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 23: General Residential Zone

Hearings Panel Members

Keith Hovell

Glenys Dickson

Date of Hearing
20 – 21 August 2024

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1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to the General Residential Zone of the Proposed Gore District Plan. The Hearings Commissioners comprising the Panel for this hearing was Commissioners Keith Hovell, Cliff Bolger 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 Joanne Skuse.

1..1.3 Attached is the updated provisions for the General Residential Zone, referencing changes authorised by this and other Decisions of the Hearings Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.4 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.5 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In preparing this decision we have used the following abbreviations:

Full Text	Abbreviation
Fire and Emergency NZ	FENZ
General Residential Zone	GRZ
Gore District Plan	Plan
Hearings Panel	Panel
KiwiRail Holdings Ltd	KiwiRail
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under section 42A of the RMA	s42A Report
Resource Management Act 1991	RMA
RMA section	s

1.3 Statutory Considerations

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

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

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

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

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

1.4 Procedural Matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to the General Residential Zone.

1.4.2 None of the Panel members identified any conflicts of interest.

1.4.3 No procedural matters were raised at the hearing.

1.4.4 No matters of trade competition were raised.

2 The Hearings

2.1 General Residential 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 General Residential Zone chapter were heard together with the Large Lot Residential Zone, Medium Density Residential Zone, Industrial Zones and Development Areas.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Joanne Skuse that considered all submissions lodged to the General Residential Zone, Medium Density Residential Zone, Large Lot Residential Zone and Gore West Residential Development Area. Attachments to the Report included documents prepared by The Property Group, entitled:

- Gore District Plan Review Planning for Growth (June 2022)
- Gore District Plan Review Economic and Population Growth Analysis (October 2021)
- Urban Design Advice to support section 42a report for Gore District Plan residential zones (12 July 2024) authored by Fiona Whyte

2.1.3 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 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. Residential Zones – Submitters Attending the Hearing			
No.	**Submitter**	**Attendees**	**Nature of Evidence**
S85	Environment Southland	Marcus Roy	In person
S98	Southland Developers Ltd	Nick Geddes	In person
S99	Clark Fortune McDonald	Ben Wilson	In person
S77	NZ Heavy Haulage Assn	Johnathan Bhana-Thomson	In person
S134	Andrea McMillan and Tony Harper	Brett Giddens Andrea Harper	By video In person

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

- Kiwi Rail (S132)
- New Zealand Transport Agency (FS14)

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 In addition, evidence presented at the Natural Hazards (HS11) is also had regard to in considering submissions in this decision as follows:

- Brett Osborne in referring to a series of reports from Tonkin and Taylor assessing the risk of inundation in the District; and
- Tim Morris of Tonkin and Taylor on behalf of the Council
- Marcus Roy on behalf of Environment Southland

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

3 General Residential Zone Submissions

3.1 General Submissions

Submitter (S)	**Decision Requested**
S4.001 Susan Coulman	Allow for more than one dwelling on a property where there is servicing infrastructure either on-site or off-site. Allow for caravans and

	motorhomes without self-containment certification. Reduce the amount of space required to subdivide properties.

3.1.1 Joanne Skuse at paragraph 124 of her s42A Report suggested this submission is largely met in intent through the PDP provisions with three different residential zones (General, Medium Density and Large Lot) together with the Rural Lifestyle Zone. The Panel notes each zone has a different minimum lot size and different density standards. In addition, at a general level a second residential unit is enabled in the residential zones as a minor residential unit.

3,1,2 The use of caravans and motorhomes, with or without self-containment, is not subject to control under the District Plan. The extent to which these can be used on an ongoing basis is subject to the provisions of the Building Act 2004.

3.1.3 Having regard to these matters, in particular that the Plan is not able to include provisions applying to caravans and motorhomes, submission S4.001 Susan Coulman is rejected.

Submitter (S) Further Submitters (FS)	Decision Requested
S123.029 Heritage New Zealand Pouhere Taonga	Consideration of the appropriateness of increased residential development should go beyond consistency with the area's anticipated character and amenity values. Measures such as increased setbacks or reduced heights may assist in mitigating adverse effects on a neighbouring heritage item. HNZPT recommends that appropriate standards are applied to sites adjoining a scheduled historic heritage item or area under the District Plan, as historic heritage is a section 6 matter and also a qualifying matter under the NPS-UD.
FS28.001 Kainga Ora	Disallow S123.029 Heritage New Zealand Pouhere Taonga

3.1.4 The Panel agrees with Joanne Skuse at paragraph 125 of her s42A Report where she asserted applying rules relating to sites adjoining heritage buildings is not appropriate and may result in disproportionate restrictions on the use of neighbouring properties. In the Panel's view, while it is appropriate to provide for the management of activities in close proximity to a registered heritage structure, and that is dealt with in the Historic Heritage chapter, it doubts there is a legal basis on which to extend those provisions onto adjoining land held in a separate certificate of title.

3.1.5 Heritage NZ did not attend the hearing nor submit any written material for the Panel to consider. Accordingly, submission S123.029 Heritage New Zealand Pouhere Taonga is rejected.

3.2 Interpretation

Submitter (S)	Decision Requested
S125.001 Ministry of Education	Retain definition of educational facility as proposed
S126.031 Southland Federated Farmers of NZ S115.032 Kevin Robertson S143.043 Rural Ratepayers Group S148.044 Alistair & Bernadette Hunt S60.034 Ronald Crispin S68.152 John Baynes	Retain minor residential unit as notified
S121.013 Alliance Group Limited S40.010 Silver Fern Farms	Retain residential activity as notified

3.2.1 The Panel acknowledges the submissions in support of the definitions. No other submissions were lodged to these definitions and no changes have been made to them. Accordingly, these submissions are accepted.

Submitter (S)	Decision Requested
S146.005 Southland District Council	Improve Homestay definition. Conflict with the Homestay and Visitor Accommodation definitions and provisions. The two terms are being used and the Homestay definition is a narrower application of the Visitor Accommodation definition.
S146.006 Southland District Council	Improve the Visitor Accommodation definition as there is conflict between the Homestay and Visitor Accommodation definitions and provisions. Both of the terms are being used and the Homestay definition is a narrower application of the Visitor Accommodation definition.

3.2.2 The Panel agrees with Joanne Skuse at paragraphs 89 - 94 of her s42A Report where she explained that homestay is a subset of visitor accommodation, each with its own definition. The Panel considers the PDP is clear in highlighting the difference between the two uses, with homestay having different effects arising from its lesser scale compared to commercialised visitor accommodation. Accordingly, submissions S146.005 and S146.005 Southland District Council are rejected.

Submitter (S)	Decision Requested
S77.001 New Zealand Heavy Haulage Association	Amend definition of relocation to include: <u>In relation to other buildings which are not heritage items means the removal, relocation or re-siting of an existing building from any site to another site, excluding the movement of a building within the same title or a new building built off-site that has not been used and is for the express purpose of being located to the subject site.</u>

3.2.3 Joanne Skuse at paragraph 98 of her s42A Report advised the definition in the PDP corresponds to that sought by the submitter. Accordingly, submission S77.001 New Zealand Heavy Haulage Association is accepted in part by noting the relief sought is provided for in the PDP as notified.

Submitter (S)	Decision Requested
S124.009 Fire and Emergency NZ	Amend structure definition as follows: <u>Exclude communication towers and poles associated with emergency service facilities from the definition of 'structure'.</u>

3.2.4 Joanne Skuse at paragraph 102 of her s42A Report advised the definition in the PDP is the same as in section 2 of the RMA and aligns with the National Planning Standards. As such it cannot be changed to exempt communication towers and poles associated with emergency service facilities as sought by the submitter. Accordingly, submission S124.009 Fire and Emergency NZ is rejected.

3.3 Water Treatment Buffer Area

Submitter (S) Further Submitters (FS)	Decision Requested
S134.013 Andrea McMillan & Tony Harpur	That all matters in the PDP relating to the WTP and buffer (and any ancillary matters) are withdrawn from the PDP;
FS22.053 Clark Fortune McDonald & Associates	Allow S134.013 Andrea McMillan & Tony Harpur
S134.001 Andrea McMillan & Tony Harpur	Delete GRZ-R14 in entirety. The submitter opposes GRZ-R14 proposing a buffer.
S102.001 Clara McLennan S106.001 Mathew McLennan	Remove Buffer Zone around water plant at Mataura or change zoning to only be around the boundary of the water plant not 50mtrs from the boundary. Unable to subdivide land and will subsequently drop in value. Financial compensation will be sought if buffer zone proceeds. Proposed buffer zone causing a lot of stress for submitter and family.

S46.001 Margaret Katon S47.001 David Katon S14.001 Desmond Wilson S15.001 Janice Wilson S25.001 Peter Kempthorne S55.002 Brent Herbert S62.001 Roy Agnew S6.002 BL & KM Shields S7.002 Damiyen Crosbie S8.002 Anton Hoffman S9.002 Laura-Lee Hoffman S10.002 Courtney Horrell S11.002 Jenna Potter S48.002 Isobel Agnew S56.002 Richard Agnew	To remove the buffer zone east Gore water treatment plant. The buffer zone will reduce the land value and there will be issues with noise from the treatment plant and increased costs. There has been a lack of consultation, we were never consulted on being included in the buffer zone. Also, environmental concerns
FS22.075, FS22.137, FS22.138, FS22.139, FS22.140, FS22.141, FS22.142, FS22.143, FS22.144, FS22.145, FS22.146, FS22.147, FS22.148 Clark Fortune McDonald & Associates	Allow S14.001 Desmond Wilson, S15.001 Janice Wilson, S25.001 Peter Kempthorne, S55.002 Brent Herbert, S62.001 Roy Agnew, S6.002 BL & KM Shields Barry Shields, S7.002 Damiyen Crosbie, S8.002 Anton Hoffman, S9.002 Laura-Lee Hoffman, S10.002 Courtney Horrell, S11.002 Jenna Potter, S48.002 Isobel Agnew, S56.002 Richard Agnew
S134.009 Andrea McMillan & Tony Harpur	An assessment of alternatives must be undertaken. A Notice of Requirement (NoR) would only designate Council-owned land. However, the buffer zone proposed extends 50m over private land. The submitter believes this has the effect of an extension of the designation and is concerned it may be an attempt to avoid the assessment required under Section 168 of the Resource Management Act (RMA).
FS22.149 Clark Fortune McDonald & Associates	Allow S134.009 Andrea McMillan & Tony Harpur
S134.012 Andrea McMillan & Tony Harpur	Remove Buffer zone. The alterations made by the Council to the WTP directly contradict the purpose of the General Residential Zone, and associated objectives and policies.
FS22.150 Clark Fortune McDonald & Associates	Allow S134.012 Andrea McMillan & Tony Harpur

3.3.1 The Panel notes that Water Supply Treatment Buffer Areas are provided in the PDP at Doctors Road, Mataura and between Wentworth and Talbot Streets, East Gore. Within the Buffer Areas, Rules GRZ-R14 and LLR-R11 require consent as a discretionary activity for any sensitive activity, which includes residential use and visitor accommodation. The Water Supply Treatment Facilities in both Gore and Mataura are existing and they are subject to new designations included in PDP.

3.3.2 To gain an understanding of the reasons for including these buffer areas in the PDP the Panel referred to the Residential and Rural Zones section 32 Reports prepared prior to the notification of the PDP. While the relevant rules were referred to, there was no explanation as to their purpose or justification. In response to questions from the Panel, Joanne Skuse advised that the prime purpose of the buffer areas was to draw the attention of future owners to the nearby existence of the water treatment facilities. Given the rules proposed applied to sensitive activities, the Panel assumes the intent was also to potentially exclude activities such as residential use from areas that may be subject to noise and vibration from the water treatment facility or require acoustic insulation of the buildings. It is the view of the Panel this approach is inappropriate, rather conditions should be imposed on the designations for the treatment facilities to manage off-site effects and ensure no nuisance from effects such as noise or glare.

3.3.3 Joanne Skuse stated the following in her s42A Report:

> 233 However, having reviewed the submissions and various arguments, I consider the buffer zone is not the most effective method to protect the operation of the existing

infrastructure. The objectives and policies are not sufficiently clear to guide decisions makers on appropriate development within the buffer zone.

234 The infrastructure is currently undesignated under the ODP. Through the PDP process designations are proposed over both the East Gore Water Treatment and Pump Station and the Mataura Water Supply Treatment Site. In my opinion the designations will provide sufficient protection for the infrastructure. The designations will further be mapped and therefore are likely to be highlighted during due diligence exercises, advising potential buyers of the nearby infrastructure. I therefore accept the submission and further submission points.

3.3.4 Brett Giddens, representing Andrea McMillan and Tony Harper, presented written evidence at the hearing, agreed with the conclusion reached in the s42A Report that the buffer areas should be deleted, but he was critical that no s32AA assessment had been undertaken assessing the effects of the options of buffer rules versus no buffer rules. Brett Giddens provided such an assessment and the Panel agrees and adopts this.

3.3.5 Brett Giddens also referred to what he described as the lawfulness of the East Gore Water Treatment Facility and comments attributed to Commissioner Hovell in his role of Planning Consultant to the Council. The Panel does not consider these matters are relevant to submissions seeking deletion of the buffer areas.

3.3.6 Having regard to the above matters, the submissions listed above are accepted by:

a. Removing the Water Supply Treatment Buffer Areas from the Planning Maps and associated Legend.

b. Deleting Rules GRZ-R14, LLR-R11, GRUZ-R17 and GRUZ-R18

c. Deleting the following from the table of Overlays on page 29 of the notified PDP:

~~Water Supply Treatment Facility Buffer Area~~
~~Identifies the area around a Water Supply Treatment Facility where sensitive activities are restricted~~

d. Amending Subdivision Rule SUB-R1(7):

The site does not contain a wastewater treatment facility ~~or water supply treatment facility buffer area~~

e. Amending Subdivision Rule SUB-R4(7):

The site does not contain a wastewater treatment facility ~~or water supply treatment facility buffer area~~

3.4 General Residential Zone Overview and Objectives

Submitter (S)	Decision Requested
S100.008 Charlton Rise Limited	Support the Gore West Development Area overview and purpose.

3.4.1 The Panel acknowledges the submission in support of the Overview and Purpose. No other submissions were lodged to this provision and no changes have been made to it. Accordingly, submission S100.008 Charlton Rise Limited is accepted.

Submitter (S)	Decision Requested
S134.002 Andrea McMillan & Tony Harpur	Amend Objective GRZ-O3: The purpose, <u>amenity</u> and character of the residential zones is <u>maintained and</u> not compromised by non-residential activities;

3.4.2 Joanne Skuse at paragraph 240 of her s42A Report agreed with the submitter, stating the additional wording provides for a comprehensive and precise objective highlighting three key aspects: purpose, amenity, and character.

3.4.3 Brett Giddens, representing Andrea McMillan and Tony Harpur agreed with the recommendation of the reporting officer to adopt the changes and he considered these changes to be the most appropriate option in terms of section 32.

3.4.4 Accordingly, submission S134.002 Andrea McMillan & Tony Harpur is accepted by amending Objective GRZ-O3 as follows:

The purpose, amenity and character of the residential zones is maintained and not compromised by non-residential *activities*.

Submitter (S) Further Submitters (FS)	Decision Requested
S100.009 Charlton Rise Limited	Support intention of GRZ-O3 to allow for diverse range of housing typologies.
FS28.055 Kainga Ora	Allow S100.009 Charlton Rise Limited
S124.053 Fire and Emergency NZ S132.115 KiwiRail Holdings Ltd	Retain GRZ-O4 as proposed,

3.4.5 The Panel acknowledges the submissions in support of the Objectives. As changes have been made to the provisions the submissions are accepted in part.

Submitter (S)	Decision Requested
S101.079 Transpower NZ Ltd	Objective GRZ-O4 does not give effect to Policy 10 and Policy 11 of the NPSET due to the Objective directing an outcome of effects being mitigated, as opposed to being avoided (insofar as the Objective relates to the National Grid). Further, it is possible that this Objective is inconsistent with, or in conflict with, the provisions that protect infrastructure in the Infrastructure Chapter. Transpower seeks amendments to the Objective in order to give effect to the NPSET by providing for an outcome where effects on the National Grid are avoided. Amend Objective GRZ-O4 as follows: Development is provided with appropriate infrastructure and adverse effects on infrastructure networks are managed so that the operation, maintenance, upgrade and development of the infrastructure is not compromised ~~mitigated."~~

3.4.6 Joanne Skuse at paragraph 250 of her s42A Report agreed with the amendment sought by Transpower as it is clear and specific in its intent. She considered the amended wording provides a proactive approach to handling adverse effects on infrastructure, ensuring that externalities do not hinder the ongoing functioning or future improvement of infrastructure. She went on to express the view that while Transpower has a focus on the National Grid, she considers all infrastructure is relevant in relation to development, aligning with UFD-O1 encouraging the district to develop in a cohesive, compact and structured way, as infrastructure is critical to achieve this and UFD-O7, that ensures urban environments are liveable, and well-designed, with adequate servicing. The Panel adopts the assessment and recommendation and accepts submission S101.079 Transpower NZ Ltd.

3.4.7 Submission S101.079 Transpower NZ Ltd is accepted by amending Objective GRZ-O4 as follows:

Development is provided with appropriate *infrastructure* and adverse effects on *infrastructure* networks are managed so that the operation, maintenance, upgrade and development of the infrastructure is not compromised ~~mitigated~~.

Submitter (S)	Decision Requested
S134.003 Andrea McMillan & Tony Harpur	Amend Objective GRZ-O4: Development is provided with appropriate infrastructure ~~and adverse effects on infrastructure networks are mitigated~~

3.4.8 The Panel does not consider it appropriate to make the change sought by the submitters. Infrastructure networks are vital for the orderly operation of activities within urban areas and any adverse effects on infrastructure networks should be managed. As noted by Joanne Skuse in her s42A Report, the intent of the submission is not clear. In addition, Brett Giddens, who represented the submitters at the hearing, did not refer to this submission point. Accordingly, submission S134.003 Andrea McMillan & Tony Harpur is rejected.

3.5 General Residential Zone Policies

Submitter (S)	Decision Requested
S100.010 Charlton Rise Limited	Support GRZ-P4 and comprehensive residential development in appropriate areas and with appropriate design.
S125.044 Ministry of Education	Retain GRZ-P5 as proposed.
S125.045 Ministry of Education S124.054 Fire and Emergency NZ	Retain GRZ-P6 as proposed.

3.5.1 The Panel acknowledges the submissions in support of these policies. No other submissions were lodged to these provisions and no changes of any substance have been made to them. Accordingly, the submissions are accepted.

Submitter (S)	Decision Requested
S132.116 KiwiRail Holdings Ltd	Amend GRZ-P7 as follows: Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management <u>that does not result in increased flooding and erosion risk.</u>
S112.137 Waka Kotahi NZ Transport Agency	Amend GRZ - P7 as follows: Ensure development is designed consistent with the capacity of existing infrastructure and <u>transportation</u> networks <u>or will be appropriately upgraded</u> and, where practicable, incorporates low impact approaches to stormwater management.

3.5.2 It was the recommendation of Joanne Skuse at paragraph 260 of her s42A Report that submission S112.137 Waka Kotahi NZ Transport Agency be accepted and submission S132.116 KiwiRail Holdings Ltd be rejected. However, the Panel considers the recommended policy to be complex in its wording, and by way of Minute 19 requested a redrafting, with low impact approaches to stormwater management being considered as a separate policy incorporating the relief sought by KiwiRail. Joanne Skuse in a reply dated 10 October 2024 suggested an alternative wording that the Panel has adopted with minor changes.

3.5.4 Submissions S112.137 Waka Kotahi NZ Transport Agency is accepted in part by replacing Policy GRZ-P7 with the following:

GRZ-P7 ~~Ensure~~ <u>Require</u> development ~~is designed consistent with the capacity of~~ <u>to demonstrate sufficient infrastructure capacity or implement appropriate upgrades so that development does not compromise</u> existing infrastructure, <u>including transportation</u> networks and <u>other critical services</u> ~~where practicable, incorporates low impact approaches to stormwater management~~.

<u>GRZ-P8 Recognise the positive effects of low-impact stormwater design in enhancing environmental quality and sustainable development outcomes, while avoiding any increase in the risk of flooding or erosion.</u>

Submitter (S)	Decision Requested
S134.004 Andrea McMillan & Tony Harpur	Amend Policy GRZ-P8 as follows: Enable the use of reserve land where the activity and/or development is consistent with the relevant Reserve Management Plan and where the adverse effects are avoided, remedied or mitigated

3.5.5 Joanne Skuse at paragraph 263 of her s42A Report clarified that the policy applies to land classified as Reserve and did not apply to the East Gore Water Treatment Facility site. Brett Giddens, representing the submitters advised the policy no longer is relevant to their concerns and agreed no changes were required to the Policy. Accordingly, submission S134.004 Andrea McMillan & Tony Harpur is rejected.

Submitter (S)	Decision Requested
S101.080 Transpower NZ Ltd	Amend Policy GRZ-P9 as follows: "Avoid activities that are incompatible with the character, qualities and purpose of the General Residential Zone except where the activity is critical infrastructure that has a functional need or operational need for its location"

3.5.6 The Panel agrees with Joanne Skuse at paragraph 269 of her s42A Report where she supported the inclusion of critical infrastructure in the policy and considers it is important for it to be qualified with the inclusion of 'functional and operational need'. This is because not all infrastructure has a functional need or operational need to locate in the GRZ.

3.5.7 Submission S101.080 Transpower NZ Ltd is accepted by amending Policy GRZ-P9 as follows:

Avoid activities that are incompatible with the character, qualities and purpose of the General Residential Zone, except where the activity is critical infrastructure that has a functional need or operational need for its location.

Submitter (S)	Decision Requested
S124.055 Fire and Emergency NZ	Add new policy as follows Ensure all development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes

3.5.8 Joanne Skuse at paragraphs 183 - 191 of her s42A Report considered issues arising from this submission as they apply to the Medium Density Residential Zone, Large Lot Residential Zone and General Residential Zone, recommending that Policy LLRZ-P2 being included in the other two zones. The Panel does not agree with that approach. The General Residential Zone is fully contained within the Council's reticulated services area. That sets itself aside from the other two zones. Referring to "where reticulated services are not available" does not apply to the General Residential Zone notwithstanding the phrase is used, unnecessarily in the Panel's view, in Standard GRZ-S2.

3.5.9 The Panel accepts for new development within the Residential Zone the provision of services is essential. However, that will require approval by way of subdivision and the policy framework in the Subdivision chapter already provides for these matters. As a consequence, submission S124.055 Fire and Emergency NZ is rejected.

3.6 General Residential Zone Rules

Submitter (S)	Decision Requested
S125.046 Ministry of Education	The submitter supports GRZ-R6 in part to manage the operation of education facilities.
S125.047 Ministry of Education	It is not reasonable to only provide for educational facilities within existing residential units. Amend GRZ-R6 as follows:

	Educational facilities: Activity status: Permitted Where:~~1. The educational facility is within a residential unit or minor residential unit;2. The activity is for home-based childcare services and the maximum number of children on the site does not exceed 8; and~~ 1. The hours of operation are between 0700 and 1900 hours; Monday to Friday; and 2. Any new or extended building or structure complies with standards GRZ-S2, GRZ-S3, GRZ-S4, GRZ-S5, GRZ-S6, GRZ-S7, GRZ-S8, GRZ-R9 and GRZ-S10. Activity status where compliance not achieved: ~~Discretionary~~ Restricted discretionary Matters of discretion are restricted to:1. the location and design of buildings and any proposed car parking and loading areas and access; and 2. hours of operation; and 3. noise, disturbance, and loss of privacy of neighbours; and 4. screening and landscaping; and 5. waste treatment and disposal.

3.6.1 Rule GRZ-R6 provides for educational facilities as a permitted activity, subject to conditions, including being within an existing residential unit or minor residential unit and with a maximum of 8 children on site. Educational facilities such as kindergartens, primary and secondary schools would not comply with these provisions and would default to a discretionary activity.

3.6.2 The Panel agrees with Joanne Skuse at paragraph 358 of her s42A Report that the difference in scale between the two types of educational facilities justifies a different status. While the Panel accepts that schools are widely accepted as appropriate within residential areas, assessment is required as a discretionary activity to ensure compatibility with the locality. Accordingly, submission S125.047 Ministry of Education is rejected and as there is no change to the provision submission S125.046 Ministry of Education is accepted in part.

Submitter (S)	Decision Requested
S125.049 Ministry of Education	The submitter supports GRZ-R8 in part
S125.050 Ministry of Education	Amend GRZ-R8 to provide for extensions and additions to education facilities as a permitted activity, subject to compliance with the relevant built form standards. Amend as follows: Additions to existing healthcare activities or education facilities. Activity status: ~~Controlled~~ Permitted Where: 1. Any new or extended building or structure complies with standards GRZ-S2, GRZ-S3, GRZ-S4, GRZ-S5, GRZ-S6, GRZ-S7, GRZ-S8 and GRZ-S10. ~~Matters of control: 1. Transport effects including the location and design of loading areas and access; and 2. Design and layout of on-site pedestrian connections; and 3. Hours of operation; and 4. Noise, disturbance and loss of privacy of adjacent sites; and 5. Servicing including the positive effects of low impact design~~ Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Transport effects including the location and design of loading areas and access; and 2. Design and layout of on-site pedestrian connections; and 3. Hours of operation; and 4. Noise, disturbance and loss of privacy of adjacent sites; and 5. Servicing including the positive effects of low impact design; and ~~6. The matters of control 1 - 5~~ 6. The matters of discretion of any infringed standard.

3.6.3 The Panel notes the following rules apply:

(a) Rule GRZ-R6 applies to educational facilities within a residential unit or minor residential unit and any additions to them as a permitted activity subject to compliance with various standards.

(b) Educational facilities that do not comply with the permitted activity conditions are a discretionary activity.

(c) Rule GRZ-R12 applies to healthcare activities and any additions to them (excluding the hospital precinct) as a Restricted Discretionary Activity subject to various matters of discretion.

(d) Rule GRZ-R8 applies to additions to any existing healthcare activities or education facilities as a controlled activity with various matters of control.

3.6.4 The Ministry of Education requests extensions to healthcare activities be a permitted activity in the Zone. The Panel disagrees having regard to potential adverse effects such as traffic and considers restricted discretionary status appropriate.

3.6.5 Given extensions to educational facilities within a residential unit or minor residential unit are permitted under Rule GRZ-R6, the Panel considers Rule GRZ-R8 only needs to apply to other educational facilities. In the event a school seeks and gains approval to establish a new educational facility as a discretionary activity and later seeks to extend the buildings in it, this rule provides an alternative (and more accommodating) consenting pathway to seeking a variation on a discretionary resource consent. The Ministry did not attend the hearing nor submit any written evidence for the Panel to consider.

3.6.6 Arising from these submissions, the Panel considers an amendment is required to Rule GRZ-R8 to clarify that extensions to educational facilities within a residential unit or minor residential unit are permitted and extensions to educational facilities that are not within a residential unit or minor residential unit are a controlled activity.

3.6.7 Submissions S125.049 and S125.050 Ministry of Education is accepted in part by adding to Rule GRZ-R8 as follows:

1. The *educational facility* is not within a *residential unit* or *minor residential unit*

Submitter (S)	Decision Requested
S124.067 Fire and Emergency NZ	GRZ-R13 Emergency service facilities are provided for in this zone as a restricted discretionary activity. Fire and Emergency consider that emergency service facilities should be provided for as a permitted activity, which will be subject to the performance standards within. Amendment sought: GRZ-R13 Emergency Services Facility All areas Activity status: Permitted Where: Any new or extended building or structure complies with standards GRZ-S2, GRZ-S3, GRZ-S4, GRZ-S5, GRZ-S6, GRZ-S7, GRZS8 and GRZ-S10.

3.6.8 The Panel notes emergency service facilities (including fire stations) are listed as a restricted discretionary activity in the General Residential Zone. This recognises the functional need of locating close to the area served by the facility. The Panel considers this status appropriate so that regard can be had to the effects of any proposal, particularly on amenity values. The Panel considers an assessment of each proposal for a fire station is warranted, and no justification has been put forward by FENZ to separate fire stations from other emergency service facilities. FENZ did not attend the hearing nor submit any written evidence for the Panel to consider. Accordingly, submission S124.067 Fire and Emergency NZ is rejected.

Submitter (S) Further Submitters (FS)	Decision Requested
S85.127, S85.128, S85.129, S85.130, S85.131, S85.132 Environment Southland	GRZ-R9 - R14 Include natural hazard risk to the matters of discretion.
FS22.105, FS22.106, FS22.107, FS22.108, FS22.109, FS22.110 Clark Fortune McDonald & Associates	*Disallow S85.127, S85.128, S85.129, S85.130, S85.131, S85.132 Environment Southland*

FS28.061 Kainga Ora	*Allow in part S85.129 Environment Southland*

3.6.9 The Panel agrees with the assessment of Joanne Skuse at paragraphs 138 - 140 of her s42A report where she stressed it was the role of the Natural Hazard chapter to provide outcomes and direction for managing natural hazard risks and it is unnecessary to repeat the requirements of the Natural Hazard chapter within the Residential Zones Chapters as this is inconsistent with the manner in which the National Planning Standard directs Plans to be presented and drafted. This approach is fundamental to that adopt by the Panel throughout the Plan. Accordingly, the submissions of Environment Southland are rejected.

3.7 General Residential Zone Standards

Submitter (S) Further Submitters (FS)	Decision Requested
S100.011 Charlton Rise Limited	Support GRZ-S1
S99.028 Clark Fortune McDonald & Associates	Amend GRZ-S1 to be a restricted discretionary activity status for activities that do not meet those limits. A 'non-complying' status is unjustified and excessively restrictive.
FS5.149 Hamish Weir FS28.062 Kainga Ora	Allow S99.028 Clark Fortune McDonald & Associates

3.7.1 The Panel acknowledges the submission in support of the Standard. As changes have been made to the provision submission S100.011 Charlton Rise Limited is accepted in part.

3.7.2 Joanne Skuse at paragraphs 295 - 296 of her s42A Report acknowledged that a minor non-compliance with this density standard may result in a more onerous consenting process than may be strictly appropriate, and provided a proposal is developed consistent with the relevant objectives and policies she was of the view there is no reason a resource consent approval couldn't be granted. As a consequence, she recommended amending the Standard to provide a sliding scale consenting pathway.

3.7.3 Ben Wilson, representing Clark Fortune, at paragraph 26 of his written evidence, stated:

> … the recommended sliding scale will enable a more efficient consenting process and reduce the number of non-complying activities approved for slight and/or inconsequential breaches to density which preserves the authority of the non-complying consent process to refuse any unacceptable breaches to density and maintain District Plan integrity in this regard.

3.7.4 In her statement of evidence at the hearing, Joanne Skuse at paragraph 27 advised the Panel that consequential to her recommendation in the s42A Report, an amendment is also required to the Subdivision chapter.

3.7.5 The Panel adopts the expert advice from Joanne Skuse and Ben Wilson and accepts submission S99.028 Clark Fortune McDonald & Associates by amending:

(a) Standard GRZ-S1 as follows:

Activity status where compliance not achieved with:

GRZ-S1(1) but the density of development does not exceed one residential unit per 350m^2: Discretionary

Where the density of development exceeds one residential unit per 350m^2: Non-Complying

Activity status where compliance not achieved with:

GRZ-S1(2) and GRZ-S1(3): Non-complying

(b) Standard SUB-S1 as follows:

Activity status where compliance is not achieved with SUB-S1(1)(a):

but the minimum lot size exceeds 350m^2: Discretionary

Where the minimum lot size is less than 350m^2: Non-Complying

Submitter (S) Further Submitters (FS)	Decision Requested
S21.001 AdMore Designs Limited	GRZ-S2 Part 3 (c) store ~~45,000l~~ 44,000l of potable water on site from another source. With a house under 200m^2 a 32,000l tank would only have a balance 12,000l of water spare to use as potable water and along with an additional 32,000l tank it fails short of the 45,000l requirement, by 1,000l. meaning a third tank is required. We suggest that the storage should be reduced to 44,000l of water. This means a max of two 32,000l tanks for a house under 200m^2 and a still a max of 4 tanks for a house over 200m^2.
FS16.001 Fire and Emergency New Zealand	Disallow S21.001 AdMore Designs Limited

3.7.6 Joanne Skuse provides an assessment of this submission at paragraphs 302 – 309 of her s42A Report in which she highlights the requirement to store 45,000 litres of water on sites not connected to the Council's reticulated water supply is to provide a source for firefighting should it be needed. She also referred to the standard SNZ PAS 4509:2008 quoted by FENZ in various submissions noting there are different requirements for water storage depending on the size of the house and whether sprinklers are installed. She also noted standards adopted by Councils in NZ also vary.

3.7.7 It was the recommendation of Joanne Skuse to remove the 45,000 litre requirement from the provision and it is the view of the Panel that such action is justified in the General Residential Zone, given the whole zone is serviced, and the need for water storage is able to be considered at the time of subdivision.

3.7.8 FENZ did not present any information to the Council or attend the hearing. The Panel therefore by way of a Minute sought clarification from FENZ as to the rationale of the 45,000 litre requirement. The response received from Lousia Armstrong on behalf of FENZ did not provide any clarity on the issue.

3.7.9 The Panel accepts the logic of the submitter and considers that requirements for fire fight water supply is a matter to be considered at subdivision and building consent stages. Inclusion of a requirement as set out in the rule adds a further level of unnecessary regulation. Accordingly, the Panel adopts the recommendation of Joanne Skuse to amend clause 3(c).

3.7.10 Having regard to the matters above, submission S21.001 AdMore Designs Limited is accepted by amending Standard GRZ-S2 as follows:

(c) provide ~~store 45,000 litres of~~ potable water on-*site* from another source.

Submitter (S)	Decision Requested
S21.003 AdMore Designs Limited	GRZ-S5 1.(b) eaves, gutters and associated downpipes on any building may intrude into the setback by ~~a maximum of 600mm~~ a maximum of 350mm without the need of fire rating and 600mm where there is a required fire rating under the NZBC.

3.7.11 Joanne Skuse at paragraphs 316 – 317 of her s42A Report expresses the view that while there is merit in informing plan users that the standard may have Building Act

implications, she did not support including into Plan provisions reference to fire rating and compliance with the New Zealand Building Code as this is a Building Act matter. The Panel agrees with that approach and also considers that reference to actual dimensions of current provisions in the Building Act is unwise as these can change over time.

3.7.12 Joanne Skuse did recommend however, that a note be included after the Plan provision highlighting that there may be consequential fire rating requirements under the Building Act 2004. The Panel does not agree with that approach. There are many provisions in the Plan where such a note may be relevant, but more importantly, reference to Building Act matters is dealt with in the Introductory chapters of the Plan. The Panel also notes that the Council in publicity material may choose to highlight this issue if it considers it important.

3.7.13 Accordingly, submission S21.003 AdMore Designs Limited is rejected.

Submitter (S) Further Submitters (FS)	Decision Requested
S21.002 AdMore Designs Limited	GRZ-S5 (d) a carport or garage, either standalone or attached to the residential unit may be setback a minimum of 500mm from a side or rear boundary provided that the maximum length of the building adjacent to the property boundary does ~~not exceed 6 metres~~ not exceed 8 metres and contains no doors or windows.
FS5.150 Hamish Weir FS22.070 Clark Fortune McDonald & Associates	Allow S21.002 AdMore Designs Limited

3.7.14 Fiona Whyte, Senior Urban Designer at The Property Group, in a report contained as Attachment 3 to the s42A Report recommended amending the provision increasing the allowable length of a carport or garage from 6 to 8 metres as requested, on the basis that this will accommodate modern vehicles with limited impacts on streetscape. Joanne Skuse adopted that recommendation, as does the Panel.

3.7.15 Submission S21.002 AdMore Designs Limited is accepted by amending GRZ-S5(d) as follows:

a carport or garage, either standalone or attached to the *residential unit* may be *setback* a minimum of 500mm from a side or rear *boundary* provided that the maximum length of the *building* adjacent to the property *boundary* does not exceed ~~6~~ 8 metres and contains no doors or windows.

Submitter (S) Further Submitters (FS)	Decision Requested
S99.029 Clark Fortune McDonald & Associates	Amend GRZ-S5 to include the exception as stated in the ODP. The exception for a carport or garage (as per GRZ-S5 1(c)) does not apply to road boundaries as it does with the ODP which is unjustified.
FS5.151 Hamish Weir	Allow S99.029 Clark Fortune McDonald & Associates

3.7.16 Fiona Whyte, Senior Urban Designer at The Property Group, in a report contained as Attachment 3 to the s42A Report set out a detailed assessment in response to this submission. The Panel considers the most pertinent parts of the assessment as follows:

> Permitting accessory buildings within the front yard setback, while understandable from an ease of access perspective, is considered to go against best practice urban design for the following reasons:

1. They may interrupt the consistent setback of dwellings, reducing the visual cohesion of the built edge and impacting on the spatial enclosure of the street. Over time, if this happens extensively on a street, it can erode street character.
2. It may result in a lower-quality built form being established at the street front, as garages and sheds are often built to a lower design quality than dwellings and these would be the most obvious buildings when viewed from the street.
3. They may obstruct the important visual connection between the street and the dwelling interior which can support passive surveillance of the street and increase the sense of safety and security people feel when walking, cycling or playing in the street
4. They may result in excessive or lengthy stretches of vehicle crossings which, if this occurs extensively on the street, reduces space for footpaths, planted berms, street trees and street furniture which are all important elements of street character which encourage people to use streets for walking, exercise and play. As a general rule of thumb, increasing the space and access for vehicles can negatively impact or reduce 'walkability' and has the potential to erode the comfort and ease of walking on a street. This is especially impactful on people with reduced mobility who may require wheelchairs, prams, walkers or mobility scooters to get around their neighbourhood.

3.7.17 On the basis of the urban design report, Joanne Skuse recommended rejecting this submission.

3.7.18 Ben Wilson of Clark Fortune provided written evidence and attended the hearing. The Panel considered the following passages of his evidence relevant:

30. The Operative District Plan (ODP) provides an exemption for carports and garages located within the front yard setback. This exemption has had a part in directing the character of the built environment that has established over at least ten years.
31. The s32 evaluation report for the GRZ was not supported by any assessment nor report that identifies carports and garages that have established in the front yard represent an adverse or undesirable urban outcome or otherwise necessitating an amendment to the ODP in this regard.
33. The urban design assessment considers that permitting accessory buildings in the front yard setback may erode street character, yet equally, I believe it could be considered that not enabling this option for landowners may also create a hard and consistent edge hereon in a street which has to date established with a more organic edge which would appear inconsistent and out of character.
34. In my reading, the GRZ has no objectives nor policies that directly engage with "street character" or otherwise indicate a type of street character which is more desirable than another nor does it direct that a hard building edge is necessary. There is no specific outcome sought by the PDP in this regard.
35. Policy GRZ-P2 seeks to encourage infill development and the redevelopment of older housing stock that maximises the efficient use of land in a way that is compatible with the scale and character of residential development anticipated by the zone.
36. Objective UFD-O7 seeks that urban environments recognise the local context and character of an area.
37. In my opinion, continuing with the ODP exemption for carports located within the front yard setback better achieves GRZ-P2 and UFD-O7 as it enables the most efficient use of land and remains compatible with the local context / character that has established in the existing environment.

3.7.19 The Panel considers there is some force in the points made by Ben Wilson, particularly

- There was no consideration in the s32 assessment undertaken prior to the release of the Plan considering the streetscape issue as it related to garages and carports being located in the front yard; and
- There are no objectives or policies linked to this issue.

3.7.20 In considering this matter the Panel considers the provisions of the Operative District Plan relevant. The relevant parts of Rule 4.7A.1(3) state:

> (3) **Residential Zones:**
>
> (a) The following yards shall be provided adjacent to property boundaries:
>
> Front Yard 4.5 metres
>
> Other Yards 1.0 metre
>
> Except that:
>
> (i) Eaves, gutters and associated downpipes on any building may project into a yard by up to 500 mm.
>
> (iii) A carport or garage, either stand alone or attached to the dwelling, (including any eaves, gutters or downpipes) may be located up to 500 mm from the property boundary provided that the maximum length of the building adjacent to the property boundary does not exceed 6 metres.

3.7.21 The Panel notes that the front yard requirement in the Operative Plan of 4.5 metres has been reduced to 3.0 metres in the Proposed Plan, bringing all buildings closer to the road boundary.

3.7.22 The Panel initially had concerns regarding vehicles backing out of garages or carport close to the road boundary, creating a safety hazard. However, Rule TRANS-R2 requires vehicle movement to be in a forward direction both onto and from a site.

3.7.23 In weighing the arguments presented on both sides, the Panel disagrees with the comments by Fiona Whyte that allowing garages and carports near the street frontage may result in a lower-quality built form being established as garages and sheds are often built to a lower design quality than dwellings. The Panel undertook a walkabout of some of the streets within the residential areas and this reinforced its view. The Panel does however agree with Fiona Whyte that protection of amenity and character within the low density residential environment is of importance.

3.7.24 The Panel also notes that non-compliance with the 3.0 metre yard requirement in Standard GRZ-S6 is a restricted discretionary activity, with the matters of discretion being:

1. The reason for the reduced setback.
2. Effects on the character and amenity of the streetscape including dominance.
3. Compatibility with the surrounding environment.
4. The reason for the reduced setback.

3.7.25 In determining its decision, the Panel places most weight on:

- The reduction in yard size from the Operative to Proposed District Plan
- The desirability of retaining amenity and character within residential areas.
- The restricted discretionary status of non-compliance with the Proposed Plan rule.

3.7.26 The Panel concludes that non-compliance with the PDP 3.0m front yard Standard should be assessed on a case by case basis rather provided for as of right. Accordingly, submission S99.029 Clark Fortune McDonald & Associates is rejected.

Submitter (S)	Decision Requested
S124.071 Fire and Emergency NZ	Retain GRZ-S6 as notified

3.7.27 The Panel acknowledges the submission in support of the standard. No other submissions were lodged to this provision and no changes have been made to it. Accordingly, submission S124.071 Fire and Emergency NZ is accepted.

Submitter (S)	Decision Requested
S146.077 Southland District Council	The submitter supports GRZ-S7 and the matters of discretion and notes that it should reduce impacts downstream.

3.7.28 The Panel acknowledges the submission in support of the Standard. As an addition has been made to the provisions through another Panel Decision, to provide for fencing, this submission is accepted in part.

Submitter (S)	Decision Requested
S124.072 Fire and Emergency NZ	GRZ-S8: Fire and Emergency note that the minimum building coverage for a volunteer fire station is 250m^2 and up to 1500m^2 for a career fire station. Fire and Emergency are concerned that 40% building coverage for per site would not provide for emergency service facilities should they need to construct a new fire station in the GRZ in future. Add the following: b) 50 percent for Retirement village, Emergency service facilities and Comprehensive residential development.

3.7.29 The Panel notes that an Emergency Service Facility is a discretionary activity, subject to compliance with specified Standards. Standard GRZ-S8 allows maximum site coverage of 45% generally or 50% for retirement village or comprehensive residential development. As noted by Joanne Skuse at paragraph 193 of her s42A Report, retirement villages and comprehensive unit developments are typically developments which contain multiple small buildings on a site as opposed to one large building. The Panel agrees with Joanne Skuse that these standards are representative of the anticipated character and built form of the zone based on the activities enabled, and the potential adverse effects on landowners within the zone and within adjoining zones.

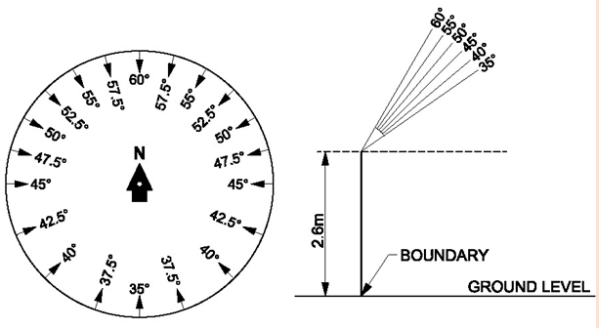
3.7.30 FENZ did not attend the hearing, nor provide any written material outlining why a greater permitted maximum building coverage is necessary for emergency service facilities. In the event that FENZ seeks to establish a fire station within the Residential Zone in the Gore District any non-compliance with the Zone Standards will need to be considered through the resource consent process. The Panel considers this appropriate so that the effects of any non-compliance can be assessed based on an actual proposal, rather than the concept. Accordingly, submission S124.072 Fire and Emergency NZ is rejected.

3.8 Appendix 2: Height in Relation to Boundary

Submitter (S)	Decision Requested
S99.045 Clark Fortune McDonald & Associates	APP2: In the interests of clarity and certainty in the PDP, a clearer description / diagram is provided in PDP Appendix 2, including guidance for the recession plane angles where boundaries are not simply north, east, south or west. The description / diagram within the ODP is clearer. The PDP provides no guidance for the recession plane angles where boundaries are not simply north, east, south or west. It would have to be assumed that the angle will be proportional between the relevant specified angles, but it does not state this.

3.8.1 On the advice of Fiona Whyte, Senior Urban Designer at The Property Group, Joanne Skuse has recommended this submission be accepted. The Panel agrees, having experienced difficulty in applying the diagram from the PDP as notified.

3.8.2 Submission S99.045 Clark Fortune McDonald & Associates is accepted by replacing the diagram in Appendix 2 with the following:



The recession plan angle shall be calculated by orienting both site plan and relevant diagram to true north, placing the recession diagram over the site plan with the circle tangential to the inside of the site boundary under consideration. The recession plane angle shall be that indicated by the diagram at the point where it touches to the site boundary. Where recession lines fall between those indicated on the diagram, interpolations shall be made. The planes shall commence at points 2.6 metres above the existing ground level at the boundary.

3.9 Maps

Submitter (S)	Decision Requested
S85.049 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.

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

3.9.2 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.

3.9.3 The Panel therefore has compared the zoning in the Operative District Plan to that in the PDP. Generally, the land zoned General Residential corresponds to the area zoned Residential in the Operative Plan and the respective provisions are similar in effect. Additional areas zoned General Residential that are not zoned Residential in the Operative District Plan are:

(a) Undeveloped land between Norton Street, Waimea Street and State highway 94, Gore: This land is not subject to actual or potential inundation.

(b) Land in Gore adjoining Reaby Road at the rear of Broughton Street properties, containing the Windsor Park retirement village. This land is not subject to actual or potential inundation.

(c) Generally undeveloped land extending from Wilden Street to Reaby Road, Gore. Part of this land is the site of previous mining and issues associated with that are considered in Decision 22 Development Areas. None of the land is subject to actual or potential inundation.

3.9.4 Given none of the additional areas zoned General Residential in the PDP is subject to actual or potential inundation then there is no "upzoning" of residential land as described by Marcus Roy. Accordingly, submission S85.049 Environment Southland is rejected.

4 Additional Matters

4.1 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"

4.1.1 Courtney Bennett and Amy Beran in their joint response to Minute 15 drew attention to Rules GRZ-R9 to GRZ-R12 and Standard GRZ-S7 highlighting the reference to MW-2.3 would likely require amending. Given the content of Decisions 14 Mana Whenua 43 Sites and Areas of Significance to Māori that is correct.

4.1.2 Consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori the Panel agrees that the reference to "MW-2.3" to "MW-1.2) in Rules GRZ-R9 to GRZ-R12 and Standard GRZ-S7

4.2 Notes

4.2.1 The Plan was notified with Note 1 following the policies, which the Panel has considered as part of its decision to remove unnecessary duplication within the Plan and determined that it can be deleted because reliance can be placed on the introductory sections of the Plan. This change is made as an amendment under Clause 16(2) of the First Schedule.

4.3 Section 32AA

4.3.1 The s42A Reports prepared for Residential Zones, Mana Whenua, Sites and Areas of Significance and Natural Hazards hearings included assessment of section 32AA matters. In considering the submissions included in this decision, the Panel has had regard to the relevant s32AA provisions. Given the nature of changes made to the General Residential Zone chapter, which in the view of the Panel are minor in nature, no additional s32AA assessment is required.