



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

Minute 40 of the Hearings Panel

Request from Director-General of Conservation

19 February 2025

The Request

1. The Hearings Panel has received a memorandum dated 17 February 2025 from Ceri Warnock, Counsel for the Director-General of Conservation. A copy of the memorandum is attached.
2. The memorandum was received by the Hearings Panel in the afternoon of 17 February 2025. However, due to other commitments of the Panel, including deliberations and hearings, time has not been available until now to consider the memorandum.
3. The memorandum refers to legal submissions prepared by the same Counsel that outline, in summary:
 - (a) Evidence for the Ecosystems and Indigenous Vegetation hearing, prepared by Glen Davis, an expert witness for Stoney Creek Station Ltd (Stoney Creek), supports the inclusion of bespoke permitted activity provisions applying to the removal of vegetation.
 - (b) It is the view of the Director-General of Conservation, as set out in paragraphs 25 – 41 of the legal submissions, that insufficient technical information has been provided to justify the provisions being promoted.
4. The memorandum invites the Hearings Panel to consider requesting Stoney Creek and Glen Davies to file additional information, listed as (a) – (c) in paragraph 1 of the memorandum, before Wednesday 19 February 2025.

Determination

5. The request for the Hearings Panel requiring Stoney Creek and Glen Davies to file additional information before Wednesday 19 February 2025 is declined.

Reasons

6. Stoney Creek seeks a particular outcome from the District Plan submission process and has prepared evidence it considers appropriate to support that outcome. If a submitter or further submitter opposing that outcome considers the assessment undertaken and evidence provided is insufficient to justify that outcome then that is a matter that should be raised at the hearing. The Hearings Panel is then able to have regard to any legal submissions and expert evidence providing a contrary view before reaching an informed view.
7. If the Hearings Panel concludes the evidence submitted is insufficient to justify the outcome sought by Stoney Creek, then it may choose to seek additional information or it may decide to reject what is being sought. That requires balanced consideration of all relevant information.
8. There is insufficient time for Panel members to consider the relevant legal submissions and evidence on this issue, while another hearing is in progress. Even if time was available, that still does not provide the Panel with all of the information it would expect to have to make an informed decision on this request.
9. Two important components are missing at this stage:
 - (i) The view of Stoney Creek Station Ltd; and
 - (ii) The reply to questions of the Hearings Panel to relevant Counsel and experts.

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the proposed Gore District Plan

Memorandum from Counsel for the Director-General of Conservation *Tumuaki Ahurei*
Hearing Stream 10: Ecosystems and Indigenous Biodiversity Chapter ('ECO')
Submitter No. 190 Further Submitter No. 31
Dated: 17th February 2025

Department of Conservation Te Papa Atawhai

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MAY IT PLEASE THE HEARING PANEL

1. Counsel for the Director-General of Conservation (Director-General) invites the Hearing Panel to consider requesting Stoney Creek Ltd and Mr Glenn Davis to file the following information before Wednesday 19th February, and for that information to be circulated to submitters as soon as possible:
 - a) The lists of vegetation species referred to in paragraphs 5.3 to 5.8 of Glenn Davis' evidence dated 7th February 2025;
 - b) Any data / survey / or mapping, including GIS mapping, of Threatened and At risk plant species and habitats of Threatened and At risk fauna on the Stoney Creek Station obtained during his ecological field work assessment or other assessment of Stoney Creek Station;
 - c) Any significance assessment conducted in accordance with either the Southland Regional Policy Statement Significance Assessment Criteria (Appendix 3) or Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2023 (as amended in 2024), of the vegetation communities he mapped on Stoney Creek Station.
2. The justification for this request is contained in paragraphs [25-41] of the Legal Submissions of Counsel for the Director-General, dated 17th February 2025 (Legal Submissions), filed with the Hearing Administrator.
3. Counsel for the Director-General e-mailed Mr Davis on 11th February 2025 requesting this additional information. Mr Davis replied on 14th February, primarily referring DOC to his evidence as filed, whilst providing some brief additional information (see Legal Submissions, paragraphs [32], [33]).
4. Counsel is of the opinion that the Panel and submitters need to see this additional information in order to properly consider the new proposed ECO-R2 rules.



Ceri Warnock

Counsel for the Director-General

17th February 2025