bylaw promoting best practice outcomes for stormwater management.

3.1.2 The Panel is supportive of approaches to stormwater management that provide for the adoption of green infrastructure and nature based solutions where this is can be undertaken without giving rise to off-site effects such as contributing to flooding on adjoining land. This is encouraged in Policy INFR-P3 and can be considered at the time of subdivision and when building consents are sought. Given variations in ground conditions and in the effects arising from different types of development, the Panel

concludes that it is not practical to include mandatory requirements in the District Plan. Rather, to rely on education and the provisions of relevant Council Bylaws and Codes of Practice. Accordingly, submission S152.014 Nigel Cowburn is rejected.

4 South Gore Industrial Development Area DEV1

4.1 Overview and Purpose

Submitter (S) Further Submitter (FS)	Decision Requested
S40.087 Silver Fern Farms	Retain as notified
FS14.034 NZ Transport Agency Waka Kotahi	*Disallow S40.087 Silver Fern Farms*
S112.165 NZ Transport Agency Waka Kotahi	Amend the Context text as follows: In contrast the majority of land within the Development Area is currently undeveloped and therefore future development should be managed to ensure high quality urban design outcomes which mitigate adverse effects on the state highway and adjoining landowners outside of the Industrial Zone areas.
S112.166 NZ Transport Agency Waka Kotahi	Amend Access and Transport as follows: The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway ~~unless they are justified by traffic demand.~~ It is anticipated that the Development Area will be developed in a staged manner which aligns with the future use of the racecourse and other landowner's aspirations. ~~The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway unless they are justified by traffic demand.~~

4.1.1 The Panel notes the support for the Overview and Purpose by Silver Fern Farms. As the section is subject to amendments this submission is accepted in part.

4.1.2 The Panel agrees with Victoria Woodbridge at paragraph 497 of her s42A Report where she states that adverse effects on the state highway are a key consideration in relation to development of the area and as a consequence, the changes requested by NZTA are appropriate.

4.1.3 Submissions S112.165 and S112.166 NZ Transport Agency are accepted by amending the Overview and Purpose as follows:

Context
In contrast the majority of land within the Development Area is currently undeveloped and therefore future development should be managed to ensure high quality urban design outcomes which mitigate adverse effects on the state highway and adjoining landowners outside of the Industrial Zone area…

Access and Transport
The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway ~~unless they are justified by traffic demand~~. It is anticipated that the Development Area will be developed in a staged manner which aligns with the future use of the racecourse and other landowner's aspirations. ~~The indicative road layout seeks to allow for staged development and minimise additional access points onto the State Highway unless they are justified by traffic demand.~~

4.2 General Submissions

Submitter (S) Further Submitters (FS)	Decision Requested
S125.092 S125.093 Ministry of Education	The submitter supports DEV1-O1 in principle. Add: 8. Appropriate regard is given to social infrastructure.
FS29.083 Silver Fern Farms Limited	*Disallow S125.093 093 Ministry of Education*
S125.094 Ministry of Education	The submitter supports DEV1-P2 in principle.
S125.095 Ministry of Education	DEV1-P2 Add: 7. Provision of social infrastructure.

4.2.1 Victoria Woodbridge at paragraph 480 of her s42A Report expressed uncertainty as to the meaning of "social infrastructure". It is not defined in the Plan, nor has the Ministry of Education provided any information to clarify the intent. The Panel anticipates the term would include educational facilities, medical facilities and some community activities. It is the view of the Panel that such activities are not appropriate in this Development Area which is designed to provide for a range of industrial activities and sensitive activities such as schools are discouraged from such a location. Further, the site is not located near residential areas from which pupils would be expected to attend. In the absence of any material from the Ministry of Education to assist the Panel, submissions S125.092, S125.093 and S125.095 Ministry of Education are rejected.

4.2.2 As Policy DEV1-P2 is being amended in response to other submissions the support for the policy by S125.094 Ministry of Education is accepted in part.

Submitter (S Submitter (S) Further Submitters (FS)	Decision Requested
S110.082 Royal Forest and Bird Society of NZ Inc	Add: 8. Ecological corridors remain intact and there are no adverse environmental effects.
S110.083 Royal Forest and Bird Society of NZ Inc	DEV1-P2 Add: 7. Potential impacts on indigenous biodiversity and ecological corridors.
S110.084 Royal Forest and Bird Society of NZ Inc	DEV1-R1 Add: 5. There is no adverse impact on indigenous biodiversity and ecological corridors.
S110.087 Royal Forest and Bird Society of NZ Inc	Add General Residential Zone, Medium Density Residential Zone, Large Lot Residential Zone and Neighbourhood Centre Zone: 2. There is no adverse impact on indigenous biodiversity and ecological corridors. Add Rural Lifestyle Zone: 1. There is no adverse impact on indigenous biodiversity and ecological corridors.
FS29.082, FS29.085, FS29.087, FS29.088 Silver Fern Farms Limited	*Disallow S110.082, S110.083, S110.084, S110.087 Royal Forest and Bird Society of NZ Inc*

4.2.3 The Panel accepts that the role of ecological corridors is poorly understood particularly within an area such as the Gore District where much of the original indigenous vegetation has been converted to farmland. In part arising from that, it is the view of the Panel that the relatively small area comprising the Development Area, which has been fully developed for racecourse, farming and rural residential purposes, does not contain any values that could align with an ecological corridor. Regardless of that, the opportunity to identify and consider impacts on ecological corridors arises primarily at the time of subdivision and this matter is considered further in the context of the Subdivision chapter. In the context of this Development Area the additions sought are therefore not appropriate, and submissions S110.082, S110.083, S110.084 and S110.087 Royal Forest and Bird Society of NZ Inc are rejected.

Submitter (S) Further Submitters (FS)	Decision Requested
S85.297 Environment Southland	Reword DEV1-O1 so that building and development only occurs where there is low flood risk. Medium and high flood risk areas should be avoided from any future change in land use or intensification.
FS29.084 Silver Fern Farms Limited	*Disallow S85.297 Environment Southland*
S85.298 Environment Southland	Reword DEV1-P2 so that building and development only occurs where there is low flood risk. Medium and high flood risk areas should be avoided from any future change in land use or intensification.

4.2.4 As discussed in Decision 20 General Industrial Zone, the modelling undertaken by Tonkin and Taylor highlighted a flooding risk over the land within Development Area 1. However, more recent modelling by Environment Southland utilising a better information and assessment base concluded that risk is minor, and that it is appropriate to manage that risk through the provisions of the Natural Hazards chapter. The Panel also notes that Objective DEV1-O1 and Policy DEV1-P2 both include reference to management of natural hazards within the development area but has concerns with the objective that seeks to manage development in a manner that ensure, in clause 7, "adverse effects from natural hazards are avoided or mitigated". Having regard to the submissions lodged the Panel considers no material change is required to the provisions except that the clause should provide for the adverse effects from natural hazards to "remedied".

4.2.5 Accordingly, submissions S85.297 and S85.298 Environment Southland are accepted in part by amending clause 7 of Objective DEV1-O1 as follows:

7. adverse effects from natural hazards are avoided, remedied[7] or mitigated; and

4.3 Objective DEV1-O1

Submitter (S)	Decision Requested
S124.312 Fire and Emergency NZ	Retain DEV1-O1 as notified
S139.090 Hokonui Rūnanga Inc	Delete DEV1-O1 clause 4.

4.3.1 The Panel notes the support for Objective by FENZ. As the Objective is subject to amendments this submission is accepted in part.

4.3.2 While Victoria Woodbridge at paragraph 185 of her s42A Report recommended against the deletion of clause 4 that "future development respects and responds to the underlying relationship between Ngāi Tahu and the natural environment" the Panel notes that the Hokonui Runanga has refined the manner in which impacts on cultural values are recognised in the Plan, with the emphasis on particular activities and effects of potential concern. In that context, the Panel agrees with the deletion of clause 4.

4.3.3 Submission S139.090 Hokonui Rūnanga Inc is accepted by deleting clause 4 of Objective DEV-O1.

Submitter (S)	Decision Requested
S112.167 NZ Transport Agency Waka Kotahi	Amend DEV1-O1 as follows: 1. connectivity of traffic, pedestrian and cycle routes provides for future development and minimises ~~additional~~ accesses onto the State Highway; and 8. the safe, efficient and effective operation of the surrounding roading environment, including the State highway network, is maintained.

4.3.4 The Panel adopts the recommendation of Victoria Woodbridge at paragraph 480 of her s42A Report to accept this submission.

4.3.5 Submission S112.167 NZ Transport Agency Waka Kotahi is accepted by amending Objective DEV1-O1 as follows:

1. connectivity of traffic, pedestrian and cycle routes provides for future development and minimises ~~additional~~ *accesses* onto the State Highway; and

8. the safe, efficient and effective operation of the surrounding roading environment, including the State highway network, is maintained.

4.4 DEV1 Policies

Submitter (S)	Decision Requested
S112.168, S112.169 NZ Transport Agency Waka Kotahi	Retain DEV1-P1 and DEV1-P2 as notified
S40.089 Silver Fern Farms	Retain DEV1-P1 as notified
S112.169 Waka Kotahi NZ Transport Agency	Retain DEV1-P2 as notified

4.4.1 The submissions to DEV1-P1 and DEV1-P2 are acknowledged by the Panel. As DEV1-P1 is unaltered by any other submissions, submissions S112.168 NZ Transport Agency Waka Kotahi and S40.089 Silver Fern Farms are accepted. As changes are made to DEV1-P2 submissions to that policy are accepted in part.

Submitter (S)	Decision Requested
S112.170 NZ Transport Agency Waka Kotahi	Add a new policy Ensure development is designed to be consistent with the capacity of the existing transportation network, including the State highway network, or will be appropriately upgraded.

4.4.2 At paragraph 481 of her s42A Report, Victoria Woodbridge recommended in response to this submission that an addition be made to Policy DEV1-P2. NZTA agrees with that outcome and as a consequence it is adopted by the Panel.

4.4.3 Submission S112.170 NZ Transport Agency Waka Kotahi is accepted in part by adding the following to Policy DEV1-P2:

7. Maintaining the safe, efficient and effective operation of the road network, including the State Highway

4.5 Rule DEV1-R1 and Standard DEV1-S1

Submitter (S)	Decision Requested
S112.171, S112.190 NZ Transport Agency Waka Kotahi	Retain DEV1-R1 as notified

4.5.1 The support for the rule is acknowledged. As the rule remains without change submissions S112.171, S112.190 NZ Transport Agency Waka Kotahi are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.299, S85.300 Environment Southland	In DEV1-R1 and DEV1-S1 include a performance standard regarding minimum floor levels.
FS29.090, FS29.091 Silver Fern Farms Ltd	*Disallow S85.299, S85.300 Environment Southland*

4.5.2 Provisions requiring minimum floor levels are contained in the Natural Hazards chapter, applying to land subject to actual or potential inundation. The Panel does not see any benefit in duplicating those provisions in this section of the Proposed Plan. In any case that would be contrary to the National Planning Standards. Accordingly, submissions S85.299, S85.300 Environment Southland are rejected.

Submitter (S) Further Submitter (FS)	Decision Requested

S141.004 Debra & Gary Gibson	Extend the proposed landscape buffer to be greater than 5m or a condition that prevents structures being erected within 100m of the boundary.
FS29.089 Silver Fern Farms Limited	*Disallow S141.004*

4.5.3 Issues associated with the zoning of land south of the Gore Racecourse are considered in section 4.2 of Decision 20 General Industrial Zone. At paragraph 4.2.11 of that decision the Panel stated:

> 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.

4.5.4 The Panel also notes that the rules for the Development Area require buildings to be setback 10 metres from the boundary of rural lifestyle zoned properties. The Panel does not consider it practical to require industrial buildings to be setback 100 metres from boundaries. That would stop development on many sites.

4.5.5 The Panel agrees with Victoria Woodbridge at paragraph 531 of her s42A Report where she states a 5m landscape buffer is considered sufficient to mitigate visual amenity effects from the proposed development area. Accordingly, submission S141.004 Debra & Gary Gibson is rejected.

4.6 Standard DEV1-S2

Submitter (S)	Decision Requested
S112.172, S112.173 NZ Transport Agency Waka Kotahi	Include transport thresholds within DEV1-S2 and the associated DEV1 Outline Development Plan which specify when infrastructure upgrades are required at the intersection of Saleyard Road and State Highway 1, and at the intersection of Racecourse Road and State Highway 1. And amend the text of the Matters of Discretion, and add an Advice Note, as follows: Matters of Discretion: 1. The effects of traffic generation and the new road layout, including accesses onto Racecourse Road, Saleyard Road and State Highway 1, on the safe and efficient operation of the transport network <u>including the State highway intersections.</u> <u>Advice Note: Waka Kotahi approval is required under the Government Roading Powers Act (1989) for any upgrade to an existing local road intersection with the State Highway to ensure that it does not compromise the safety, efficiency and effectiveness of the state highway network.</u>

4.6.1 Victoria Woodbridge at paragraph 482 of her s42A Report considered the inclusion of a trigger as requested by NZTA would be problematic in that it would unfairly target those developing after a particular level of development had been undertaken within the Development Area.

4.6.2 Helen Dempster on behalf of NZTA advised in correspondence forwarded to the Panel:

> NZTA still consider it is preferable to have clear trigger levels for upgrade to the road network in the PDP, where those upgrades are necessitated by development of re-zoned areas, as it enables developers to determine if their development proposal will trigger the need for an intersection upgrade and, if so, they can then clearly understand the level of investment that will be required by them to develop land in this location and factor that investment into their financial decision-making. Simply, if a trigger level is not included in the PDP, developers will not be aware of this requirement and cost at the early stages of their decision-making. That said, we do not intend to contest this matter further, because we consider that the assessment of traffic effects required by rule SUB-R6 of the PDP, if

undertaken by a suitably qualified and experienced traffic/transport professional, and audited by Council transport subject matter experts, as part of a subdivision application, should accurately identify when traffic effects will necessitate intersection upgrades and those upgrades will then be managed through the subdivision consent process. Similarly, the TRANS-R4 rule would also ensure this matter is considered for high trip generating activities that establish in the area and be managed through that consent process. Changes to other objectives and policies, as recommended by the s42A report, further strengthen the requirement for effects on the state highway network to be considered by development proposals in this location.

4.6.3 The Panel notes that Racecourse Road and Saleyard Road both serve a range of rural lifestyle, industrial and equestrian focused activities, and other than for the racecourse land, the opportunity for new industrial developments is limited and will be piecemeal. In the circumstances, the Panel agrees with Victoria Woodbridge that for the single property developments it would be unfair to lump the full cost of any upgrades on those developers. In the Panel's view, this is a matter the Council will need to consider in preparing a Development Contribution Policy.

4.6.4 The Panel anticipates that development on the Racecourse land would occur in an integrated manner with a plan of subdivision being provided for the entire block of land. The Panel considers the subdivision and transport provisions in the PDP are sufficiently robust to enable consideration of traffic flows and impacts on the Racecourse Road / State highway intersection. If any upgrade is required a fair and reasonable contribution to upgrades can be determined at that time. It is the view of the Panel that is preferable to the inclusion of a threshold provision in the Plan at this time. The Panel does agree however that it is, as requested by NZTA, to add reference to the effect of activities on the State Highway to the matters of discretion.

4.6.5 Having regard to the considerations above, submissions S112.172, S112.173 NZ Transport Agency Waka Kotahi are accepted in part by amending DEV-S2 Matter of Discretion (1) as follows:

The effects of traffic generation and the new road layout, including *accesses* onto Racecourse Road, Saleyard Road and State Highway 1, on the safe and efficient operation of the *transport network*, including the State Highway intersections.

4.7 DEV1 Outline Development Plan

Submitter (S)	Decision Requested
S85.309 Environment Southland	Change location to somewhere else that is not susceptible to natural hazards which could put people at risk.
S85.301 Environment Southland	Delineate flood risk on ODP.
S146.104 Southland District Council	Review the risk of inundation to this area.

4.7.1 The Panel notes the land within Development Area 1 is all shown on the hazards layer of the Planning Maps as being within an area described as subject to "actual or potential inundation". Consequentially, the Panel does not consider it necessary to show this on the Outline Development Plan within the zone provisions. Accordingly, submission S85.301 Environment Southland is rejected.

4.7.2 Tonkin and Taylor in a report dated 18 July 2024 and attached as Appendix D to the s42A Report commented regarding this land as follows:

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.
>
> A stopbank along the east boundary of the proposed Industrial Zones could be feasible but due to the uncertainty of when it could be constructed, we recommend that it is not relied upon as a mitigation at this time.

4.7.3 On the basis of the report Tonkin and Taylor recommended that the land adjacent to the highway be designated a “no build area”.

4.7.4 The July 2004 assessment was based on the flooding information available at the time, which included spatial layers from Environment Southland and indicative flood extents from Tonkin and Taylors national flood model. At the March 2025 hearing, considering submissions to the Natural Hazards chapter of the PDP, the Panel was provided with more detailed flood model results undertaken on behalf of Environment Southland. Tonkin and Taylor provided the Panel with an update to their July 2024 report, commenting as follows:

> Our July 2024 assessment indicated that it may not be feasible to mitigate flood hazards for several proposed industrial zone areas adjacent to the State Highway. This was based on the indicative high flood depth and H5 hazard within these areas from T+T’s national model. The ES model indicates that flood depths within this area are potentially lower than the T+T model, resulting in H1 to H3 hazard. The LRS model likely predicts lower flood depths in this area as it better represents the railway embankment topography which could prevent some water from flowing from the Mataura River east, across the State Highway. Based on the ES model results, it may be feasible to mitigate flooding for these proposed industrial zone areas through raising of ground or floor levels.

4.7.5 Having regard to the 2025 report from Tonkin and Taylor, the Hearing Panel concludes that the Development Plan included as notified can remain unaltered in this regard. As the Panel has reviewed the risk of inundation in this area, submission S146.104 Southland District Council is accepted in part and as no change is required to the Development Plan and it is appropriate to retain the Development Area in its current location, submission S85.309 Environment Southland is rejected.

Submitter (S) **Further Submitter (FS)**	**Decision Requested**
S40.088, S40.090, S40.091, S40.092 Silver Fern Farms	Amend the Gore South Outline Development Plan to delete the "secondary road connection" from Lot 3 DP 8038.
FS85.309, FS14.038, FS14.036 NZ Transport Agency Waka Kotahi	*Disallow S40.088, S40.091, S40.092, S40.090*

4.7.6 The Panel notes there are six lots between the Racecourse and Saleyard Road. Three of these front Saleyard Road, and of those, one adjoins the State highway. The three remaining lots only have frontage to the State highway:

- 194 Gore Mataura Highway owned by Stephen Hooks, who is a submitter. He opposed the General Industrial zoning of his land but was silent on the “secondary road connection” passing through the centre of his site.
- 200 Gore Mataura Highway in private ownership by a person who is not a submitter.
- 216 Gore Mataura Highway, being Lot 3 DP 8038, held by Silver Fern Farms. Access to this land is available from Saleyard Road through the other land holdings of Silver Fern Farms, being the corner lot and adjoining land in

Saleyard Road. Silver Fern Farms opposes the "secondary road connection" passing through the centre of Lot 3.

4.7.7 Victoria Woodbridge at paragraphs 510 – 512 of her s42A Report advised the Panel that the key purpose of the "secondary road connection" was to avoid new accesses being developed onto the State Highway and enable through traffic on an alternative route to the State Highway between Racecourse Road and Saleyard Road. She also indicated that this was desirable from an urban design perspective and that no other options for its location were viable.

4.7.8 Steve Tuck, appearing for Silver Fern Farms, stated in his written evidence that the inclusion of the "secondary road connection" was not discussed with Silver Fern Farms prior to notification, and if constructed would require an underpass of Lot 3 to avoid fragmenting land used for holding stock prior to processing at the meat plant. He also expressed concern with security if an access was constructed adjacent to the processing plant. Steve Tuck also expressed concern at what mechanism the Council would use to facilitate construction of the "secondary road connection".

4.7.9 In written evidence, Victoria Woodbridge at paragraphs 9 – 30 expanded on the process of developing the Outline Development Plan for this area. Of most significance to the Panel is her statement at paragraph 24 where she stated:

> I think it is also important to note that the road layout is indicative, and the Development Area Chapter requires development to be in accordance with the DP, unless alternative design solutions achieve the same or better outcome

4.7.10 The Panel notes Standard DEV1-S1 provides for roading within Development Area 1 to comply with the Outline Development Plan. Non-compliance with this provision is a restricted discretionary activity.

4.7.11 The Panel does not accept the reasons given by the Council advisers that a through vehicle route is required from Racecourse Road through to Saleyard Road. Nor does the Panel accept that it is necessary to cause a level of disruption to a number of properties for the benefit of one. It reaches that view noting:

- If Silver Fern Farms wishes to develop Lot 3, or sell it for development, then it will need to make provision through its own land to provide access to Saleyard Road.
- 194 Gore Mataura Highway has access to the Racecourse land by virtue of the "secondary road connection" to its boundary.

4.7.12 That leaves only 200 Gore Mataura Highway requiring alternative access. The Panel propose to do that by amending the route of the "secondary road connection" so it only passes through the rear of 194 Gore Mataura Highway. It is the view of the Panel, having regard to s32AA, that this outcome is the most appropriate way, both in terms of efficiency and effectiveness, to meet the objectives of the industrial zones to achieve the purpose of the RMA, particularly when compared to the notified provisions.

4.7.13 Submissions S40.088, S40.090, S40.091, S40.092 Silver Fern Farms are accepted by modifying the Development Area 1 Outline Development Plan as shown on the plan below.

4.8 Subdivision in Gore South Development Area – Rule SUB-R6

Submitter (S)	Decision Requested
S100.004 Charlton Rise Limited S35.047 Chorus New Zealand Limited S154.047 Spark New Zealand Trading Limited S32.047 One New Zealand Group Limited S33.047 FortySouth S37.047 Connexa Limited S40.043 Silver Fern Farms	Retain SUB-R6 as notified

4.8.1 The Panel acknowledges the submissions in support of this rule. As a minor change is being made to the rule, these submissions are accepted in part.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.107 Environment Southland	Give greater emphasis in SUB-R6 on Natural hazards (more emphasis on avoid in the first instance).
FS5.106 Hamish Weir *FS22.021 Clark Fortune McDonald & Associates*	*Disallow S85.107 Environment Southland*

4.8.2 The Panel agrees with Victoria Woodbridge at paragraph 545 of her s42A Report where she states the matters of discretion and policy framework are sufficient to manage hazards in combination with the provisions in the Natural Hazard Chapter. The Panel also notes that the additions made to the policies and rules in the Development Areas chapter adds further robustness to the consideration of hazard areas. Victoria Woodbridge also refers to RMA s106 which can be relied upon to decline a subdivision if a significant risk from natural hazard exists. At the Hearing,

Marcus Roy on behalf of Environment Southland did not expand further on this submission point. Accordingly, submission S85.107 Environment Southland is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S99.012 Clark Fortune McDonald & Associates	SUB-R6 is re-worded for 'activity status where compliance not achieved' to be a discretionary status.
FS5.104 Hamish Weir	*Allow S99.012*

4.8.3 Victoria Woodbridge at paragraph 575 of her s42A Report noted non-compliance with SUB-R6(1) & (3) defaults to a discretionary activity, however, SUB-R6(2) which relates to compliance with SUB-S2 Lot Dimensions trips to Non-Complying. Victoria Woodbridge considered it appropriate that a non-complying activity status remain to deter development of lots which may be too small to be useable for an industrial purpose.

4.8.4 Ben Wilson did not speak to this particular submission point at the hearing, but in relation to other zones and areas has advocated a “sliding scale” approach for minimum allotment size where there was a minimum non-compliance of the standards.

4.8.5 In the context of Rule SUB-R6 and Standard SUB-S2 the Panel considers the defaulting non-compliance status is appropriate given that Policy SUB-P21 is to “discourage non-compliance with minimum allotment sizes”. The Panel also notes that since all subdivisions require a consent requiring consideration and compliance with the policy framework is not unreasonable in this case. Accordingly, submission S99.012 Clark Fortune McDonald & Associates is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S132.064 KiwiRail Holdings Ltd	Amend SUB-R6 as follows: Matters of discretion: 9. Provision for servicing, including water supply, fire fighting water supply, wastewater treatment and disposal, stormwater design and disposal for the safe disposal of stormwater that does not result in increased flooding and erosion risk, electricity and telecommunications. 14 Reverse sensitivity on adjacent land uses, to protect the function and operation of, airports, railway lines and State Highways.
FS5.105 Hamish Weir	*Disallow S132.064 KiwiRail Holdings Ltd*
FS29.046 Silver Fern Farms Limited	*Disallow S132.064 KiwiRail Holdings Ltd in part as it would limit consideration of reverse sensitivity to the protection of the function and operation of airports, railway lines and State Highways only.*

4.8.6 Victoria Woodbridge at paragraph 543 of her s42A Report referred to natural hazards being considered under Matters of Discretion 8. The Panel agrees, and as noted by Silver Ferns Farms Ltd if the change sought was adopted, it would unnecessarily narrow the provision. The Panel also agrees with Victoria Woodbridge that a minor change in wording is required to the Discretion Matter 14 and notes KiwiRail accepts that outcome in response to their submission.

4.8.7 Submission S132.064 KiwiRail Holdings Ltd is accepted in part by amending Rule SUB-R6 Discretion Matter 14 as follows:

14 Reverse sensitivity on adjacent land uses, including airports, railway lines and State Highways

Submitter (S) Further Submitter (FS)	Decision Requested
S99.008 Clark Fortune McDonald & Associates	Rule 6 is re-worded from '~~the site does not contain~~ ...', to read 'the boundary adjustment does not have an adverse effect in relation to ...'
FS11.016 Heritage New Zealand Pouhere Taonga	*Disallow S99.008 Clark Fortune McDonald & Associates*

4.8.8 The Panel notes Rule SUB-R6 does not contain the words referred to. Accordingly, submission S99.008 Clark Fortune McDonald & Associates is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S112.083 NZ Transport Agency Waka Kotahi	Through SUB-S4 include transport thresholds within the DEV1 Outline Development Plan which specify when infrastructure upgrades are required at the intersection of Saleyard Road and State Highway 1, and at the intersection of Racecourse Road and State Highway 1.
S65.003 Gore District Council	Amend SUB-S4 to: Being in general accordance with the outlined plan approval.

4.8.9 This is the same matter as raised in submissions S112.172, S112.173 NZ Transport Agency Waka Kotahi. For the same reasons as discussed in section 4.6 above submission S112.083 NZ Transport Agency Waka Kotahi is rejected.

4.8.10 Joanne Skuse at paragraph 554 of her s42A Report recommended the Council submission be accepted. The Panel agrees as this enables the intent of the Development Plan to be implemented while avoiding the need additional matters to be considered with regard to strict detail at the time of subdivision consent.

4.8.11 Submission S65.003 Gore District Council is accepted by amending Standard SUB-S4 (2) as follows:

All necessary roads are laid out and constructed in general accordance with the layout shown on the Outline Development Plan;

5 Gore West Residential Development Area – DEV2

5.1 Overview and Purpose

Submitter (S) Further Submitter (FS)	Decision Requested
S85.302 Environment Southland	Remove Development Area 2 from plan until detailed investigations have been undertaken. This approach pushes out risk assessment to future owners which is inappropriate. The hazard risk is not certain. Intensifying development in this location in the absence of quantifying the hazard risk is contrary to the RPS. A precautionary approach is needed with respect to hazard risk. A number of fault lines exist in the Gore District (due to the Southland Syncline) and historic mining effects are currently unknown. Altering the zoning will enable further growth and development in this location.
FS6.1, FS6.2 Charlton Rise Limited	*Disallow S85.302 Environment Southland*

5.1.1 Joanne Skuse provided an assessment of this submission at paragraphs 454 – 458 of her s42A Report. The Panel places weight on her comments at paragraph 456 where she stated:

> The Outline Development Plan contains two Hazard Overlay Areas (see Figure 8 below). Hazard Area 1 has known mines, whereas Hazard Area 2 has a possible mined area. Development within these areas will not be appropriate without further intrusive

investigations being completed and appropriate geotechnical data provided to support such development. The objectives, policies and rule of the zone (including subdivision rules) reflect this. DEV2-P3 and DEV2-P5 specifically guide development in these areas:

DEV2-P3 In Hazard Area 1, recognise the benefits of clustering residential development in areas identified as appropriate by geotechnical testing, and require, where necessary building platforms to distinguish the extent of these areas, in order to avoid the historic mining hazard.

DEV2-P5 Ensure *subdivision*, development and activities, including earthworks, proposed within Hazard Area 1 and Hazard Area 2 incorporates:

1. an assessment by a suitably qualified and experienced geotechnical professional and appropriate geotechnical data; and
2. techniques proposed for remediation and/or mitigation of the effects of the hazard identified are reasonably achievable; and
3. a siting and layout plan that adequately avoids or mitigates adverse effects of the hazard identified.

5.1.2 It is the view of the Panel that a precautionary approach has been adopted in consideration of the hazards applying to the West Gore Development Area and this approach is reinforced and is more robust with the addition of a new Policy DEV2-P6 in paragraph 5.3.8 below. Accordingly, submission S85.302 Environment Southland is accepted in part by adopting the decision in paragraph 5.3.8.

5.2 Objective DEV2-O1

Submitter (S) Further Submitter (FS)	Decision Requested
S124.314 Fire and Emergency NZ S100.026 Charlton Rise Limited	Retain Objective 1 as notified
S85.303 Environment Southland	Reword to prevent development occurring in hazard areas
FS6.3 Charlton Rise Limited	*Disallow S85.303 Environment Southland but consider adding:* *8. Adverse effects of historic mining hazards are avoided, remedied or mitigated.*

5.2.1 The submissions in support are acknowledged. As a change has been made to the provision, these submissions are accepted in part.

5.2.2 As noted by the Panel in paragraph 5.1.2 above, an explicit and structured approach is being followed in the management of hazards on this land, and in those areas where there is a proven hazard, development is not being provided. The Panel agrees with Charlton Rise Ltd and Joanne Skuse that an addition should be made to the objective to reinforce the approach being adopted for the consideration of the mining hazard on the land.

5.2.3 Submission S85.303 Environment Southland is accepted in part by adding to Objective DEV2-O1:

8. adverse effects of historic mining hazards are avoided, remedied or mitigated

Submitter (S) Further Submitters (FS)	Decision Requested
S110.085 Royal Forest and Bird Society of NZ Inc	DEV2-O1 Add: 8. Ecological corridors remain intact and there are no adverse environmental effects.

5.2.4 In paragraph 4.2.3 above the Panel concludes in the context of Development Area 1 the addition sought are not appropriate and the same assessment and conclusion applies in Development Area 2. Submission S110.085 Royal Forest and Bird Society of NZ Inc is therefore rejected.

Submitter (S)	Decision Requested
S125.096, S125.097 Ministry of Education	The submitter supports DEV2-O1 in principle. Add: 8. The growth and development is supported by social infrastructure.
S125.098 Ministry of Education	Amend DEV2-P2 Add: 8. The growth and development is supported by social infrastructure.

5.2.5 At paragraphs 477 and 478 of her s42A Report Joanne Skuse commented on the submissions from the Ministry of Education as follows:

> In relation to the MoE submission points, the 'Ready for Tomorrow' Spatial Plan identified 412 hectares of land for residential and rural residential growth. The document states:
>
> *At the time of drafting this strategy, the Ministry of Education signalled that the existing schools have capacity to accommodate the further growth anticipated. Sufficient space exists at primary and secondary levels in existing classes without the need for expansion while recognising that ongoing monitoring of demand will be required to accommodate future growth. Should additional classrooms be required in the future, there is also land available on a number of school sites.*
>
> Following additional work to understand the level of growth actually anticipated in the district, a much smaller extent has been identified for greenfield development. As such, based on the previous consultation with MoE regarding the capacity of the schools in Gore, I do not consider the additional policy wording is necessary.

5.2.6 In the absence of any further information being received from the Ministry, the Panel relies on and accepts the advice of Joanne Skuse. Accordingly, submissions S125.096, S125.097 and S125.098 Ministry of Education are rejected.

5.3 Policies DEV2

Submitter (S) Further Submitter (FS)	Decision Requested
S100.027 Charlton Rise Limited	Retain DEV2-P1 as notified.
S85.304 Environment Southland	Reword DEV2-P1 to prevent development occurring
FS6.4 Charlton Rise Limited	*Disallow S85.304 Environment Southland*
S100.028 Charlton Rise Limited	Retain DEV2-P2 as notified.
S85.305 Environment Southland	Oppose policy DEV2-P2 entirely. It needs to be rewritten to prevent any further development occurring
FS6.5 Charlton Rise Limited	*Disallow S85.305 Environment Southland*
S110.086 Forest & Bird	Amend DEV2-P2 to Add: 7. The avoidance and mitigation of impacts on indigenous biodiversity and ecological corridors.

5.3.1 The Panel acknowledges the submissions in support from Charlton Rise Limited and as no change is made to the policies, these are accepted.

5.3.2. The Panel notes the policies refer to the development occurring in conformity with the Outline Development Plan and that Plan shows an area of known mines where development is not permitted and a further area where mines could be located where further work is required, and if mines are present then likewise development will be restricted. The Panel agrees with the approach and does not consider there needs to be any change to the policies that imposes a different regime. Accordingly, submissions S85.304 and S85.305 Environment Southland are rejected.

5.3.3 At the hearing, discussion took place with regard to the wording of Policy DEV2-P2 that referred to "the avoidance and mitigation of natural hazards", noting natural

hazards cannot be both avoided and mitigated. As a minor change under clause 16(2) the wording is amended to "the avoidance ~~and~~ or mitigation of natural hazards".

5.3.4 The land subject to Development Area DEV2 is currently grazed and there are no areas of indigenous biodiversity evident. After periods of moderate rainfall hollows left by collapsing mine workings fill with water and gradually drain into the water way of which they are part. The Panel doubts and ecological values present will be only of minor significance. As a consequence, the addition sought by Forest and Bird is not appropriate and submission S110.086 Forest & Bird is rejected.

Submitter (S)	Decision Requested
S100.029 Charlton Rise Limited	Retain DEV2-P3 as notified.

5.3.5. The Panel acknowledges the submission in support and as no change is made to the policy this submission is accepted.

Submitter (S)	Decision Requested
S100.030 Charlton Rise Limited	Amend policy DEV2-P4 as follows: DEV2-P4- Require ~~efficient and sustainable~~ stormwater management and conveyance ~~control and disposal~~ systems to be designed and installed in accordance with Councils standards at the time of subdivision and development that:~~1. incorporates low impact design principles, utilising the natural contours of the land where possible, that are sufficient for the amount and rate of anticipated runoff, in accordance with Council's standards; and2. mitigates the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land.~~ 1. mitigates the effects of stormwater resulting from development on-site using stormwater management area to prevent uncontrolled inundation within the subdivision and avoid increasing inundation on adjoining and downstream land and; 2. where practical incorporates low impact design principles and the natural contours of the land.

5.3.4 At paragraph 503 of her s42A Report, Joanne Skuse recommended accepting this submission, noting the changes clarify, without changing, the intent. The Panel adopts the recommendation.

5.3.5 Submission S100.030 Charlton Rise Limited is accepted by replacing Policy DEV2-P4 with the following:

Require stormwater management and conveyance systems to be designed and installed in accordance with Councils standards at the time of subdivision and development that:

1. mitigates the effects of stormwater resulting from development on-site using stormwater management area to prevent uncontrolled inundation within the subdivision and avoid increasing inundation on adjoining and downstream land and;
2. where practical incorporates low impact design principles and the natural contours of the land

Submitter (S) Further Submitter (FS)	Decision Requested
S100.031 Charlton Rise Limited	Retain DEV2-P5 as notified
S85.306 Environment Southland	Oppose this policy entirely. It needs to be rewritten to prevent any further development occurring.
FS6.6 Charlton Rise Limited	*Disallow S85.306 Environment Southland*

5.3.6 The Panel acknowledges the submission in support and as no change is made to the policy this submission is accepted.

5.3.7 The Panel notes Policy DEV2-P5 describes the process to be followed in assessing the risk of hazards within the defined mining areas. It is the view of the Panel that as worded this is appropriate in manging the location and form of development suitable in the areas where the extent of the mine hazard is not yet fully understood. The Panel disagrees that all development must be excluded from the area based on current knowledge. However, the Panel acknowledges that arising from the Environment Southland submission, and with the support of Charlton Rise Ltd expressed through the hearing process, it is appropriate to include an additional policy

5.3.8 Submission S85.306 Environment Southland is accepted in part by including an additional policy as follows:

DEV2-P6 Avoid land use within sites that are identified as Hazard Area 1 and Hazard Area 2 until further investigations have been completed in the mapped area to determine that either:

1. there is no risk from historic mining activity, or
2. that any identified risk can be managed to mitigate risk from the historic mining activity to people or property.

5.4 Rules DEV2

Submitter (S) Further Submitter (FS)	Decision Requested
S85.308 Environment Southland	All development is non-complying until detailed investigation had been undertaken.
FS6.8 Charlton Rise Limited	*Disallow S85.308 Environment Southland*
S85.307 Environment Southland	Change rule DEV2-R2 to non-complying.
FS6.7 Charlton Rise Limited	*Disallow S85.307 Environment Southland*

5.4.1 Christine McMillan, on behalf of Charlton Rise Ltd, at paragraphs 15 – 23 of her statement of evidence outlined discussions that had taken place between Charlton Rise Ltd and Environment Southland and that agreement had been reached to include some additions to the Development Area 2 rules that better expressed the intent to ensure development within the mine hazards areas was appropriately managed.

5.4.2 Joanne Skuse at paragraph 31 of her supplementary statement of evidence, stated:

> I consider the proposed amendments strengthen the management of the mining hazard and provide clear direction within the rule framework to ensure that landowners and developers understand the potential constraints on development within the Hazard 1 and 2 areas.

5.4.3 The Panel endorses the outcome reached and associated assessments.

5.4.4 Submissions S85.308 and S85.307 Environment Southland are accepted in part by spitting Rule DEV2-R2 into separate rules with additions as follows:

1. Rural Lifestyle zone within Hazard Area 1 (DEV2-R3)

   3 The site is not identified as being at risk from historic mining hazards or the risk has been mitigated.

2. General Residential Zone and Large Lot Residential Zone GRZ within Hazard Area 2 (DEV2-R4)

   3 The site is not identified as being at risk from historic mining hazards or the risk has been mitigated

3. Additions to matters for discretion in Rule DEV2-R3(1)

8 The site is not identified as being at risk from historic mining hazards or the risk is able to be mitigated

4. Additions to matters for discretion in Rule DEV2-R4 (1)

5 The site is not identified as being at risk from historic mining hazards or the risk is able to be mitigated; and

Submitter (S)	Decision Requested
S100.032 Charlton Rise Limited	Seeks clarification in DEV2-R1. What constitutes undeveloped

5.4.5 Joanne Skuse at paragraph 512 of her s42A Report accepted the use of the word "undeveloped" creates some confusion and recommended the inclusion of notes following the rule to rectify that. Christine McMillan, on behalf of Charlton Rise Ltd agreed with the changes recommended. The Panel has adopted the intent of the recommendation but made minor changes to facilitate implementation by removing the word "undeveloped".

5.4.6 Submission S100.032 Charlton Rise Limited is accepted in part by amending Rule DEV2-R1 Primary Production General Residential Zone, Medium Density Residential Zone, Large Lot Residential Zone and Neighbourhood Centre Zone as follows:

Activity Status: Permitted

Where:

1. the Development Area land is ~~undeveloped~~ not subject to a:

(a) subdivision consent for which a certificate has been issued under s224c of the Resource Management Act 1991; or

(b) land use consent for a residential activity that has been given effect to; or

2. is a balance Lot resulting from a subdivision.

5.4.7 Consequential to the change to Rule DEV2-R1 the following policy is also included:

DEV2-P7 Development in the Gore West Residential Development Area may occur in stages to ensure a comprehensive and efficient approach to:

1. deliver a range of housing types and lot sizes to support diverse suburban residential options,
2. establish infrastructure and services that will ensure seamless integration with future stages and the overall development,
3. develop safe and connected roads and pedestrian networks,
4. mitigate adverse impacts of natural and historic mining hazards throughout each stage, and
5. align with the outline development plan.

Submitter (S)	Decision Requested
S100.033 Charlton Rise Limited	Amend Residential zone rule DEV2-R2 to include 'OR' between 1. and 2 instead of 'and'.

4.4.8 Joanne Skuse at paragraph 513 of her s42A Report explained the use of the word "and" is intentional and that the rule will enable lots to be developed on an individual basis once a subdivision consent has been approved and implemented or a land use consent obtained. Christine McMillan at paragraph 14 of her statement of evidence accepted the explanation given and advised this matter was no longer of concern. Accordingly, submission S100.033 Charlton Rise Limited is rejected.

5.5 Standards DEV2

Submitter (S)	Decision Requested
S100.034 Charlton Rise Limited	Support DEV2-S1

5.5.1 The Panel acknowledges the submission in support and as no change is made to the Standard this submission is accepted.

5.6 DEV2 Outline Development Plan

Submitter (S)	Decision Requested
S85.310 Environment Southland	Alter GRZ to align with hazard overly. No further development should be enabled in this location.
S85.447 Environment Southland	DEV2-ODP Re-align GRZ to align with potential mining overlay

5.6.1 It is the view of the Panel that the zonings provided within Development Area 2 and shown on the Outline Development Plan recognise known and potential hazard areas, with the rules excluding urban type development within the known hazard area and requiring further assessment prior to considering development options in the potential hazard area. The Panel understands that the additions made to the rules as set out in paragraphs 5.3.8 and 5.4.4 above resolves this matter to the satisfaction of Environment Southland.

5.6.2 Submissions S85.310 and S85.447 Environment Southland are accepted in part by adopting the decisions set out in paragraphs 5.3.8 and 5.4.4 above.

Submitter (S)	Decision Requested
S112.174 NZ Transport Agency Waka Kotahi	Retain as notified
S100.035 Charlton Rise Limited	Support the DEV2 Outline Development Plan.
S5.001 Dwayne Smith	Consider Wilden Street as the ideal starting location for a housing subdivision. Connecting it to Thomas Street should not pose significant challenges, and managing the stormwater in this area can also be effectively handled.

5.6.3 The Panel acknowledges the submissions in support and as no change of substance is made to zonings on the Outline Development Plan these submissions are accepted.

5.6.4 The Outline Development Plan shows a road access connecting to Wilden Street and another connecting to Frank Street which is consistent with the wish expressed by Dwayne Smith. The extent to which these roads are utilised will be determined at the time of subdivision consent, noting the rules for the Development Area require compliance with the Outline Development Plan. On that basis, submission S5.001 Dwayne Smith is accepted.

Submitter (S)	Decision Requested
S101.097, S101.099 Transpower New Zealand Limited	Amend the Outline Development Plan to exclude the area of land that is in the National Grid Yard.

5.6.5 Joanne Skuse at paragraph 460 of her s42A Report recommended rejecting this submission, stating:

> I consider the National Grid can be accommodated and designed around for future development as it is located along the boundary of the site. The Infrastructure Chapter further contains provisions to protect the National Grid Yard (INFR-R7) which will apply to development. There are further mechanisms which can be used through the consenting process to ensure development does not negatively affect the infrastructure. This includes consent notices or covenants.

5.6.6 The Panel did not receive any feedback from Transpower with regard to this submission and on that basis accepts the recommendation and submissions S101.097, S101.099 Transpower New Zealand Limited are rejected. The Panel did give regard to removing the substation from the Development Plan but concludes there is advantage in it being retained given that rules applying to the National Grid Yard provide for separation of activities on adjoining land. The Panel also took into account the National Grid lines passing through the Development Area shown on the GIS layer available through the District Plan maps.

5.7 Subdivision in Gore West Development Area – Rule SUB-R7

Submitter (S)	Decision Requested
S154.048 Spark New Zealand Trading Limited S32.048 One New Zealand Group Limited S33.048 FortySouth S37.048 Connexa Limited S35.048 Chorus New Zealand Limited S100.004 Charlton Rise Limited	Retain SUB-R7 as notified

5.7.1 The Panel acknowledges the submissions in support and as no change is made to the Rule these submissions are accepted.

Submitter (S) Further Submitter (FS)	Decision Requested
S99.013 Clark Fortune McDonald & Associates	SUB-R7 is re-worded for 'activity status where compliance not achieved' to be a discretionary status.
FS5.108 Hamish Weir	*Allow S99.013 Clark Fortune McDonald & Associates*

5.7.2 The Panel notes that non-compliance with the minimum site area for new allotments is a non-complying activity. As noted in paragraph 4.8.5 above, in the context of Rule SUB-R6 and Standard SUB-S2 the Panel considers the defaulting non-compliance status as appropriate given that Policy SUB-P21 is to "discourage non-compliance with minimum allotment sizes". The Panel also notes that since all subdivisions require a consent the additional matters requiring consideration is a minor matter, and the test of RMA s104D is not unreasonable in this case. Accordingly, submission S99.013 Clark Fortune McDonald & Associates is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S85.108 Environment Southland	Give greater emphasis on Natural hazards in SUB-R7 on avoid in the first instance.
FS5.109 Hamish Weir FS22.022 Clark Fortune McDonald & Associates	Disallow S85.108

5.7.3 The Panel agrees with Joanne Skuse at paragraph 536 of her s42A Report where she states the matters of discretion and policy framework are sufficient to manage hazards in combination with the provisions in the Natural Hazard Chapter. The Panel also notes that the additions made to the policies and rules in the Development Areas chapter adds further robustness to the consideration of hazard areas. RMA s106 can also be relied upon to decline a subdivision if a significant risk from natural hazard exists. At the Hearing, Marcus Roy on behalf of Environment Southland did not expand further on this submission point. Accordingly, submission S85.108 Environment Southland is rejected.

5.8 Subdivision Standards

Submitter (S)	Decision Requested
S100.005 Charlton Rise Limited	Retain SUB-S1 as notified.
S100.007 Charlton Rise Limited	Retain SUB-S5 as notified.

5.8.1 The Panel acknowledges the submissions in support and as no change is made to the Standards referred to these submissions are accepted.

6 Additional Matters

6.1 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"

6.1.1 Courtney Bennett and Amy Beran in their joint response to Minute 15 drew attention to Objective DEV1-O1(4), Policy DEV1-P2(2) and Rule DEV2-R2(1) Assessment Matter 8 which they considered could be reviewed having regard to the submissions of Hokonui Rūnanga.

6.1.2 In submission 139.090 Hokonui Rūnanga requested Objective DEV1-O1(4), to be deleted, and that has been agreed to by the Panel. Consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori the Panel agrees that minor reference changes are appropriate to Policy DEV1-P2(2) and Rule DEV2-R2(1) referring to MW-1.2.

6.2 Notes

6.2.1 The Plan was notified with a Note following the Overview and Purpose of the Development Areas chapter referring to "Provisions in Other Chapters". This Note has no legal standing and as part of its decision to remove unnecessary duplication within the Plan the Panel has deleted the Note 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.

6.3 Section 32AA

6.3.1 The s42A Reports prepared for Industrial Zones, Residential Zones, Sites and Areas of Significance and Natural Hazards hearings included assessment of s32AA matters. The Panel too has had regard to the relevant s32AA provisions to fill any gaps. The Panel has not identified any need for a further s32AA assessment as a result of amendments to the chapter.

6.3.2 The s42A Reports prepared for Development Areas, 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 those matters. Given the nature of other changes made to the

Development Area 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.