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 25: Large Lot Residential Zone

Hearings Panel Members

Keith Hovell

Glenys Dickson

Date of Hearing
19 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 Panel on the submissions and evidence considered in relation to the Large Lot Residential Zone (LLRZ). The Hearings Commissioners comprising the Panel for this hearing was Commissioners Cliff Bolger, Keith Hovell 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 Large Lot Residential Zone, referencing changes authorised by this and other Decisions of the Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

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

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

1.2 Abbreviations

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

Full Text	Abbreviation
Gore District Plan	Plan
Gore West Residential Development Area	DEV2
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Land Use Capability Class 3	LUC-3
Large Lot Residential Zone	LLRZ
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
Southland Federated Farmers NZ	Federated Farmers
Transpower NZ Ltd	Transpower
Urban Form and Development	UFD
Waka Kotahi NZ Transport Agency	NZTA

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 LLRZ chapter.

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 Large Lot Residential Zone Hearing

2.1.1 The hearing in relation to this topic was held on 21 August 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the LLRZ chapter were heard together with the General Residential Zone (GRZ), the Medium Density Residential Zone (MRZ) Chapters and the Gore West Residential Development Area (DEV2).

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.

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 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

3 General

3.1 Southland District Council

Submitter (S)	Decision Requested
S146.074, S146.071 Southland District Council	Review possible increase issues with sewage. LLRZ is both expansive in area and expensive for councils to keep and may not be suited to taking up highly productive land, or, as found on the edge of Gore District may be best suited for GRZ use, mainly as it takes up high ground next to the town. LLRZ-P2 may help reduce the financial burden on Gore DC but increases potential issues with sewage. The suggestion to tie setbacks from Rivers and Streams to stream order is valuable, and the discretionary matters outlined in LLRZ-S7 are appropriate, aiming to minimise downstream impacts

3.1.1 The support from Southland District Council for the setback from rivers and streams is acknowledged.

3.1.2 As noted by Joanne Skuse at paragraph 133 of her s42A Report it is unclear from these submissions what relief the submitter is requesting. The proposed zoning has been determined considering the extent and type of development present, the needs of the community, development constraints and the provisions of the National Policy Statement for Highly productive Land. In addition, the proposed LLRZs were identified in the Council's spatial plan and therefore the provisions of the NPSHPL do not apply notwithstanding some of the land within the LLRZ is classified as Land Use Capability class 3 (LUC-3).

3.1.3 The Panel does not have concerns with the servicing of the sites within the LLRZ. With a minimum site area of 2,000 square metres. For sites outside of the reticulated sewerage areas, lots are sufficiently large to facility use of septic tanks. That standard has been in force within the District for a number of years without issues of concern to the Council.

3.1.4 Having regard to the above, submissions S146.074**,** S146.071 Southland District Council are rejected.

3.2 Submissions in Support

Submitter (S)	Decision Requested
S52.001 Brett Highsted	Adopt Objective LLRZ-PREC12-O1as worded
S52.002 Brett Highsted	Adopt Policy LLRZ-PREC12-P1 as worded
S52.004 Brett Highsted	Adopt Rule LLRZ-PREC12-R1as worded
S1.001 Howard Alchin	Supports minor residential units be a permitted activity in Rule LLRZ-R1.
S124.051 Fire and Emergency NZ	Retain Standard LLRZ-S6 as notified

3.2.1 These submissions in support are acknowledged. As there are no other submissions relevant to these provisions or changes made to them, these submissions are accepted.

4. Large Lot Residential Objectives

4.1 Objective LLRZ-O3

Submitter (S)	Decision Requested
S101.075 Transpower NZ Limited	Objective: (a) fails to anticipate the presence of critical infrastructure in the Zone; and (b) has the effect of preventing critical infrastructure due to the requirement to be in keeping with the scale and intensity of development anticipated by the zone in a manner that is contrary to the NPSET. Amend Objective LLRZ-O3 as follows: "Non-residential activities in the Large Lot Residential Zone are limited to those activities that provide for the health and well-being of the community <u>or those that</u> ~~and~~ preserve residential character and amenity by being in keeping with the scale and intensity of development anticipated by the zone. "

4.1.1 The Panel agrees with the assessment of Joanne Skuse at paragraph 384 of her s42A Report where she states that the addition sought would enable any non-residential activity that provides for the health and well-being of the community to locate in the LLRZ. In the Panel's view that is undesirable.

4.1.2 Transpower did not provide any other material to the Panel in response to the s42A Report and accordingly submission S101.075 Transpower NZ Limited is rejected.

Submitter (S)	Decision Requested
S124.039 Fire and Emergency NZ	Amend as follows: Non-residential activities in the Large Lot Residential Zone are limited to those activities that provide for the health, <u>safety</u> and

	wellbeing of the community and preserve residential character and amenity by being in keeping with the scale and intensity of development anticipated by the zone.

4.1.3 The Panel agrees with Joanne Skuse at paragraph 386 of her s42A Report where she recommends accepting this submission.

4.1.4 Submission S124.039 Fire and Emergency NZ is accepted by amending Objective LLRZ-O3 as follows:

Non-*residential activities* in the Large Lot Residential Zone are limited to those activities that provide for the health, safety and well-being of the community and preserve residential character and amenity by being in keeping with the scale and intensity of development anticipated by the zone.

4.2 Objective LLRZ-O4

Submitter (S)	Decision Requested
S124.040 Fire and Emergency NZ	Retain as notified
S132.107 KiwiRail Holdings Ltd	Retain LLRZ-O4 as proposed.
S101.076 Transpower New Zealand Limited	Amend Objective LLRZ-O4 to give effect to Policy 10 and Policy 11 of the NPSET as follows: "LLRZ-O4 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 ~~minimised~~"

4.2.1 The submissions in support are acknowledged. As the objective has been amended these submissions are accepted in part.

4.2.2 The Panel agrees with Joanne Skuse at paragraphs 393 - 395 of her s42A Report where she recommends accepting the submission of Transpower.

4.2.3 Submission S101.076 Transpower New Zealand Limited is accepted by amending Objective LLRZ-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 ~~minimised~~.

5. Large Lot Residential Zone Policies

5.1 Policy LLRZ-P2

Submitter (S) Further Submitter (FS)	Decision Requested
S132.108 KiwiRail Holdings Ltd	Amend LLRZ-P2 as follows: Where reticulated services are not available, require activities to be self-sufficient and ensure appropriate on-site service provisions is provided, having particular regard to:1. the method of sewage and stormwater treatment and disposal that does not result in increased flooding and erosion risk.
FS5.133 Hamish Weir	Disallow S132.108 KiwiRail Holdings Ltd

5.1.1 At paragraph 401 of her s42A Report Joanne Skuse expressed the view that the issue raised by KiwiRail was a relevant matter when considering plans for site development, and that this was better managed through the Council's Subdivision and Development Bylaw. She therefore recommended rejecting this submission. Michelle Grinlinton-Hancock in a written statement submitted to the hearing advised acceptance of this outcome, stating this submission point would not be pursued further. The Panel has however in response to submissions to the policies of the Subdivision Chapter included the following new provision:

SUB-P7(10) Requiring subdivision designs to provide for the treatment and safe disposal of stormwater that avoids any increase in overland flows, flooding or erosion risk;

5.1.2 The Panel considers this is sufficient to deal with the issue. Accordingly, submission S132.108 KiwiRail Holdings Ltd is accepted in part by adopting Decision 36/4.8.4.

5.2 Policy LLRZ-P3

Submitter (S)	Decision Requested
S139.067 Hokonui Rūnanga Inc	Amend 4. ~~respond to the underlying relationship Ngāi Tahu hold with the natural environment, including those listed in MW2.3.~~ maintain greenspace, natural drainage patterns and riparian margins.

5.2.1 The Panel agrees with the view of Joanne Skuse at paragraph 406 of her s42A Report that the change sought is appropriate, better identifying the issues of potential concern to the Rūnanga.

5.2.2 Submission S139.067 Hokonui Rūnanga Inc is accepted by amending Policy LLRZ-P3(4) as follows:

~~respond to the underlying relationship Ngāi Tahu hold with the natural environment, including those listed in MW2.3.~~ maintain greenspace, natural drainage patterns and riparian margins

5.3 Policy LLRZ-P6

Submitter (S)	Decision Requested
S125.041 Ministry of Education	Amend as follows: Allow healthcare activities, education facilities, retirement villages and community facilities where they: 1. have a functional and ~~compelling~~ operational need to locate within a Large Lot Residential Zone; or (...)

5.3.1 The Panel agrees with Joanne Skuse at paragraph 411 of her s42A Report where she recommends accepting the submission of the Ministry of Education.

5.3.2 Submission S125.041 Ministry of Education is accepted by amending Policy LLRZ-P6(1) as follows:

have a functional and ~~compelling~~ operational need to locate within a Large Lot Residential Zone; ~~or~~

5.4 Policy LLRZ-P8

Submitter (S)	Decision Requested
S101.077 Transpower New Zealand Limited	Amend Policy LLRZ-P8 as follows: "LLRZ-P8 Avoid activities that are incompatible with the character, qualities and purpose of the Large Lot Residential Zone except where the activity is critical infrastructure that has a functional need or operational need for its location"

5.4.1 The Panel agrees with Joanne Skuse at paragraphs 417 - 418 of her s42A Report where she recommends accepting this Transpower submission.

5.4.2 Submission S101.077 Transpower New Zealand Limited is accepted by amending Policy LLRZ-P8 as follows:

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

5.5 Additional Policy Sought

Submitter (S)	Decision Requested
S85.119 Environment Southland	Establish a new policy which takes a precautionary approach to development in areas prone to natural hazard risk (including secondary flow paths).
FS5.143 Hamish Weir	Disallow S85.119 Environment Southland

5.5.1 The Panel is of the view that the provisions of the LLRZ should focus on the management of activities appropriate within the zone once the areas suitable for such zoning have been identified. In that regard, the suitability of the zoning as proposed in the PDP for Large Lot Residential is assessed in section 8 of this Decision. Factors impacting on that suitability include accessibility and the potential hazard risks. These same factors are relevant and provided for in the Subdivision chapter when considering any subdivision proposals within the zone. The Panel agrees that in both cases this requires a precautionary approach utilising best available information.

5.5.2 The Panel considers that once the zoning and subdivision pattern has been determined, the management of activities, including the location and construction of buildings, and in some cases their use, should be the domain of the Natural Hazards chapter. In that regard the Panel agrees with Joanne Skuse at paragraph 139 of her s42A Report where she expresses the view that including the requested policy in this chapter is inconsistent with the National Planning Standards.

5.5.3 The Panel has however, in response to submissions lodged, made an addition to the policies of the Subdivision Chapter as follows:

SUB-P7(10) Requiring subdivision designs to provide for the treatment and safe disposal of stormwater that avoids any increase in overland flows, flooding or erosion risk;

5.5.4 The Panel considers this is sufficient to deal with the issue. Accordingly, submission S85.119 Environment Southland is accepted in part by adopting Decision 36/4.8.4.

6. Large Lot Residential Zone Rules

6.1 Rule LLRZ-R6

Submitter (S)	Decision Requested
S125.042 Ministry of Education	The submitter supports LLRZ-R6 in part to manage the operation of educational facilities
S125.043 Ministry of Education	Amend as follows: Educational facilities Activity status: Permitted Where:~~1. The educational facility is within a residential unit or minor residential unit; and2. The activity is for home-based child care services and the maximum number of children on the site does not exceed 8; and~~ 3. The hours of operation are between 7am and 7pm, Monday to Friday; and 4. Any new or extended building or structure complies with standards LLRZ-S2, LLRZ-S3, LLRZ-S4, LLRZ-S5, LLRZ-S6, LLRZS7, LLRZ-S8 and LLRZ-S9. 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; and2. hours of operation; and3. noise, disturbance and loss of privacy of neighbours; and4. screening and landscaping; and5. waste treatment and disposal.

6.1.1 Joanne Skuse at paragraph 422 of her s42A Report stated:

> The notified rule, LLRZ-R6 enables educational facilities within residential units and minor residential units for the purposes of home-based childcare services. The nature and scale

of the activity is specifically managed to ensure potential adverse effects on residential amenity is managed. Beyond these levels, a resource consent process is then required. This aligns with the direction in LLRZ-P6 where activities beyond the permitted conditions must meet certain criteria. Where a larger facility is proposed, for example a preschool or school within the LLRZ, I consider it appropriate that this is assessed through a resource consent process, in order to consider its alignment with LLRZ-P6. By contract, the rule amendments sought by MoE would allow for an educational facility of any scale to locate within a residential area, subject only to "general" limits on hours of operation. I do not consider that this is sufficient to ensure the policy direction is met. I consider a discretionary activity status is appropriate in the LLRZ, where broad consideration of effects is, in my view, needed to consider the specifics of an activity against the policies and objectives.

6.1.2 In the absence of any material being provided by the Ministry of Education, the Panel agrees with and adopts the assessment of Joanne Skuse.

6.1.3 Accordingly, submission S125.042 Ministry of Education supporting the rule is acknowledged and accepted and submission S125.043 Ministry of Education is rejected.

6.2 Rule LLRZ-R9

Submitter (S)	Decision Requested
S124.047, S124.318 Fire and Emergency NZ	Remove emergency service facilities from rule and add new provision for emergency service facilities as a permitted activity as follows: Activity Status – Permitted, Where: 1. Any new or extended building or structure complies with standards LLRZ-S3, LLRZ-S4, LLRZ-S5, LLRZ-S6, LLRZ-S7, LLRZ-S8 and LLRZ-S9.

6.2.1 Joanne Skuse at paragraph 427 of her s42A Report stated:

> Emergency service facilities are not provided for within LLRZ-R9. This is because the intent of the LLRZ is to provide an opportunity for people to enjoy a spacious living environment while being close to an urban centre. The LLRZ is typically located on the fringe of urban areas and provides a transition to the surrounding rural area. as such, it is not remote and is in proximity to services provided for in the urban centres of Gore and Mataura. This includes existing emergency service facilities within the centres or potential new facilities.

6.2.2 In the absence of any material being provided by FENZ, the Panel agrees with and adopts the assessment of Joanne Skuse. Accordingly, submissions S124.047 and S124.318 Fire and Emergency NZ are rejected.

7. Large Lot Residential Zone Standards

7.1 Standard LLRZ-S1

Submitter (S) Further Submitter (FS)	Decision Requested
S76.01 Nicky Highsted	Remove the 8000m2 restriction under PREC12 Eversfield Precinct
S52.03 Brett Highsted	PREC12-Eversfield Precinct: There shall be no more than one residential unit per ~~8000m2~~ 5,900m2 (explanation being the smallest section in the approved subdivision) Support the maximum density of one minor residential unit per residential unit
FS5.139 Hamish Weir	Allow S52.003 Brett Highsted

7.1.1 The Panel agrees with Joanne Skuse at paragraphs 434 - 436 of her s42A Report where she recommends amendments to the Eversfield Rise standard to enable dwellings and minor dwellings on existing lots that do not meet the 8,000 square metre requirement. To avoid potential confusion that any lots created by future subdivision

immediately gain the right to erect a residential unit the Panel considers it appropriate to apply a date linking to existing sites under 8,000 m^2. Whether any "undersized" lot should be allowed to have a residential unit should be assessed as part of any subdivision consent having regard to the amenity of the area.

7.1.2 Submissions S76.01 Nicky Highsted and S52.03 Brett Highsted are accepted in part by amending Rule LLRZ-S1: PREC12-Eversfield Precinct as follows:

3. There shall be no more than one residential unit per 8000m^2

4. For sites under 8000m^2 existing on 30 January 2026, no more than one residential unit per site; and

5. There shall be a maximum density of one minor residential unit per residential unit.

7.2 Standard LLRZ-S2

Submitter (S)	Decision Requested
S94.002 Phil Checketts	LLRZ-S2 3(c) store ~~45,000~~ 44,000 litres of potable water on-site from another source to remove need for three tanks.
FS5.141 Hamish Weir	Allow S94.002 Phil Checketts
FS16.002 Fire and Emergency New Zealand	Disallow S94.002 Phil Checketts as the reduction in the storage of potable water supply may compromise the volume of water available for firefighting water.

7.2.1 Joanne Skuse at paragraph 306 of her s42A Report recommended that the reference to a specific volume is excluded from the water supply clause, such that the amount of potable drinking water requirements reverts to the Building Act requirements. It was her view that this will allow for greater flexibility but the intent of the standard, which is to ensure access to alternative servicing methods is maintained. The Panel agrees with her assessment.

7.2.2 With regard to the further submission of FENZ, Joanne Skuse highlighted the variability within SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, with different volumes of stored water being recommended depending on the size of the dwelling and whether it has an internal sprinkler system. The Panel is satisfied that adequate regard is given to water supply for fire fighting purposes as part of the Building Consent process and as set out in the Council's relevant Bylaws.

7.2.3 Submission S94.002 Phil Checketts is accepted in part by amending Standard LLRZ-S2(3) as follows:

Where Council reticulated water supply is unavailable, any *residential unit* and *buildings* for non-residential activities must:

(a) be connected to a community *drinking water* supply; or

(b) be connected to a private *drinking water* supply; or

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

7.3 Standards LLRZ-S3 and LLRZ-S4

Submitter (S)	Decision Requested
S124.049, S124.050 Fire and Emergency NZ	Amend as follows: Excluding emergency service facilities as many stations include a multipurpose tower between 12-15m in height

7.3.1 As set out in paragraph 6.2.1 above emergency service facilities, such as fire stations, are not envisaged within the LLRZ. The character of the areas zoned emphasises open space and high amenity, and if a fire station was to be erected in the zone the

effects of constructing towers up to 15 metres high should be assessed. Accordingly, submissions S124.049 and S124.050 Fire and Emergency NZ are rejected.

7.4 Standard LLRZ-S8

Submitter (S)	Decision Requested
S124.052 Fire and Emergency NZ	Amend as follows: Except that emergency service facilities, such as fire stations shall not exceed 50 percent per site

7.4.1 The Panel is of the view that the 35% building coverage within the LLRZ has been set in order to provide high amenity within the zone. With a minimum site subdivision size of 2,000 square metres this would enable a single building of 700 square metres, which in the view of the Panel is more than sufficient for a rural fire station, notwithstanding the view of the Panel that the probability of approval being sought to establish a fire station in the LLRZ is remote. The Panel does not agree that approval for 50% site coverage in the LLRZ should be provided through the Plan. Rather, such site coverage in this zone should be assessed by way of a resource consent. Accordingly, submission S124.052 Fire and Emergency NZ is rejected.

7.5 Standard LLRZ-S9

Submitter (S)	Decision Requested
S152.010 Nigel Cowburn	Requests prescriptive permeability controls, specifically - porous asphalt requirement to reduce stormwater issues.

7.5.1 Joanne Skuse at paragraph 444 of her s42A Report stated:

> The purpose of this standard is two-fold. The standard achieves open space in the zone, which must be grassed or planted in trees or shrubs. This aligns with LLRZ-P3 and LLRZ-O2 which seeks a high amenity living environment. Secondly, landscape permeable areas assist in stormwater management. Whilst porous asphalt would also assist in stormwater management, and reduce stormwater issues in the district, inclusion of this in the standard would not achieve the desired amenity. The standard aims to reduce the visual effects of hard surfacing

7.5.2 In the absence of any material being provided by Nigel Cowburn, the Panel agrees with and adopts the assessment of Joanne Skuse. Accordingly, submission S152.010 Nigel Cowburn is rejected.

8. Maps

8.1 Amendments Requested

Submitter (S)	Decision Requested
S98.001, S98.002, S98.003 Southland Developers Ltd.	The submitter seeks that the PDP LLR over 52 and 60A Waimea Street and adjoining properties is replaced with a General Residential Zone and the property at 100 Waimea Street remains as a Rural Zone.
FS22.067 Clark Fortune McDonald & Associates	Allow S98.001 Southland Developers Ltd.

8.1.1 Having regard to the assessment of Joanne Skuse at paragraphs 206 - 212 of her s42A Report, and the substantial material provided with the submission, the Panel agrees with the recommendation that 48, 52, 60A, 60B and 62 Waimea Street be rezoned General Residential Zone as requested.

8.1.2 With regard to the property at 100 Waimea Street, Joanne Skuse at paragraphs 213 of her s42A Report stated:

> The submission does not contain any rationale as to why 100 Waimea Street should revert to Rural zoning. The site is utilised as a hotel complex and therefore does not reflect the anticipated character and amenity of a Rural zone.

8.1.3 The Panel notes that with acceptance of the recommendation outlined in paragraph 8.1.1, 100 Waimea Street would be the only site on the western side of that street zoned LLRZ. In the view of the Panel this creates an anomaly. The site is fully developed as a hotel complex with accommodation and a restaurant. While the Panel accepts the site does not reflect the anticipated character and amenity of a Rural zone, equally it is the view of the Panel that the site does not reflect the anticipated character and amenity of the LLRZ either.

8.1.4 The Panel notes however the evidence received from Nick Geddes on behalf of Southland Developers Ltd, where at paragraph 20 he states:

> However, acknowledging that pursuant to LLRZ-R3, visitor accommodation is a permitted activity and the site at 100 Waimea Street is occupied by a visitor accommodation land use, I can see some credence in retaining in the LLRZ as recommended by the s.42A report

8.1.5 On the basis of the physical development of the site and the evidence of Nick Geddes, the Panel accepts the recommendation of Joanne Skuse to retain the LLRZ over 100 Waimea Street.

8.1.6 Submissions S98.001, S98.002, S98.003 Southland Developers Ltd are accepted in part by:

(a) Amending the zoning of 48, 52, 60A, 60B and 62 Waimea Street from Large Lot Residential to General Residential as shown below.

(b) Retaining the zoning of 100 Waimea Street as Large Lot Residential.

Submitter (S)	Decision Requested
S85.048 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.

8.1.7 Marcus Roy on behalf of Environment Southland in an oral presentation to the Panel in speaking to all of the Residential zones stressed the need to consider the appropriateness of the zoning of land, particularly where it allows for more intensive development, having regard to the natural hazard risks. He considered this a necessary step in assessing each of the zones rather than relying on the Natural Hazards chapter to control the location of development.

8.1.8 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.

8.1.9 Joanne Skuse in her s42A Report included maps showing the three areas proposed to be zoned for LLRZ in the PDP with an overlay of the layer from the Operative District Plan highlighting areas subject to Actual or Potential Inundation. For two of these areas, Mataura and West Gore there is an overlap of the two layers. Joanne Skuse considered the overlap not to be of significance in both cases and did not recommend any change to the proposed zoning.

8.1.10 In later hearings the Panel received a series of reports from Tonkin and Taylor assessing the risk of flooding within the District for an indicative 1% Annual Exceedance Probability (AEP) Flood event. These reports are referred to in more detail in Decision 44 Natural Hazards. The Panel also received updated modelling from Environment Southland applying different scenarios for flooding events for the main stem of the Mataura River. This modelling did not provide information on flooding from streams adjoining the main stem. This information was not referred to by Joanne Skuse in her reports as they were not available at the time. In considering whether to retain the LLRZ zoning as notified the Panel has had regard to that information.

8.1.11 The notified PDP shows three areas zoned LLRZ:

(i) West Gore Development Area, from Broughton Street through to Reaby Road

This area is not subject to any flooding hazard.

(ii) West Gore, extending north and south centres on Coutts Road

The Operative District Plan shows an area of land to the south, on the western side of the Transpower high voltage electricity lines as being subject to Actual or Potential Inundation. This is shown on Figure 2 on page 28 of the s42A Report. The modelling undertaken by Tonkin and Taylor shows this land unaffected by flooding, with the extent of flooding following the outer edge of the proposed zone boundary.

The Tonkin and Taylor modelling did however indicate the potential for flooding on land at the southern end of Ruia Street covering approximately two-thirds of the property described as Part Lot 1 and Part Lot 2 Block II DP 87. Within this land the modelling indicates water depths of up to approximately 300mm, with a Hazard Classification of H1, which is described as “Relatively benign flow conditions. No vulnerability constrains”. Given this description, the Panel concludes the LLRZ is appropriate over this land, with the flood risk able to be managed under the provisions of the Natural Hazards chapter and considered at the time of any subdivision consent is sought.

(iii) Mataura East, each side of Doctors Road

The Operative District Plan shows an area approximately 25 metres wide and 100 metres in length to the rear of properties on Kana Street as being subject to Actual or Potential Inundation. This is shown on Figure 1 on page 28 of the s42A Report and is covered in trees. The modelling undertaken by Tonkin and Taylor shows an area of this land affected by flooding, but the resolution on the maps is not clear because of the small size of the area and the coarseness of the mapping. Potentially, some of the land could have a Hazard Classification of H3, which is described as “Unsafe for all vehicles, children and elderly”. However, topographic maps show a stream near the boundary of the zone. This is indicated on the modelling maps provided by Environment Southland, and at a 1% AEP there is no flooding predicted beyond the waterway itself. Standard LLRZ-S7 Setback from Rivers and Streams would apply to the waterway, requiring any structures and earthworks within 5 metres of the stream to obtain resource consent approval.

Given the available information, the small size of the area potentially affected and the low likelihood of any development occurring within this area the Panel concludes the LLRZ is appropriate over this land, with the flood risk able to be

managed under the provisions of the Natural Hazards chapter and considered at the time of any subdivision consent is sought.

8.1.12 Having regard to the assessment above, the Panel concludes no changes to the LLRZ zoning is required on the basis of the submission S85.048 Environment Southland.

Submitter (S)	Decision Requested
S99.002 Clark Fortune McDonald & Associates	A review and rationalisation of zone boundaries around the PDP Lifestyle and Large Lot Residential zones is undertaken to align zone boundaries with cadastral boundaries

8.1.13 Joanne Skuse at paragraph 168 of her s42A Report advised that the submitter has not provided a specific location of the area they are referring to and there may be appropriate reasons for a split zoning to apply, such as inundation or highly productive land, or topographically.

8.1.14 Nick Geddes on behalf of Clark Fortune provided evidence to hearing. That was silent on this issue. Accordingly, in the absence of any specific information, submission S99.002 Clark Fortune McDonald & Associates is rejected.

9 Additional Matters

9.1 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"

9.1.1 Courtney Bennett and Amy Beran in their joint response to Minute 15 drew attention to Policy LLRZ-P2 in the LLRZ chapter which they considered could be reviewed having regard to the submissions of Hokonui Rūnanga. Policy LLRZ-P2 states:

> LLRZ-P2 Where reticulated services are not available, require activities to be self-sufficient and ensure appropriate on-*site* service provision is provided, having particular regard to:
>
> 3. the environmental and cultural effects of the proposed on-site services, including minimising adverse *effects* on ecosystems; and

9.1.2 Consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori the Panel agrees that the words "cultural effects" requires revising to provide more certainty to Plan users. Accordingly, LLRZ-P2(3) is revised as follows:

> the environmental and effects on Ngāi Tahu cultural values as listed in MW-1.2 ~~*effects*~~ of the proposed on-site services, including minimising adverse *effects* on ecosystems; and

9.2 Notes

9.2.1 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.

9.3 Section 32AA

9.3.1 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 on this decision, the Panel has had regard to the relevant Section 32AA provisions. Given the nature of changes made to the Large Lot Residential Zone, which in the view of the Panel are minor in nature, no additional Section 32AA assessment is required.