



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 33 of the Hearings Panel

**Request to Amend Hearings Timetable
From Federated Farmers of NZ**

19 December 2024

Minute 33 Request to Amend Hearings Timetable From Federated Farmers of NZ

1. The Hearings Panel has received a memorandum from R Thomas, on behalf of Southland Federated Farmers of NZ, dated 18 December 2024, requesting that the Hearings Panel issue an amended timetable for filing evidence related to district plan hearings following the Council meeting of 18 February 2025. A copy of the request is attached as Appendix A.
2. The Hearings Panel has also received a memorandum from Counsel for the Gore District Council dated 19 December providing legal advice regarding the memorandum from Federated Farmers. A copy of the legal advice is attached as Appendix B.
3. The Hearings Panel accepts the advice set out in the memorandum from Counsel for the Gore District Council and directs that:
 - (a) The Southland Federated Farmers of NZ request and the memorandum of Counsel for the Gore District Council be circulated to all submitters and further submitters on the proposed district plan by the Hearings administration team;
 - (b) Submitters, further submitters and the Gore District Council provide comments or alternative proposals on the request by 3:00 pm on 31 January 2025 (being 15 working days from 10 January 2025 under the Resource Management Act 1991).
4. The Hearings Panel also directs that as soon as practical after the receipt of any feedback, Counsel for the Gore District Council shall provide any additional legal advice that may be relevant arising from the feedback received.
5. The Hearings Panel will endeavour to formally respond to the request from Federated Farmers in a timely manner in the week of 3 February 2025.
6. In the meantime, the timetable for the lodging of reports, evidence and legal submissions for hearings set down for 2025 continues as set out in Minute 31 "Hearings Timetable 2025" dated 16 December 2024. That includes at this stage the commencement dates for hearings programmed to commence on 12 February 2025 (Natural Features and Landscapes, and Natural Character) and on 18 February 2025 (Sites and Areas of Significance to Maori).

Any queries regarding this Minute, should be directed to the Planning Department of the Gore District Council, phone (03) 209 0330 or email hearings@goredc.govt.nz.



Keith Hovell
Hearings Panel Chair

Appendix A

BEFORE THE GORE DISTRICT COUNCIL HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER the Proposed Gore District Plan

**MEMORANDUM SEEKING DIRECTIONS ON BEHALF OF SOUTHLAND
FEDERATED FARMERS**

Dated 18 December 2024

MAY IT PLEASE THE COMMISSIONERS

1. This Memorandum is filed on behalf of Southland Federated Farmers of New Zealand (**SFF**). SFF seeks
 - a. updated timetable directions from the Hearings Panel as a result of a resolution made by the Gore District Council (GDC) at its meeting on 17 December 2024.

Background

2. In the Hearing Panel's Minute 31¹ of 16 of December 2024, a new timetable for 2025 Hearings was set out. This includes:
 - a. Hearing Stream 9 – Natural Features and Landscapes (NFL) and Natural Character (NC)
 - i. Submitters' evidence due 27 January 2025
 - ii. Legal submissions on behalf of submitters due 4 February
 - b. Hearing Stream 9a – Sites and Areas of Significance to Maori (SASM) and Ngai Tahu Cultural Values (NTCV)
 - i. Submitters' evidence due 28 January 2025
 - ii. Legal submissions on behalf of submitters due 28 January 2025
 - c. Hearing Stream 10 – Ecosystems and Indigenous Biodiversity (ECO)
 - i. Submitters' evidence due 7 February 2025
 - ii. Legal submissions on behalf of submitters due 17 February 2025
 - d. Hearing Stream 11 – Natural Hazards (NH) and Earthworks further information (EW)

¹ Gore District Council (December 2024) Minute 31 Hearings Timetable 2025. Available at: [77ec772518316b7a5104154f2f0c7c12 Minute 31 2025 Hearings Timetable \(002\).pdf](#)

- i. Submitters' evidence due 21 February 2025
 - ii. Legal submissions on behalf of submitters due 3 March 2025
- e. Hearing Stream 12 – Wrap up
 - i. Submitters' evidence due 21 March 2025
 - ii. Legal submissions on behalf of submitters due 31 March 2025
- 3. Stoney Creek Station submitted a letter to the Gore District Council (GDC) on 16 December 2025 and a further email on 16 December 2025 which included the signatures of 117 parties. The letter requested that GDC resolve to pause any further action under its proposed District Plan for nine months and thereafter review the duration of the pause based on the direction from the Government regarding the Resource Management Act 1991 (RMA).
- 4. GDC discussed the matter at its meeting on 17 December 2024 and resolved:
 - a. *That the Council:*
 - a) *receives and notes Petition to pause the proposed District Plan*
 - b) *requests the Chief Executive to prepare an options report for Council to consider this issue at the 18 February 2025 Council meeting.*²
- 5. If the Council discuss the matter at the resolved meeting date of 18 February 2025, submitters will still need to invest a significant amount of time and financial resources in preparing their evidence to meet the revised timetable for multiple chapters. That would result in prejudice to those having to prepare for the hearing as that cost may not be incurred, depending on the decision of GDC at the meeting on 18 February 2025.
- 6. The SASM and NTCV hearing is the only hearing scheduled *before* 18 February 2025, however the resource required to prepare for the hearings

² Debbie Lascelles, Gore District Council (17 December 2024) Report to Council – Petition to pause the proposed District Plan. Available online: [Urgent late business - request to pause District Plan.pdf](#)

is significant in terms of the time and cost required for legal submissions and evidence preparation.

7. The meeting date of 18 February 2025 is after the preparation of evidence for NFL, NC, SASM, NTCV and ECO Chapters. Parties will spend a considerable amount of money and time to prepare for these chapters, which may not be required depending on the outcome of the Gore District Council's decision. Specifically, the deadlines relevant to these chapters where submitters would be prejudiced are:
 - a. NFL and NC Chapters
 - i. Submitters' evidence due 27 January 2025
 - ii. Legal submissions on behalf of submitters due 4 February
 - b. SASM and NTCV Chapters
 - i. Submitters' evidence due 28 January 2025
 - ii. Legal submissions on behalf of submitters due 28 January 2025
 - c. ECO Chapter
 - i. Submitters' evidence due 7 February 2025
 - ii. Legal submissions on behalf of submitters due 17 February 2025.

Direction Sought

8. SFF seeks a direction that the timetable for filing evidence in chief for the NFL, NC, SASM, NTCV and ECO chapters be extended until such time as a decision has been made on the delay of the District Plan, currently scheduled for the Council meeting of 18 February 2025.
9. The amended timetable proposed by SFF is:
 - a. 19 February 2025 – The panel provide updated timetabling directions.
10. SFF has consulted with Stoney Creek Station who are in full support on the directions sought within this Memorandum.

11. SFF has not had time to consult with other submitters about the directions sought in this Memorandum but notes that the other submitters may agree.

Dated 19 December 2024

A handwritten signature in black ink, appearing to be 'R Thomas', with a large 'R' and a stylized 'Thomas'.

R Thomas, Senior Policy Advisor
Federated Farmers of New Zealand

Appendix B

Before the Hearing Panel
Appointed by the Gore District Council

Under The Resource Management Act 1991 (**RMA**)

In the matter of Submissions and hearings on the Proposed Gore District Plan

**Memorandum of counsel for Gore District Council in respect of SFF
application for adjournment**

19 December 2024

Council's solicitors:

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**anderson
lloyd.**

May it please the Panel

- 1 This memorandum is filed in order to set out a number of relevant considerations for the Panel if it is available to consider a response to the application for an adjournment filed by Southern Federated Farmers (SFF) before the close of the working period for 2024.

RMA shutdown period

- 2 Firstly it is noted that the working days period under the Resource Management Act 1991 (RMA) ends on 20 December 2024 and does not resume until 10 January 2024. As a result, any calculation of timeframes for filing or processing any documents on any Proposed District Plan process usually does not encompass any of the days within this summer shut down period.

Usual process for considering an adjournment request

- 3 Secondly it is noted that the usual course for considering an adjournment application is for a request to be circulated to all interested submitters on the relevant topic or topics; for a period of time to be provided for Council and the submitters to make comment on the request; and then for the Panel to consider and decide the matter.
- 4 As a result of the SFF request coming in one day before the shut down period, it would not appear to be possible for the Panel to be able to take any of the above steps to notify other submitters of the request before the end of the year. Even a truncated timeframe for responses from submitters should usually be at least 3-5 working days, and in non-urgent, topic specific, cases 10 days might be preferred.

Topics potentially affected by SFF request and provision for submitter comment

- 5 The SFF request encompasses four topics, including one half heard topic (SASM/NTCV). It cannot be assumed that other submitters on these topics agree with the SFF proposal, as SFF appears to suggest at their paragraph 11. There is only one other topic (Natural Hazards) scheduled for hearing in 2025 that the SFF request does not relate to. It also appears that any deferral of these four topics would also necessitate the adjournment of the scheduled wrap up hearing which ideally will occur at the conclusion of all other topics. A deferral of the Wrap Up hearing will be of interest to almost all submitters who have participated in completed hearings, as this Wrap Up hearing will likely need to be completed for decisions issued on all other topics.

- 6 Including because of the likely necessary deferral of the Wrap Up hearing, the impacts of any adjournment as sought by SFF may not solely be on the topics SFF is most interested in, but also on the timing for the Panel to issue decisions on all other parts of the plan that have already been heard. This includes all zone chapters, infrastructure and designations chapters, site specific development areas such as the Greenbriar and McNab sites, other new industrial/residential zones, and other matters that submitters are seeking new and/or more enabling rules for.
- 7 Other submitters who may therefore wish to comment on the proposal would therefore likely include many of the submitters who have appeared in one or more previous hearings, prepared evidence for those hearings and sought plan provisions to enable and protect their operations and businesses, including Pownet, Transpower, the Telcos, Kiwirail, NZTA, Greenbriar, McNab Management Limited, Alliance, Ravensdown, Silver Fern Farms, Department of Conservation, the Fuel companies, Hokonui Rūnanga, Heritage NZ, Southland Developers Ltd, NZ Heavy Haulage Association etc etc.
- 8 We would propose a period of at least 15 working days would preferably be provided for submitters on the SFF topics and all other submitters such as those noted above, to comment on the application for adjournment, including to note any availability issues for their key experts, and/or advance any alternative proposals.

RMA requirements for timing of proposed district plan decisions

- 9 As set out in paragraph 8.2 of Minute 5 issued by the Panel, decisions on all submissions have been projected to issue in the second quarter of 2025. This timing takes account of both the dates of local body elections in 2025 (August-October 2025); and also the statutory requirement in clause 10(4), Schedule 1 of the RMA that all decisions on submissions on the notified plan must be made within two years of the date the plan was notified - 31 August 2025. With this date in mind, it might be expected that any deferred Wrap Up hearing could not be scheduled to be any later than June, being two months before the due date for submissions. These dates will continue to be of significance for Council, all submitters and the Panel in considering any adjournment request.

Possible timetable for considering the SFF adjournment request

- 10 Given the above considerations, the SFF request for an adjournment would appear to require time and resources that are not currently available before the end of the RMA working year. While acknowledging that the deferral of considering this request until the new year has flow on consequences for

SFF, given the necessity for due process to be followed in relation to such a potentially impactful proposal, there does not appear to be any other option which might be available at this time.

- 11 It is noted that the Council's consultants and expert witnesses have already made sure that they are available for the current hearing dates, so availability issues may begin to arise for any shifts to these proposed hearing dates also. The Council is able to provide the Panel with further information on these and other practical implications of the SFF proposal in the new year.
- 12 A timetable for considering the SFF request is set out below if the Panel is minded to make directions today to enable submitters to comment on the proposal:
 - (a) The SFF request and this memorandum is circulated to all submitters on the proposed district plan by the Hearings administration team;
 - (b) A direction for submitters and Council to provide comments or alternative proposals on the request by 31 January 2025 (being 15 working days from 10 January 2025 under the RMA).

Dated this 19th day of December 2024



Shelley Chadwick
Counsel for the Gore District Council