

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 28 of the Hearings Panel

**McNabb Management Ltd Submission
And
Submissions to Sites and Areas of Significance to Maori Chapter**

Minute 28 - Gore Proposed District Plan – 5 -6 December Hearings

Introduction

1. The Hearings Panel has received two memoranda from Counsel for the Gore District Council regarding hearings set down for 5 December 2024 and 10 February 2025. The issues raised in the memoranda have been considered by the Hearings Panel as outlined below.

McNabb Management Ltd Submission Hearing

2. The hearing to consider a submission by McNabb Management Limited (McNabb) and a further submission by NZ Transport Agency (NZTA) is to commence at 9:00 am on 5 December.
3. The intent is for McNabb to present its case with legal submissions and evidence first, with the Council to follow, and NZTA, and then potential for final questions from the Panel to McNabb and Council after that.
4. The Hearings Panel has been advised the presentation from McNabb could take 3 hours, and the Council 1.5 hours.
5. While NZTA have indicated that it will not attend the hearing, the Hearings Panel wishes to pose questions to Helen Dempster who has prepared a statement of evidence on behalf of NZTA.
6. The Hearings Panel considers it important to hear from all those appearing in an orderly and unrushed manner. If required the hearing will continue through to 1:00pm, with a 30 minute break, and reconvene at 1:30 pm.
7. Given that all evidence and legal submissions are being submitted prior to the hearing, the Hearings Panel wishes to remind expert witnesses that they should limit any oral presentation at the hearing to a summary (no more than 3 pages) of the key points in their evidence and allow time for questions from the Hearings Panel.

Sites and Areas of Significance to Maori (SASM) Hearing

8. The hearing to consider submissions to the SASM chapter is due to commence at 1:30 pm on 5 December 2024. If the hearing to consider the McNabb submission is not completed in the morning, it will reconvene at 1:30 pm with the SASM hearing commencing immediately after.
9. The intent is for Hokonui Runanga to present their case with legal submissions and evidence first, with the Council to follow. To facilitate the completion of the presentation by Hokonui Runanga, including questions from the Hearings Panel, if required, the hearing will extend until 6:00pm.
10. Legal submissions and evidence from the Council may commence at the completion of the Hokonui Runanga presentation, otherwise at 9:00 am on Friday 6 December 2024. The Hearings Panel wishes to retain some flexibility in this regard, given the length and intensity of the hearing process.

Reconvened SASM Hearing

11. In Minute 25, HS8 Hearing, the Hearings Panel set the date of 10 February 2025 to reconvene the SASM hearing, with submitters wishing to speak advising the Council no later than 13 December 2024, and expert evidence being lodged with the Council no later than 3 February 2025.

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12. A memorandum from Counsel for the Gore District Council has highlighted natural justice necessitates making provision for Hokonui Runanga and Council advisers to the Hearings Panel to consider and respond to the evidence from other parties, as would occur if the hearing was not being split. The Hearings Panel acknowledges the need to adopt a fair process and proposes a modified timetable for the lodging of submissions and evidence.
13. The Hearings Panel considers that one week following the lodging of expert evidence from other submitters, Council advisors to the Hearings Panel should have the opportunity to lodge supplementary evidence and legal submissions, and one week after that Hokonui Runanga may lodge any rebuttal evidence and legal submissions, with a further one week until the reconvening of the hearing.
14. If any supplementary evidence or submissions is provided by the advisors to the Hearings Panel it is to be limited to new evidence, and not take the form of a summary of evidence and restatement of views previously expressed.
15. If the date of 10 February 2025 for reconvening the hearing is retained then the following timetable would occur:
 - 13 December 2024 – Submitters to advise Council of their intention to appear at the reconvened hearing.
 - 20 January 2025 – Expert evidence by other submitters to be lodged with the Council
 - 27 January 2025 – Council advisers to submit any Supplementary S42A Report
 - 3 February 2025 – Any Supplementary or Rebuttal evidence from the Hokonui Runanga and legal submissions to be lodged with the Council
 - 10 February 2025 – Hearing commence 9:00am.
16. The Hearings Panel recognises the need for all involved in the hearing process to have a break post-Christmas and extending into the New Year. It is therefore the preference of the Hearings Panel to delay reconvening of the SASM hearing until 24 February, with the following timetable adopted:
 - 13 December 2024 – Submitters to advise Council of their intention to appear at the reconvened hearing.
 - 3 February 2025 – Expert evidence by other submitters to be lodged with the Council
 - 10 February 2025 – Council advisers to submit any Supplementary S42A Report
 - 17 February 2025 – Any Supplementary or Rebuttal evidence from the Hokonui Runanga and legal submissions to be lodged with the Council
 - 24 February 2025 – Hearing commence 9:00am.
17. It is also the preference of the Hearings Panel that all other lay submitters not presenting expert witnesses appear on 24 February 2025.
18. Before finalising the Hearings Panel's preference as set out in paragraph 16, submitters wishing to provide feedback on the revised timetable should write to the Hearings Panel prior to the commencement of the SASM hearing. Any submitter wishing to speak to the Hearings Panel on this matter should either be present at the commencement of the SASM hearing or contact the Planning Department.

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Any queries regarding this Minute, should be directed to the Planning Department of the Gore District Council, phone (03) 2090330 or email hearings@goredc.govt.nz.

A handwritten signature in blue ink, appearing to read 'Keith Hovell', with a small circular mark to the right.

Keith Hovell
Hearing Panel Chair