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 29: Temporary Activities

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Date of Hearing
17 September 2024

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Appendix A. Submissions (attached as a separate document)

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

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel (the Panel) on the submissions and evidence considered in relation to the Temporary Activities chapter Proposed Gore District Plan (PDP). The Hearings Commissioners comprising the panel for this hearing were Commissioners Cliff Bolger, Keith Hovell and Glenys Dickson.

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 s42A Report prepared by Joanne Skuse.

1.1.3 Attached is the updated provisions for the Temporary Activities chapter, 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 the Panel has used the following abbreviations:

Full Text	Abbreviation
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Gore District Plan	Plan
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
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 of New Zealand	Federated Farmers

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 Airport Zone.

1.4.2 None of the Hearings 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 Temporary Activities Hearing

2.1.1 The hearing in relation to this topic was held on 17 September 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the Temporary Activities chapter were heard together with the Light, Signs and Transport chapters and Designations.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Joanne Skuse that considered all submissions lodged to the Temporary Activities chapter and relevant definitions.

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 2.

Table 2: Hearing HS5 Temporary Activities – Submitters Attending the Hearing			
No.	**Submitter**	**Attendees**	**Nature of Evidence**
S126	Federated Farmers	Rachel Thomas	Video Link
S64	Jet Boating NZ	Malcolm Smith	In person

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

- PowerNet Limited (S95)
- New Zealand Transport Agency (S112)
- Fire and Emergency NZ (S124)

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

2.2 Other 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 The Panel received evidence in HS3 on 22 July 2024, HS8 on 5 December 2024 and HS9A on 19 February 2025 from Courtney Bennett and Amy Beran, which included recommendations on provisions in the Field Days Zone that manage effects on Ngāi Tahu cultural values. For provisions where there were no matters in contention or further recommendations arising from evidence received in HS8 or HS9A, these are not discussed further in this decision. Otherwise, discussion the evidence is included in this decision in relation to particular provisions of the chapter.

3 General

3.1 Interpretation

Submitter (S)	Decision Requested
S147.006 New Zealand Defence Force	Amend Interpretation: emergency service training activity Means emergency response training exercises. It includes, but is not limited to, training for first aid, civil defence and emergency management and response, firefighting, search and rescue, police response.
S124.004 Fire and Emergency NZ	Retain Interpretation: emergency service training activity as notified

3.1.1 The Panel agrees with Joanne Skuse at paragraph 58 of her s42A Report where she recommends including the addition sought by the New Zealand Defence Force.

3.1.2 Submission S147.006 New Zealand Defence Force is accepted by amending the definition of emergency service training activity as follows:

Emergency service training activity Means emergency response training exercises. It includes, but is not limited to, training for first aid, civil defence and emergency management and response, firefighting, search and rescue, police response.

Submitter (S)	Decision Requested
S124.010 Fire and Emergency NZ S147.003 New Zealand Defence Force	Retain temporary event definition as notified.

S147.004 New Zealand Defence Force	Retain temporary military training activity definition as notified.

3.1.3 These submissions support the definitions of temporary event and temporary military training activity. There were no opposing submissions or submissions seeking change to the provisions, so these submissions are acknowledged and accepted.

3.2 General Submissions

Submitter (S)	Decision Requested
S146.070 Southland District Council	The submitter supports this section.
S147.025 New Zealand Defence Force	Clarify the application of the various rules so it is clear that where a district-wide rule applies, then there is no need to refer to the zone rules.

3.2.1 Submission S146.070 Southland District Council in support is acknowledged. As changes have been made to some of the provisions in this chapter, this submission is accepted in part.

3.2.2 The Panel notes the rules in this chapter apply to temporary activities and temporary events which are defined as follows:

temporary activity
Means activities and their ancillary *buildings* or *structures* that are intended to have a limited duration and are not part of a permanent activity that occurs on the *site*. This includes but are not limited to:
(a) *Temporary events;*
(b) Temporary *commercial filming*;
(c) *Temporary military training;*
(d) Emergency services training;
(e) Temporary storage;
(f) Temporary activities related to *building* and construction.

temporary event
Means the use of *land*, *buildings*, tents and marquees and *structures*, for a limited duration, including for the following activities:
(a) carnivals;
(b) fairs;
(c) public art;
(d) festivals;
(e) fundraisers;
(f) galas;
(g) markets;
(h) meetings;
(i) exhibitions (Including Southern Field Days);
(j) concerts;
(k) community, recreation, or ceremonial events;
(l) parades;
(m) rallies;
(n) shows (including the A&P Show);
(o) musical and theatrical entertainment;
(p) uses similar in character.
Note: *Temporary Events* do not include *Temporary Military Training Activities*

3.2.3 The chapter as modified by decisions also contains provisions applying to

- Commercial Filming
- Temporary Military Training
- Mobile trading in a public place
- Relocated buildings
- Demolition of buildings and other structures
- Temporary Network Utilities

- Aircraft and Helicopter movements

3.2.4 The Panel understands the intent of this chapter is to provide enabling provisions that take precedence over the provisions applying to zones, although noting the Special Purpose Zones and the Mandeville Aviation and Rail Precinct (in the Settlement Zone) also make provision for temporary events. Arising from the submission lodged, Joanne Skuse recommended rewording of Note 1 Provisions in Other Chapters to clarify this. The Panel generally agrees, but rather than providing for this by way of a Note which has no regulatory force, the Panel prefers to include a provision as part of the rules, as well as adding text to the Overview. The Panel has considered the Note to this chapter as part of decision to remove unnecessary duplication within the Plan and determined that Note 1 can be deleted because reliance can be placed on the introductory sections of the Plan.

3.2.5 Submission S147.025 New Zealand Defence Force is accepted in part by including a final paragraph in the Overview to the chapter, as follows:

A number of district-wide chapters contain provisions that may also be relevant to Temporary Activities, including Ecosystems and Indigenous Biodiversity, Historic Heritage, Notable Trees, Activities on the Surface of Water, Noise and Signs. For Temporary Events within the Special Purpose Zones and the Mandeville Aviation and Rail Precinct (Settlement Zone) see the respective zone chapter.

4 Temporary Activities Objectives and Policies

4.1 Objective TEMP-O1

Submitter (S)	Decision Requested
S139.065 Hokonui Rūnanga Inc	Amend to read "Temporary activities are planned, located and managed to minimise adverse effects on amenity values, people and their activities ~~communities and~~ the natural environment~~, and the underlying relationship Ngāi Tahu hold with the natural environment~~ and the relationship of mana whenua with the Whenua (land), Wai (Water), wāhi tapu and mahinga kai."
S147.018 New Zealand Defence Force	Retain objective as drafted.
S64.016 Jet Boating NZ	Retain as proposed.

4.1.1 Submissions S147.018 New Zealand Defence Force and S64.016 Jet Boating NZ supporting the objective are acknowledged. As changes have been made to the objective these submissions are accepted in part.

4.1.2 The Panel accepts the advice of Joanne Skuse at paragraph 76 of her s42A Report where she refers to discussions held with the submitter and her agreement to amend the objective. Rather than having single long objective covering what are two different issues, the Panel considers it is appropriate to separate objectives.

4.1.3 Submission S139.065 Hokonui Rūnanga Inc is accepted in part by amending Objective TEMP-O1 as follows:

TEMP-O1 Temporary activities are planned, located and managed to minimise adverse effects on amenity values, people and their activities communities and the natural environment. ~~and the underlying relationship Ngāi Tahu hold with the natural environment~~

TEMP-O2 The values mana whenua hold regarding mauri of whenua, wai, ecosystems, mahinga kai, their whakapapa connections to place, and the ethic of ki uta ki tai are also recognised and provided for.

4.2 Other Objectives

Submitter (S) Further Submitter (FS)	Decision Requested
S64.017 Jet Boating NZ	Retain TEMP-O2 as proposed.
S63.013 New Zealand Helicopter Association	Supports objective TEMP-O3
FS4.86 New Zealand Agricultural Aviation Association	Allow S63.013
FS18.26 New Zealand Helicopter Association	Allow S63.013
S147.019 New Zealand Defence Force	Retain objective TEMP-O4 as drafted.

4.2.1 These submissions support various objectives. There were no opposing submissions or submissions seeking change to the provisions, so these submissions are acknowledged and accepted.

4.3 Policy TEMP-P1

Submitter (S)	Decision Requested
S139.066 Hokonui Rūnanga Inc	Amend to read "Enable temporary activities provided their effects are compatible with the level of amenity anticipated for the site and surrounding environment, ~~will not significantly impact on Ngāi Tahu cultural values~~ and any adverse effects on mauri, mahinga kai or other cultural values are avoided or are within a range that can be tolerated given their short-term nature."
S147.020 New Zealand Defence Force	Retain as drafted.
S64.018 Jet Boating NZ	Retain as proposed.

4.3.1 Submissions S147.020 New Zealand Defence Force and S64.018 Jet Boating NZ supporting the policy are acknowledged. As changes have been made to the policy these are accepted in part.

4.3.2 Arising from the submissions and changes made to Objective TEMP-O1, Joanne Skuse at paragraph 84 of her s42A Report recommends changes to this policy. The Panel agrees.

4.3.3 Submission S139.066 Hokonui Rūnanga Inc is accepted in part by amending Policy TEMP-P1 as follows:

Enable temporary activities provided their effects are compatible with the level of amenity anticipated for the site and surrounding environment, ~~will not significantly impact on Ngāi Tahu cultural values~~ and any adverse effects on mana whenua cultural values listed in MW-1.2 are avoided, remedied, or mitigated or are within a range that can be tolerated given their short-term nature.

4.4 Policy TEMP-P7

Submitter (S) Further Submitter (FS)	Decision Requested
S63.014 New Zealand Helicopter Association	Helicopters are often used for construction activities and recognition would be beneficial.
FS18.25 New Zealand Helicopter Association	Allow S63.014

4.4.1 The Panel notes the wording of Policy TEMP-P7 is as follows:

> Ensure *temporary activities* related to storage, *building* and *construction activities* are carried out with minimal disturbance to adjoining properties and visual *amenity values* and, following the completion of construction, any damage to public spaces is remediated

4.4.2 It is the view of the Panel that a generic reference to building activities is appropriate. Reference to particular construction methods is not needed in the Policy. That is a matter to be determined by the rules. Submission S63.014 New Zealand Helicopter Association is therefore rejected.

4.3 Other Policies

Submitter (S)	Decision Requested
S64.025, S64.019 Jet Boating NZ	Retain TEMP-P3, TEMP-P4 as notified
S112.135 Waka Kotahi NZ Transport Agency	Retain TEMP-P6 as notified
S147.021 New Zealand Defence Force	Retain TEMP-P8 as notified

4.3.1 These submissions support various policies. There were no opposing submissions or submissions seeking change to the provisions, so these submissions are acknowledged and accepted.

5 Temporary Activities Rules

5.1 Rule TEMP-R1

Submitter (S) Further Submitter (FS)	Decision Requested
S112.136 NZ Transport Agency	Amend the Matters of discretion for TEMP - R1 (1) to TEMP (7) as follows: 8. The extent to which the temporary activity will impact on the safety, efficiency and effectiveness of the transport network. This includes the outcome of any consultation with Waka Kotahi New Zealand Transport Agency where the temporary event gains direct access onto the State highway.
S64.020 Jet Boating NZ	Retain TEMP-R1 as proposed.

5.1.1 The submission in support of the rule is acknowledged. As the provision is subject to an amendment, submission S64.020 Jet Boating NZ is accepted in part.

5.1.2 The Panel notes that the matters of discretion for temporary activities (Rules TEMP-R1, TEMP-R4, TEMP-R5 and TEMP-R7) includes the adverse effects arising from traffic generated by the activity. In that regard, the Panel agrees with the advice of Joanne Skuse at paragraph 98 of her s42A Report where she states the impact of activities on the transport network is already provided for. Consistent with the decisions in other chapters of the Plan, the Panel accepts it is desirable to include reference to the outcome of any consultation undertaken with NZTA.

5.1.3 Accordingly, submission S112.136 NZ Transport Agency is accepted in part by adding to Matters of Discretion in Rules TEMP-R1, TEMP-R4, TEMP-R5 and TEMP-R7:

The outcome of any consultation undertaken with New Zealand Transport Agency in respect of potential impacts on State highways.

5.2 Rule TEMP-R3

Submitter (S)	Decision Requested
S126.139 Southland Federated Farmers of New Zealand S115.140 Kevin Robertson S143.151 Rural Ratepayers Group S148.152 Alistair & Bernadette Hunt S60.142 Ronald Crispin S68.260 John Baynes	Amend TEMP-R3 to include cover storage or stacking of goods for farming purposes.

5.2.1 The Panel accepts the advice of Joanne Skuse at paragraph 102 of her s42A Report where she recommends amending Rule TEMP-R3 in response to the submissions lodged. This was accepted by Federated Farmers.

5.2.2 These submissions are accepted in part by amending Rule TEMP-R3 as follows:

Activity status: Permitted
Where:

1. The temporary storage or stacking of goods or materials~~, other than for farming purposes,~~ does not remain on the *site* for longer than 3 months and does not exceed 50m² in *gross floor area*.

5.3 Rule TEMP-R9

Submitter (S) Further Submitter (FS)	Decision Requested
S63.015 New Zealand Helicopter Association	Seek to include demolition of plants and trees as well as structures.
FS4.87 New Zealand Agricultural Aviation Association	Allow S63.015
FS18.23 New Zealand Helicopter Association	Allow S63.015

5.3.1 Joanne Skuse at paragraph 111 of her s42A Report recommends accepting this submission by amending Rule TEMP-R9 in response to the submissions lodged. The Panel however does not associate trees with demolition, particularly when the rule provides for the activity to be undertaken over a period of 180 days. The Panel does agree however that the rule should be amended to include all structures, not just buildings.

5.3.2 Submission S63.015 New Zealand Helicopter Association is accepted in part by amending Rule TEMP-R9 as follows:

TEMP-R9 Demolition of buildings and other structures

5.4 Other Rules

Submitter (S)	Decision Requested
S147.022 New Zealand Defence Force	Retain TEMP-R5 as notified
S124.038 Fire and Emergency NZ	Retain TEMP-R7 as notified

5.4.1 These submissions support rules TEMP-R5 and TEMP-R7. There were no opposing submissions or submissions seeking change to the provisions, so these submissions are acknowledged and accepted.

5.5 Additional Rule Sought

Submitter (S)	Decision Requested
S95.024 PowerNet Limited	Include the following rule: TEMP-R10 Temporary Substation All Zones Activity Status: Permitted

5.5.1 The Panel accepts the advice of Joanne Skuse at paragraph 67 - 68 of her s42A Report where she recommends the inclusion of a new policy and rule in response to the submission lodged. The Panel also notes the agreement of PowerNet to these additions.

5.5.2 In considering the new rule, the Panel concluded that in addition to referring to noise in Matters of Discretion 3, light and glare should also be included.

5.5.3 Submission S95.024 PowerNet Limited is accepted in part by including the following provisions in the Temporary Activities chapter:

TEMP-P10 Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.

TEMP-R10 Temporary Network Utilities

All Zones

Activity Status: Permitted

Any temporary utilities that:

1. are required to provide an emergency service; or
2. are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. The extent and *effect* of the duration of the operation on the *amenity values* of the surrounding properties;
2. The extent of adverse *effects* arising from parking of vehicles and traffic generated by the activity;
3. The extent of adverse *effects* arising from *noise*, light and glare;
4. Waste minimisation and management measures;
5. Health and safety;
6. Impacts on Ngāi Tahu cultural values, including those listed in the MW-1.2; and
7. The outcome of any consultation undertaken with New Zealand Transport Agency in respect of potential impacts on State highways.