

Council Meeting

Public Business Agenda

A Council meeting
will be held in the Council Chamber,
29 Bowler Avenue, Gore
on Tuesday 18 February 2025
commencing at 4:00pm

Our vision:

*To provide an environment that allows people to enjoy the lifestyle
and culture of their choice*

Health and safety – emergency procedures

Toilets – The toilets are located in the corridor near reception.

Evacuation - Should there be an evacuation, please exit the chambers via the main door, then through the office front doors to the assembly point at the front of the building, near the road.

Earthquake - Drop, cover and hold. Once the shaking has stopped, evacuate through the chamber’s main door, then through the office front doors to the assembly point near the road.

Phones - Please turn your mobile device to silent mode.

Recording - These proceedings are being live-streamed and will be available to share or download from the Council’s YouTube channel. You consent to being filmed for public viewing by remaining in the meeting.

Attendees

Members	Mayor (Chairperson)	B Bell
	Deputy Mayor (Deputy Chairperson)	K Hovell
Councillors		G Dickson
		A Fraser
		J Gardyne
		S MacDonell
		R McKenzie
		P McPhail
		R McPhail
		N Phillips
		B Reid
	J Stringer	
Staff	Chief Executive	D Lascelles
	General Manager (GM) Corporate	L Straith
	General Manager (GM) Critical Services	J Domigan
	Governance - minutes	S Jones

Agenda confirmed by:



D Lascelles

Chief Executive

Recommendations contained in reports are ***not*** to be construed ***as Council decisions***.
Refer to the Council minutes for ***resolutions***.

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- 1. Welcome / Karakia**
- 2. Apologies / Leave of Absences**
- 3. Public Forum**
- 4. Declaration of Conflicts of Interest**
- 5. Confirmation of Agenda**

6. Confirmation of Minutes

6.1 Confirmation of Minutes – Council meeting held on Tuesday 17 December 2024

Minutes of an ordinary meeting of the Gore District Council, held in the Council Chambers, civic administration building, 29 Bowler Avenue, Gore, on Tuesday 17 December 2024, at 4.02pm.

Present His Worship the Mayor (Mr B R Bell), Crs Dickson, Fraser, Gardyne, Hovell, McKenzie, MacDonell, P McPhail, R McPhail, Phillips, Reid and Stringer.

In attendance The Chief Executive (Ms Debbie Lascelles), General Manager Corporate Services (Ms Lornae Straith), General Manager Critical Services (Mr Jason Domigan), Governance Manager (Susan Jones), 3 Waters Operations Manager (Mr Aaron Green), 3 Waters Consultant (Mr Matthew Bayliss, Pattle Delamore Partners), senior Communications Officer (Ms Bonnie Mager), Sustainability and Waste Project Lead (Mr Craig Sinclair), Mataura Community Board Chairperson (Mrs Nicky Coats) and 20 members of the public in the gallery.

1. URGENT LATE BUSINESS – PETITION TO PAUSE THE PROPOSED DISTRICT PLAN (SC0487)

An urgent late report had been circulated from the Chief Executive advising that a petition had been received to pause the proposed District Plan.

A number of letters, addressed to the Mayor, Councillors and Chief Executive with a copy to the Prime Minister, Clutha-Southland MP, Minister for the Environment and Minister for Agriculture and signed by a total of 79 people had been received. The letters stated, *“We request that the Council include this as an urgent late item on the 17 December Council meeting agenda and resolve to pause any further action on its proposed District Plan for nine months, thereafter review the duration of the pause based on the direction of central Government RMA and NPS reforms.”*

Also circulated was a letter from the Council’s legal advisor, Michael Garbett of Anderson Lloyd. The letter stated it was important on procedural matters to be clear what exactly was being proposed for the Council to decide upon. “Pausing” the District Plan processing was not a particular statutory decision for the Council given that a Hearing Panel had been delegated the role of considering and making

decision on all submission on the District Plan on the Council's behalf. It was Mr Garbett's legal advice, inter alia, that he did not consider it to be appropriate or valid in a procedural sense to revoke or suspend the Hearing Panel's delegations "pending legal advice." It was also his advice that any such decision needed to be informed by a staff report that properly analysed the decision-making requirements in sections 77-82 of the Local Government Act 2002, prior to the decision being made. That was an essential procedural check and balance on the Council's decision-making prior to such decisions being made. Making a decision "subject to legal advice" did not achieve the statutory requirements and was not a valid approach, in his view.

Cr Reid understood it was not a petition in terms of the Council's Standing Orders. She asked for clarification. It had just appeared as a late item on the agenda. His Worship said it was up to the Council whether to accept the item or not.

RESOLVED on the motion of Cr Reid, seconded by Cr R McPhail, THAT the Council receives and notes the item "*Petition to pause the Proposed District Plan*" as urgent late business to pause the proposed District Plan, and request the Chief Executive to prepare an options report for the Council to consider this issue at the 18 February 2025 Council meeting.

2024/119

2. CONFLICTS OF INTEREST

Cr Hovell said the urgent late item related to a procedural matter related to the proposed District Plan (PDP). Depending on the Council's decision, it may require consideration by the Hearings Panel, of which he was a member. He wished to retain an open mind and would be leaving the room for the entirety of the item. As a member of the Hearings Panel, Cr Dickson advised she would also do the same, adding Commissioners should be transparent.

3. CONFIRMATION OF MINUTES

RESOLVED on the motion of Cr Fraser, seconded by Cr P McPhail, THAT the minutes of the ordinary meeting of the Gore District Council, held on Tuesday 26 November 2024, as presented, be confirmed and signed by the Mayor as a true and complete record.

4. SOUTHLAND WARM HOMES TRUST (SC3860)

A report had been received from the Chief Executive advising the Southland Warm Homes Trust received an annual grant of \$15,000 from the Council as part of its commitment to clean air and in lieu of the clean air programme that used to be implemented in-house.

The Trust had provided a power point presentation on the work of the Trust. A copy of the presentation had been circulated with the agenda together with a copy of a letter of support from the Energy Efficiency and Conservation Authority (EECA).

Cr Hovell, as the Council's representative on the Trust, opened the presentation. He acknowledged the presence in the Chamber of former Councillor, Bret Highsted who was the previous Council representative.

Mr Allan Beck, Financial Controller for PowerNet, supported the Trust with financial services administration and Ms Sumaria Beaton from Awarua Synergy, were also in attendance at the meeting. To date, there had been 10,000 homes insulated and a total of \$18 million funding claimed from EECA. Each dollar invested generated \$4.70 savings in health costs. There were about 4-4,500 houses left to be insulated.

In return to Cr Reid, Ms Beaton said there was about a 507% return on the Government's investment. There was a huge benefit to those residents who were part of the programme. Cr Stringer asked how many of the remaining houses to be insulated were in the Gore District. Ms Beaton said there were a number of elderly people who could benefit but who felt there were others who should receive it. Mr Beck added the criteria was for people to hold Community Services Cards.

Cr Fraser asked if there was an end date in mind and how long it may take. Mr Beck said it had been going for 16 years now. It was expected the insulation programme would be completed by 2027. Cr Dickson asked if the Government provided more funding for Southland which was colder than other parts of the country. Ms Beaton said there was no extra subsidy but with support from the local Councils and Warm Homes Trust there was excellent collaboration that enabled families to be supported.

RESOLVED on the motion of Cr MacDonell, seconded by Cr Stringer, THAT the Council receive and note the Southland Warm Homes Trust report.

2024/120

5. MATAURA COMMUNITY BOARD MEETING MINUTES (SC3535)

A copy of the minutes of the Mataura Community Board meeting held on Monday 18 November 2024 had been circulated with the agenda.

Cr Phillips said the site meeting for the Coster Park fence proposal had been worthwhile and staff would provide costs for a fence.

RESOLVED on the motion of Cr Phillips, seconded by Cr Hovell, THAT the Council receive and note the minutes of the Mataura Community Board meeting held on Monday 18 November 2024,

AND THAT staff prepare a report on fencing options including costs for the supply and installation of fencing at the Mataura campervan dump station site.

2024/121

Clause 7 – Mataura Community Garden – request to erect a “Bloke’s Shed” (SC3535)

Cr Hovell was interested in the process that the Chief Executive proposed to manage this issue so it could be dealt with in a fair manner. The Chief Executive said the process in terms of how Community Board decisions got ratified was they needed to be considered by the Council for approval. There was a bigger issue about long term planning and strategy with the Community Board, which was a topic for another day.

Cr Reid asked what was done in the Bloke’s Shed and was there an intention to have a women’s one? The Chairperson of the Mataura Community Board advised women also attended the Bloke’s Shed as it was a national organisation. Cr Phillips said the group did a very good job for the community. The Board was awaiting a report from staff. Cr MacDonell asked if the Council was going to build the shed or the group. Cr Phillips confirmed the group would build it and at no cost to the Council. Cr MacDonell asked if there was no other building that could be used. Cr Phillips said the group wanted its own shed as the majority of the group also assisted with the community garden. In response to Cr McKenzie, the Chairperson said there were about 12 people currently involved in the group.

RESOLVED on the motion of Cr Fraser, seconded by Cr Reid, THAT the Council accept the Board’s recommendation to support the request in principle from the Mataura community garden to erect a “blokes shed” on the property at 188 Kana Street, Mataura, subject to:

- **seeking further information about the ownership, operating model and structure of the Mataura community garden;**
- **ensuring the site was going to provide a safe and workable parking area for the number of vehicles that may be present; and**
- **discuss the drafting of a Licence to Occupy between the Council and the community garden to clearly outline the responsibilities of both parties.**

2024/122

Cr Phillips referred to the entrance to Mataura signage and said the wording would be painted prior to Christmas.

6. MAYORAL REPORT (SC3857)

A copy of the Mayoral report about activities over the month of November had been circulated with the agenda. An updated version was tabled at the meeting

RESOLVED on the motion of Cr Gardyne, seconded by Cr MacDonell, THAT the Council receive and note the Mayoral report.

2024/123

7. RURAL HALLS AND DOMAINS MEETING MINUTES (SC3869)

A copy of the minutes of the Rural Halls and Domains Sub-Committee meeting held on Wednesday 4 December had been circulated with the agenda.

Cr R McPhail moved THAT the Council receive and ratify the minutes of the Rural Halls and Domains Sub-Committee meeting, held on Wednesday 4 December 2024,

THAT the Sub-Committee's recommendation that a grant of \$12,000 be allocated to the Kaiwera Recreation Reserve and Hall Society, be approved,

AND THAT the remaining balance of \$17,565 be carried forward to the 2025 year.

The motion was seconded by Cr Gardyne.

Cr Fraser noted there had been a balance carried forward from the previous year. He asked if funding always carried over. Cr Gardyne said it depended on whether there was a large project which could potentially utilise all of one year's funding.

The motion was put and was carried.

2024/124

8. CONNECTED MURIHIKU MINUTES (SC3860)

A copy of the minutes of a Connected Murihiku meeting held on 18 November 2024 had been circulated with the agenda.

RESOLVED on the motion of Cr Reid, seconded by Cr MacDonell, THAT the Council receive and note the minutes of the meeting of Connected Murihiku, held on 18 November 2024.

2024/125

9. MANAGEMENT ACCOUNTS TO 30 SEPTEMBER 2024

A copy of the management accounts to 30 September 2024 had been circulated with the agenda. The Council had recorded a \$193k surplus as at 30 September 2024. This was favourable compared to a budgeted deficit of \$713k. The key drivers were higher than budgeted income of \$398k and lower than budgeted expenditure of \$508k.

The favourable variance in income related primarily due to higher than budgeted fees received for trade waste, and the final financial contribution received from Matura Valley Milk for the library redevelopment project.

The favourable variance in expenditure was due to employee related costs being favourable by \$473k. This figure included a number of vacant positions (some long-standing) and employer superannuation costs also being favourable. Other variances within the expenditure categories were made up of a number of favourable and unfavourable items of smaller value.

Cr P McPhail asked what an internal overhead was. The General Manager said it related to where corporate and IT costs were charged to the rest of the organisation. Cr Reid asked how the blow out in the District Plan had occurred. The General Manager said it was difficult to forecast as it was unknown how much time and legal advice may be required to resolve issues. She added the Plan was debt funded. The Chief Executive said it would show as a deficit in the operating budgets. Cr Stringer noted there was no explanation for the unfavourable result in arts and heritage. The General Manager said it was a small deficit of 22k which was below the threshold for explanation.

In response to Cr R McPhail, the General Manager confirmed the payment from MVM for the financial contribution was the final one for the library. Cr Gardyne thought the interest costs would remain the same or could even rise. The General Manager said there was a difference between interest income and costs. As far as debt coming off fixed rates, some would come off July 2025 so this year would track according to budget.

RESOLVED on the motion of Cr Dickson, seconded by Cr MacDonell, THAT the Council receive and note the management accounts to 30 September 2024.

2024/126

Crs Hovell and Dickson departed the meeting at 4.43pm

10. URGENT LATE ITEM – REQUEST TO PAUSE THE PROPOSED DISTRICT PLAN (SC0487)

His Worship said the request did not meet the Council's Standing Orders and as Cr Reid had pointed out earlier, it was not a petition in terms of Standing Orders. It was important that the Council listened to the community. He also acknowledged the work of the staff to obtain urgent legal advice. There were 3½ hearings remaining from the 13 held on the proposed District Plan. This was after 4-5 years of work. The Council was right at the end of the District Plan process. There was some misinformation relating to what the Prime Minister said when asked about the Gore District Plan. He was very clear that he had not instructed the Council to pause its District Plan. But, he had been clear about those Councils who had not notified their plans to halt work. Gore had notified its plan on 31 August 2023. The current Government was not sworn in until 27 November 2023 which was the same day as submissions to the Plan closed. His Worship said he was all for finding the most cost effective solution, but the Council needed to do its due diligence. The Council had been plagued with knee-jerk reactions and decisions in the past and there needed to be legal discovery to ensure it was the right option. The Council could not afford another ill-informed decision to incur unnecessary spending.

The Chief Executive acknowledged it was an emotive topic. She said the Council needed to weigh up its options and think carefully. It did not have a delegation to make a decision at the meeting. The Council had delegated its decisions relating to the District Plan to the Hearings Panel. The role of the Panel was to weigh up all the submissions and evidence and make decisions that were in the best interests of the community. The legal advice received was very clear that the Council would not be meeting its legal obligations if it were to revoke the powers of the Hearings Panel without first considering the wider impact that a significant decision would have or its obligations to consult with a wider group of submitters and the rest of the community. There were still options the Council could consider if it was still unhappy with the outcome of the District Plan once the hearings process had been completed. She proposed a further report with those options be presented at the February 2025 Council meeting.

Cr Gardyne asked if there was enough time to speak with Government officials before the February meeting to get their opinion. The Chief Executive said she understood it had already been done but she was happy to do it again. His Worship added he had the Associate Minister Responsible for the RMA, Simon Court, in his office prior to the meeting. The Minister's recommendation was to continue with the process and if there needed to be amendments specifically to the SNA section that had already been paused, then the Council could do that.

Cr P McPhail said it was a mess. The community felt really bad about it and so did he as a ratepayer. He clarified at the end of February, the Council potentially could

say stop and then reconsider some aspects of the plan? He needed to have an answer. The Council had one chance to get it right otherwise the community would be very unhappy. The Chief Executive said her report in February would include an extensive list of options for consideration. The Council would need to wait and see what the options would be. Cr R McPhail said the Government had been telling people what to do all day and he did not take too much credence from the Associate Minister telling the Council it should be doing this or that. Obviously, there were the interests of the stakeholders provided through the ten hearings held to date to be considered. The Council had a responsibility to them and they had already invested in the process. How did the Council look at it? There would be certain dates reached shortly and further hearings held in February. How did the Council deal with those in terms of the people who had already submitted? The legal opinion suggested the Council could not pause. The Chief Executive said the fairest way was to complete the hearings process and then consider whether there were changes required. Cr R McPhail said the Council was clearly between a rock and a hard place. The Chief Executive said if the Council was still unhappy with certain parts of the District Plan once the hearings had been completed there were options to withdraw parts of the Plan that the Council did not want. But those options needed to be fully scoped for presentation including the legal obligations around each. In response to Cr R McPhail, the Chief Executive said if the Council made a decision to pause the District Plan it would be faced with a judicial review and it would lose.

The Chief Executive said there had been requests to pause parts of the District Plan previously that had been considered. The Council would need to remove the delegations from the Hearings Panel. Cr R McPhail said there were also financial impacts as the Council did not know what the hearings outcome would be. The Chief Executive said the prudent way to proceed was to let the hearings come to a conclusion and if there was more information to hand about the Resource Management Act when the Council made another decision in February, it could be considered along with other options at that time.

In response to Cr Fraser, the Chief Executive said all the Council could do was deal with the legislation that was currently in place. He said it had turned into an absolute cluster. He was in favour of pausing but would like more information and would like it prior to the hearings resuming again. The Chief Executive agreed it was unfortunate and confusing for the community when the Government suggested changes may be forthcoming but without any knowledge of what they may be. His Worship said it would be hard to get specialist legal advice over the Christmas break. Cr Reid said the Council needed a good report so it could understand the implications of risk for the Council and ratepayers and rewards for those who had been submitting. It had been an embarrassment. Cr McKenzie referred to point 28 of the Chief Executive's report relating to the financial impacts if the process was paused. Pausing the process would be at a cost to the Council

and submitters, some of whom had their own advisors, consultants and lawyers. Staff needed more time to understand in detail what the Council's costs could be but were likely to be at least \$500,000. The Chief Executive confirmed there would definitely be a cost to the Council if it was to pause the process.

Cr R McPhail said if the Council could not give direction to the Commissioners, could there be space in the next hearings to allow the information to be received and ensure it had the right information and determine the right outcome. The Chief Executive said the hearings schedule was over to the Commissioners to decide. That was why she suggested allowing the hearings process to conclude. His Worship said it was only the SASMs chapter that would be heard before the February Council meeting.

Cr P McPhail said the Council must never forget the cost to the community if it got it wrong. Cr MacDonell said the Council needed to take advice and make a decision based on that. It needed to be done properly.

The General Manager Critical Services said there was a lot of assumption around the process. No decisions had been made. The community was involved so that the right outcome could be made and allow the submitters and hearings panel the opportunity to get it right. There had already been a number of suggested changes through the process to date and submitters were being listened to.

RESOLVED on the motion of Cr Stringer, seconded by Cr MacDonell, THAT the Council receive and note the request to pause the proposed District Plan report,

AND THAT the Chief Executive be requested to prepare an options report for the Council to consider this issue at the 18 February 2025 Council meeting.

2024/127

The majority of the public gallery departed the meeting at 5.07pm. There were four members remaining. Crs Dickson and Hovell now returned to the meeting.

11. WATER SERVICES LEVY REPORT (SC3862)

A report had been received from the General Manager Critical Services informing the Council on proposed levies for Councils and their Council Controlled Organisations (CCOs) to fund water services quality regulation and economic regulation. The report also sought feedback from the Council to include in the consultation response.

The Minister of Local Government was proposing to implement a levy to recover most of the Authority's operating and capital costs from drinking water suppliers and wastewater and stormwater network operators. The levy regime would

commence from 1 July 2025. The preferred option was that the levy be directed at territorial authorities or their Council Controlled Organisations that delivered water services. It would be up to Councils to determine how best to recover the costs from consumers (i.e. rates, water charges etc) and how best to ensure these costs were recorded (i.e. whether to include levy charges as an explicit line in rates bills).

The cost of implementing the levy for the Gore District was \$52,588 + GST per year for the first three year cycle subject to any review changes during that period.

The Minister's preferred option for the levy was based on maintaining a Crown contribution of \$4.642m per year. The contribution would cover activities that the Authority delivered that had a significant public good. These activities included reporting, including producing the Annual Network Performance Report and Annual Drinking Water Regulation Report and annual reporting on environmental performance of networks and operators. It also included regulatory system design and standard setting, including developing acceptable solutions and class exemptions, verification methods and aesthetic values; contributing to setting wastewater and drinking water standards and rules; providing policy advice on legislative and regulatory changes, and monitoring effectiveness of legislation and regulatory practices.

A table detailing the breakdown of proposed costs shared between Councils or their CCOs and the Crown had been included in the report. The total average leviable cost of the Authority operations over the initial three-year levy period would require to be divided by the total population to derive the per-person cost. The cost would then be multiplied by the number of people in each city/district to derive the levy for that supplier. Drinking water suppliers or network operators would decide how to pass the costs onto their ratepayers, including for those it did not directly provide water services to. It may choose to charge a lesser amount for domestic self-suppliers.

Details of the apportionment across territorial authorities had been included in the report. The Authority was proposing to monitor, evaluate and review the levy in an ongoing three-year cycle in accordance with usual practice for levy reviews, unless exceptional circumstances justified earlier review in any period. A yearly internal review was proposed to address any need for earlier review than the three-year cycle. The first levy review was proposed to be in 2027-28, before the next levy cycle began.

The General Manager said there was no doubt there was pressure on costs and increased operational costs with construction, interest costs and chemicals for water supplies. It had been a significantly challenging period for local government. Now the Government was asking communities to fund a water regulator. The Gore

District levy was \$60,000 in addition to a water regulator cost of an estimated \$20,000. In terms of the impact on the community, \$60,000 equated to \$12 per household per year plus another \$5-6 per household per year for the regulator. It was important to note that given the tone of the discussion paper, he was sceptical whether the Government would listen to feedback. It felt like another unfunded mandate that was being passed onto Councils to manage.

His Worship referred to a statement issued by the Minister for Local Government, Simeon Brown the previous day, that the levies were another extensive extra that burdened ratepayers. To have the levy and regulator paid for by ratepayers was ridiculous and he could not see how charging Gore ratepayers an extra \$70,000 per year was going to benefit them. He was struggling to understand how charging at a national level opposed to charging at a population level would work out. The 3 Waters Operations Manager said the issue had been raised at a Taumata Arowai webinar and the response was it was “too difficult”.

Cr Reid was gobsmacked with the levy. It was cumbersome and put the onus on the Council. She did not imagine it would remain static after three years. There was a lot more reporting required. Cr Gardyne said the total cost of the regulator was about \$25 million. There were some other water schemes that affected some Gore District ratepayers, such as the Glenkenich scheme and lifestyle block residents who often had no water services provided by the Council. The best outcome was for the Government to pay.

Cr MacDonell said a levy on the ratepayer was not acceptable and the \$26 million cost would balloon out of control. He did not think the Council should pay it. Cr Dickson opposed the levy. The Government had said local government needed to go back to basics and cut its costs. It was unacceptable. She asked what Local Government New Zealand (LGNZ) was doing to support Councils. His Worship said the National Council was largely opposed to it and it would form a national position. It was difficult given it was the Christmas period. There would be a submission from LGNZ opposing it. Cr Stringer said the Councils were being made the “whipping boy” for collecting taxes for the Government. He referred to point 25 in the report where suppliers of operators would decide how to pass costs onto their ratepayers, including those it did not directly provide water services to. It was absurd. Cr Phillips recalled some years ago when 3 Waters reforms were being touted as a “good thing”. He had opposed it at the time and it seemed his views from then were now coming true. The “back to basics” statement from the Minister of Local Government would cost the ratepayers. The Government asked for transparency from local government but where was transparency from it? He had had enough and the Government had to find another way to fund it and not from the ratepayers. Cr Fraser said the previous 3 Waters reforms had cost the country \$2 billion and no-one got anything out of it. He believed the levy would

just be the start of more to come. He could not see Gore being the only Council in the country being opposed to it.

Cr R McPhail supported telling the Government “To take a jump.” Cr Hovell said it was encouraging that the Council was united in the issue. He wanted to see a submission going to the Government that was signed by every elected member with individual comments. Cr Phillips emphasised the proposed levy only related to potable water, but what about wastewater and stormwater? The Manager said it was a percentage for all three waters but agreed the levy would only increase.

RESOLVED on the motion of Cr Gardyne, seconded by Cr Fraser, THAT the Council receive and note the water services levy report,

AND THAT the Council request the Chief Executive to provide feedback on the consultation and request any key messages to be included in the consultation.

2024/128

12. ADOPTION OF 2025 MEETING SCHEDULE (SC3898)

A draft schedule of meeting dates for 2025 had been circulated with the agenda by the Governance Manager. Meeting dates for the Council, Audit and Risk and Assets and Infrastructure had been detailed.

His Worship said meetings of the Community Wellbeing and Policy and Regulatory Committees had been paused due to the Long Term Plan (LTP). There was also no General Manager currently to support those Committees. Cr Hovell said he and Cr Dickson had spoken with the Chief Executive and were happy to leave the Committees as they were until the New Year. His Worship said the pausing of those Committee meetings meant staff could provide more resource on the LTP which was a priority. Cr Reid asked when the position was filled would that make those meetings possible again. The Chief Executive said recruitment was underway and an update would be provided once progress had been made. Cr Reid felt the Community Wellbeing Committee had gone well over the past 10 years and it would be a shame to lose momentum. The Chief Executive said while there was no General Manager, the work was still continuing and the fortnightly updates that were provided hopefully covered enough detail for the Councillors. If there was anything else required she asked Councillors to let her know and she would ensure it was provided.

Cr R McPhail asked if a Chair was a Chair if they did not have a Committee? His Worship said while the Committees did not meet, they still attended Chairs meetings and supported their portfolios.

RESOLVED on the motion of Cr Gardyne, seconded by Cr MacDonell, **THAT** the Council receive and adopt the meeting schedule for 2025, as circulated.

2024/129

The meeting adjourned at 5.32pm and resumed at 5.38pm

Exclusion of the public

RESOLVED on the motion of His Worship, seconded by Cr Fraser, **THAT** that the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution</i>	<i>Ground(s) Under Section 48(1) for the passing of the resolution</i>
<i>4.1 Confirmation of the minutes of the public excluded Council meeting held on Tuesday 26 November 2024.</i>		<i>The public conduct of this part of the meeting would be likely to result in the disclosure of information for which there is good reason for it being withheld. Section 48(1)(a)</i>
<i>5.1 Connected Murihiku minutes of meeting held on 18 November 2024.</i>	<i>This report is CONFIDENTIAL in accordance with section 46A (8) and 46A (9) of the Local Government Official Information and Meetings Act 1987, being a report that the Chief Executive of the Gore District Council reasonably expects will be discussed with the public excluded. To protect the privacy of natural persons – Section 7 (2)(a)</i>	<i>The public conduct of this part of the meeting would be likely to result in the disclosure of information for which there is good reason for it being withheld. Section 48(1)(a)</i>
<i>5.2 Mataura River Crossing project</i>	<i>This report is CONFIDENTIAL in accordance with section 46A (8) and 46A (9) of the Local Government Official Information and Meetings Act 1987, being a report that the Chief Executive of the Gore District Council reasonably expects will be discussed with the public excluded. To enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7 (2)(h)</i>	<i>The public conduct of this part of the meeting would be likely to result in the disclosure of information for which there is good reason for it being withheld. Section 48(1)(a)</i>
<i>5.2 Credit rating report</i>	<i>This report is CONFIDENTIAL in accordance with section 46A (8) and</i>	<i>The public conduct of this part of the meeting would be likely to result in</i>

	<p><i>46A (9) of the Local Government Official Information and Meetings Act 1987, being a report that the Chief Executive of the Gore District Council reasonably expects will be discussed with the public excluded.</i></p> <p><i>To enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7 (2)(h); and to enable the Council to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees in the course of their duty – Section 7(2)(f)(i)</i></p>	<p><i>the disclosure of information for which there is good reason for it being withheld. Section 48(1)(a)</i></p>
<p>5.3 Report from Chief Executive Appraisal Committee</p>	<p><i>This report is CONFIDENTIAL in accordance with section 46A (8) and 46A (9) of the Local Government Official Information and Meetings Act 1987, being a report that the Chief Executive of the Gore District Council reasonably expects will be discussed with the public excluded.</i></p> <p><i>To protect the privacy of natural persons – Section 7 (2)(a)</i></p>	<p><i>The public conduct of this part of the meeting would be likely to result in the disclosure of information for which there is good reason for it being withheld. Section 48(1)(a)</i></p>

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public.

AND THAT those in attendance be permitted to remain at the meeting.

The meeting concluded at 5.39pm

7. Reports for Information

7.1 Maitara Community Board meeting minutes

Report to:	Council
Meeting date:	Tuesday, 18 February 2025
Author:	Susan Jones
Author title:	Governance Manager
General Manager lead:	General Manager Corporate Support
Report date:	Wednesday, 5 February 2025
Confidentiality:	Public

Purpose

1. To provide the Council with a copy of the minutes of a Maitara Community Board meeting held on Monday 27 January 2025.
2. To recommend that the Council receive the minutes.

Recommendation

3. That the Council:
 - a) receive and note the minutes of the meeting of the Maitara Community Board held on Monday 27 January 2025.

Attachment

Minutes of the meeting of the Maitara Community Board held on 27 January 2025.

Minutes of a meeting of the Maitara Community Board, held at the Maitara Elderly Citizens Centre, McQueen Avenue, Maitara, on Monday 27 January 2025, at 5.36pm.

Present Nicky Coats (Chairperson), Cr Phillips, Laurel Turnbull, Colleen Te Au, Darren Matahiki and Steven Dixon.

In attendance His Worship the Mayor (Mr Ben Bell from 5.44pm), Parks and Recreation Manager (Mr Keith McRobie), Roading Asset Manager (Mr Murray Hasler) and Governance Manager (Susan Jones).

1. CONFIRMATION OF MINUTES

Clause 4 – Tulloch Park Development (Stage 2) – November progress update (SC1570)

The Board *noted* that an application to the Coster Fund would be made as a last resort if there were no other avenues of funding available for the project shortfall.

RECOMMENDED on the motion of Steven Dixon, seconded by Colleen Te Au, THAT the minutes of the ordinary meeting of the Maitara Community Board held on Monday 18 November 2024, as circulated, be confirmed and signed by the Chairperson as a true and complete record.

2. CULLING TERRACE WALKWAY UPDATE (SC3274)

The Parks and Recreation Manager advised K2 Kontracting would be on site later in the week to cut about 12 trees down. The rugby club would be responsible for removing the felled timber. The footpath work was likely to commence in mid-late February as part of the Council's footpath contract.

RECOMMENDED on the motion of Nicky Coats, seconded by Laurel Turnbull, THAT the report be received.

3. TULLOCH PARK PROGRESS UPDATE (SC1570)

A report had been received from the Parks and Recreation Manager that provided an update to the Board on the Tulloch Park redevelopment project. The final stages were underway with contractors on site from 21 January. The project had been delayed due to issues with obtaining a building consent. Funding from NZ Lotteries and the Tourism Infrastructure Fund (TIF) was contingent on the issuing of a consent. The splash pad provider, Coombes, was working directly with the main site contractor, Ajax. It was expected the 22,500 litre balance tank and precast toilet foundations would be paid early in the week of 27 January. Once the

foundations were in place, the site services would be installed and connected, followed by the building installation and concrete formwork. An indicative completion date was mid-March.

The Manager advised the balance tank would be installed on 29 January. Some preparatory work had been undertaken by Ajax. He added an application had been made to the Temanawa Fund that was administered by Active Southland towards an opening event. There had been \$1,800 approved for it. The YMCA had indicated it was also interested in running a weekly activation on site. The Chair said the activities would be run from the Bunker, but on fine days would be held at Tulloch Park.

The Chair asked if the opening could coincide with Children's Day on 2 March. The Manager said it could be very tight. He added the Council would probably not know until the project was completed in terms of what the final costs may be. The current unfunded balance was \$40,326.84. The Chair said a grant could not be applied for if the project had already been completed. In response to S Dixon, the Manager said there was a small contingency. He said the Council had a reasonable landscaping budget that could assist.

RECOMMENDED on the motion of Laurel Turnbull, seconded by Steven Dixon, THAT the Board receives and note the Tulloch Park development (Stage 2) progress update report.

4. MEETING SCHEDULE FOR 2025 (SC3535)

The following meeting schedule for 2025 had been proposed by the Governance Manager:

- Monday 10 March
- Monday 28 April
- Monday 9 June
- Monday 28 July
- Monday 15 September
- Election Day – Saturday 11 October
- Monday 3 November – statutory meeting
- Monday 24 November

RECOMMENDED on the motion of Colleen Te Au, seconded by Laurel Turnbull, THAT the above schedule of meeting dates for 2025 be accepted.

5. COSTER PARK CAMPERVAN DUMP STATION UPDATE (SC0613)

A report had been received from the Roding Asset Manager advising that quotes for two options for a proposed fence at the dump station site had been requested. One quote was for a timber paling fence and for the second, a solid metal panel fence, both 1.2m high. The Board's request for a lid on the dump station and hose for users to clean was being investigated.

The Manager advised a 300mm long hose was being sourced to attach to the dump station for cleaning purposes.

He added that he had received a quote for a timber paling fence at 1.2m high following the Board's on-site visit in November. The fence was proposed to be 4 metres long across the back and along the centre line of the dump station and 8 metres long towards the carpark. The quote received was \$3,147 plus \$300 for staining for an H3 timber fence with two rails. It would be sturdy and would comply with the fencing requirements in the Council's Subdivision Development Bylaw. A metal fence was likely to be more expensive and he recommended that unless a metal fence with solid panels was cheaper than the timber one, he would support the timber fence. The metal fences tended to be quite flimsy and may be more subject to graffiti. D Matahiki asked if a second quote would be obtained for comparison. The Manager said he could. In response to Chair, the Manager said the fence would have an open frontage. The consensus of the Board was for the fence to be 2.5m in length across the back.

His Worship clarified the fence was to screen the view of the dump station from the riverside? The Chairperson agreed and to also provide shelter. His Worship asked if it was appropriate to have a fence that could end up being covered with graffiti in the middle of town. He challenged the Board's thinking in providing something that would likely be vandalised. The Chairperson said she had noted a number of dump stations in other parts of the country with plantings around them. The Parks and Recreation Manager said he was happy to look at established plantings in consultation with the Roding Asset Manager, as an alternative to a fence.

In response to L Turnbull, the Roding Asset Manager said Custom Build was pricing an aluminium hinged lid for the dump station. L Turnbull thought there also needed to be a "keep clear" sign placed at the station to enable users to access the station and empty their tanks.

RECOMMENDED on the motion of Steven Dixon, seconded by Darren Matahiki, THAT the Roding Asset and Parks and Recreation Managers investigate the cost of suitable plantings to screen the Coster Park campervan dump station and report back to the Board.

6. DATE OF NEXT MEETING – Monday 10 March 2025, at 5.30pm.

The meeting concluded at 6.11pm

7.2 Creative Communities meeting

Report to:	Council
Meeting date:	Tuesday, 18 February 2025
Author:	Susan Jones
Author title:	Governance Manager
General Manager lead:	General Manager Corporate Support
Report date:	Tuesday, 11 February 2025
Confidentiality:	Public

Purpose

1. To provide the Council with a copy of the minutes of the Creative Communities Assessment Committee meeting, held on Monday 10 February 2025.
2. To recommend to the Council to receive and note the minutes.

Recommendation

3. That the Council:
 - a) receive and note the minutes of the Creative Communities Assessment Committee meeting, held on Monday 10 February 2025.

Context

4. The purpose of the scheme is to provide funding to communities so New Zealanders can be involved in local arts activities. The scheme supports a wide range of arts projects. The Council's Creative Communities Assessment Committee is comprised of elected member and community representatives who are familiar with the broad range of local arts activity.
5. Creative New Zealand, a Crown entity, works with district and city Councils in New Zealand to deliver the scheme. The Gore District Council receives a base grant of \$15,000 per annum, an allocation of \$0.60 per head of population and a GST component. A minimum of two funding rounds must be held each year.

Attachments

Minutes of the Creative Communities Assessment Committee meeting.

Gore District



Minutes of the Creative Communities NZ Assessment Committee meeting held on the Council Chambers, Gore District Council, 29 Bowler Avenue, Gore, on Monday 10 February 2025, at 3.25pm

Present Cr Glenys Dickson (Chairperson), Jo Brand, Jim Geddes and Bryan Griffiths.

Apologies Cr Bronwyn Reid apologised for lateness and Robyn Young and Lou Meehan apologised for absence.

In attendance Susan Jones (Governance Manager)

1. Conflicts of interest and resignation of member

No conflicts were declared.

The Assessment Committee noted with regret that Lou Meehan had tendered her resignation.

2. Minutes of previous meeting

RESOLVED on the motion of Jo Brand, seconded by Jim Geddes, **THAT** the minutes of the meeting held on Wednesday 14 August 2024, as circulated, be noted.

3. Late application

A late application received from Paul McLachlan had been circulated to the Assessment Committee.

RESOLVED on the motion of Jim Geddes, seconded by Jo Brand, **THAT** the late application from Paul McLachlan be accepted and considered.

4. Funding round 2 – 2024-25 applications

Creative New Zealand had provided \$22,500 to the Council for distribution in the 2024-25 year. The first round of funding was allocated in August 2024 with \$10,421 being distributed.

For the current round 2, five applications had been received, requesting a total of \$20,640. A total of \$12,079 was available.

- (a) Sunbeam Swingers** – towards a tribute show, *Jukebox Heroes*, to be held on 12 April. The show will also serve as a fundraiser for the Otago-Southland Rescue Helicopter Trust

Amount sought - \$3,438.50 (not registered for GST)

Jason Harvey was in attendance at the meeting and spoke in support of the application. He added a brass section involving school students would be included in this year's performance. Supporting community organisations was also important to the band and this year, the Otago/Southland Rescue Helicopter Trust would be the recipient.

It was noted that no volunteer time had been included in the application. Jason estimated there was about 200 hours spent on rehearsals by the band and others, and about another 100 hours spent by a small team organising and collating the event.

Jason departed meeting at 3.34pm

- (b) James Brodie** – towards a performance featuring indie songwriter *BRODIE'S acoustic storytellers show alongside a selection of local talents*. To be held at the Maitua Community Centre.

Amount sought - \$2,450.00 (not registered for GST)

James Brodie attended the meeting via Teams at 3.35pm and spoke in support of the application. He departed at 3.40pm.

- (c) NZ Country Music Festival Trust** – towards the costs of printing the *Tussock Country programme for the festival to be held between March and June 2025*.

Amount sought - \$10,751.71 excl GST

- (d) Baroque Music Community and Educational Trust of New Zealand** – towards a *Bohemian Baroque concert tour to Gore, to be held at the St Andrew's Church in February 2025*.

The Governance Manager advised an incorrect figure had been included on the application under income. The estimated ticket sales from the Gore concert should have read \$750, not \$1,500 as indicated.

Amount sought - \$2,000 (not registered for GST)

- (e) Paul McLachlan** – towards creating a mural at Maitua primary school, with the official unveiling planned for the school's 150th jubilee, an event expected to bring together over 500 attendees on 14-16 March 2025. The mural will celebrate the school's history, the local community's identity and the natural and cultural landmarks that define Maitua.

Amount sought - \$2,000 (not registered for GST)

The Assessment Committee considered the applications. In relation to the Sunbeam Swingers application, it took account of what Jason Harvey had estimated in terms of volunteer hours. It agreed that the value of the volunteer hours should be factored in.

RESOLVED on the motion of Jo Brand, seconded by Jim Geddes, THAT grants be approved to the following recipients:

Organisation	Amount approved
Sunbeam Swingers	\$3,438.50
James Brodie	\$2,450.00
NZ Country Music Festival Trust	\$3,000
Baroque Music Community and Educational Trust of NZ	\$1,000
Paul McLachlan	\$2,000
Total	\$11,888.50

AND THAT the balance of \$190.50 be carried forward to the 2025-26 funding year.

Bryan Griffiths noted it was Susan Jones' last meeting and extended a vote of thanks to her for her work with the Committee over the past few years.

The meeting concluded at 3.52pm

7.3 Management Accounts to 31 December 2024

Report to:	Council
Meeting date:	Tuesday, 18 February 2025
Author:	Michelle Nicholls
Author title:	Senior Finance Manager
General Manager lead:	General Manager Corporate Support/Chief Financial Officer
Report date:	Wednesday, 12 February 2025
Confidentiality:	Public

Purpose

1. To inform the Council on the financial performance of the Council for the six months to 31 December 2024.

Recommendation

2. That the Council:
 - a) receives and notes the management accounts to 31 December 2024.

Executive Summary

3. The Council has recorded a \$179k deficit as at 31 December 2024. This is favourable compared to a budgeted deficit of \$1.005 million. The key drivers being the financial contributions received for the Library redevelopment project and the second stage of the Kaiwera Wind Farm.
4. There are a number of other variances within the revenue and expenditure categories some favourable and unfavourable items of smaller value.

Context

5. The detail discussed in this report is to keep the committee informed and up to date with the financial performance of the Council through the provision of monthly management accounts.

Discussion

6. The management accounts to the 31 December 2024 contain the Council's overall position, and cost centres that have material variances that require an explanation.

Reference

Annual Plan 2024/25 (<https://www.goredc.govt.nz/council/official-documents/annual-plan>)

Annual Report 2023/24 (<https://www.goredc.govt.nz/council/official-documents/annual-report>)

Attachments

Management Accounts to 31 December 2024

**Gore District Council
Management Accounts to 31 December 2024**

**Statement of Income and Expenditure
For the 6 Months Ended 31 December 2024**

	Actuals \$000	Current Budget \$000	Variance \$000	Fav/ Unfav	Annual Current Budget \$000	% of Annual Budget
Income						
Rates	13,577	13,580	(3)	U	27,161	50%
Subsidies and grants	2,699	2,794	(95)	U	5,589	48%
Fees and charges	2,492	2,366	126	F	4,580	54%
Investment income	246	132	114	F	265	93%
Other income	1,078	106	972	F	212	508%
Internal overheads	5,272	5,260	12	F	10,519	50%
Income total	25,364	24,238	1,126	F	48,326	52%
Expenditure						
Employee costs	5,089	4,861	(228)	U	9,712	52%
Finance costs	1,411	1,253	(158)	U	2,506	56%
Depreciation	4,717	4,622	(95)	U	9,243	51%
Other expenses	9,054	9,247	193	F	18,513	49%
Internal overheads	5,272	5,260	(12)	U	10,519	50%
Expenditure total	25,543	25,243	(300)	U	50,493	51%
Surplus (deficit)	(179)	(1,005)	826	F	(2,167)	8%

Commentary on significant variances

Income

Fees and charges

Fees and charges are favourable \$126k. This favourable variance is mainly due to higher than budgeted trade waste charges of \$78k.

Other income

Other income is favourable by \$972k mainly due to financial contributions received. The final contribution from Mataura Valley Milk of \$196k was received for the Library redevelopment project. A financial contribution of \$708k was also received for the second stage of the Kaiwera Downs wind farm project as a condition of their resource consent. In line with the Council's policy, this financial contribution has been invested in a term deposit for a period of at least 12 months, whilst a decision is made by the Council on what this contribution should fund.

Expenditure

Employee costs

Employee costs are unfavourable by \$228k. This relates to unbudgeted costs arising from an internal restructure. This will pull back over the second half of the financial year as the Council is carrying a number of vacancies.

Finance costs (interest expense)

Finance costs are higher than budget by \$158k. The treasury advice received has indicated that interest rates have reached their current peak and should be starting to come back down.

Other expenses

Other expenses are favourable by \$193k which is spread across a number of areas and is mostly due to timing differences. Expenditure on chemicals is favourable by \$100k, contractors/consultants are currently overall also favourable \$97k.

**Income and Expenditure by Department
For the 6 Months Ended 31 December 2024**

Department	Income						Expenditure						Totals				
	Current				Annual	% of	Current				Annual	% of	Current				Annual
	Actuals	Budget	Variance	Fav /	Budget		Annual	Actuals	Budget	Variance	Fav /		Budget	Annual	Actuals	Budget	Variance
	\$000	\$000	\$000	Unfav	\$000	Budget	\$000	\$000	\$000	Unfav	\$000	Budget	\$000	\$000	\$000	Unfav	\$000
3 Waters	5,339	5,270	69	F	10,541	51%	5,633	5,824	191	F	11,643	48%	(294)	(554)	260	F	(1,102)
Aquatic Services and Stadiums	1,249	1,224	25	F	2,449	51%	1,302	1,265	(37)	U	2,526	52%	(53)	(41)	(12)	U	(77)
Arts and Heritage	532	519	13	F	1,039	51%	581	525	(56)	U	1,050	55%	(49)	(6)	(43)	U	(11)
Corporate and IT	4,048	3,876	172	F	7,752	52%	3,873	3,836	(37)	U	7,752	50%	175	40	135	F	-
Libraries	655	645	10	F	1,291	51%	700	660	(40)	U	1,318	53%	(45)	(15)	(30)	U	(27)
Parks and Reserves	2,965	2,703	262	F	5,406	55%	2,706	2,755	49	F	5,498	49%	259	(52)	311	F	(92)
Property	1,186	1,301	(115)	U	2,601	46%	1,195	1,336	141	F	2,672	45%	(9)	(35)	26	F	(71)
Regulatory	2,866	1,951	915	F	3,749	76%	3,092	2,466	(626)	U	4,924	63%	(226)	(515)	289	F	(1,175)
Roading	3,754	4,115	(361)	U	8,231	46%	3,872	3,924	52	F	7,845	49%	(118)	191	(309)	U	386
Solid Waste	1,779	1,724	55	F	3,447	52%	1,698	1,724	26	F	3,447	49%	81	-	81	F	-
Other	991	910	81	F	1,820	54%	891	928	37	F	1,818	49%	100	(18)	118	F	2
Total	25,364	24,238	1,126	F	48,326	52%	25,543	25,243	(300)	U	50,493	51%	(179)	(1,005)	826	F	(2,167)

Commentary on significant variances

3 Waters

There is an overall favourable variance in the 3Waters activities. In revenue there is a \$69k favourable variance due to higher than budgeted trade waste charges of \$78k. Expenditure is favourable by \$191k across a number of areas, including chemicals \$97k and contractors/consultants \$79k.

Corporate and IT

The \$135k favourable variance for Corporate and IT is largely due to higher than budgeted investment income of \$114k and higher than budgeted rates penalties revenue of \$35k.

Parks and Reserves

Parks and Reserves is currently recording a favourable variance overall of \$311k. This favourable variance is largely due to Better Off and NZ Lotteries funding taken up this year for the redevelopment of Tulloch Park of \$273k. This income is offset by the capital expenditure for that project.

Regulatory

Regulatory is currently recording a favourable variance overall of \$289k. Income is \$915k favourable due to the financial contributions received from Mataura Valley Milk of \$196k for the Library redevelopment project and \$708k the second stage of the Kaiwera Downs wind farm. Expenditure is higher than budgeted by \$626k due to higher than budgeted District Plan related expenditure of \$703k.

Roading

Roading is currently recording an unfavourable variance of \$309k. This is largely due to an unfavourable variance in income of \$361k. This is a timing difference and will come back as the roading programme of work comes into its busy period.

Other

The \$118k favourable variance in Other is due to higher than budgeted revenue across a number of areas and lower than budgeted grants expenditure \$63k due to timing differences.

Capital Expenditure by Department For the 6 Months Ended 31 December 2024

Department	Actuals \$'000	Current Budget \$'000	Variance \$'000	Annual Current Budget \$'000	% of Annual Budget Spent
3 Waters	466	1,091	625	7,537	6%
Aquatic Services and Stadiums	3	91	88	362	1%
Arts and Heritage	91	-	(91)	-	0%
Corporate and IT	92	97	5	194	47%
Libraries	43	71	28	142	30%
Parks and Reserves	518	222	(296)	444	117%
Property	116	198	82	910	13%
Regulatory	50	38	(12)	75	67%
Roading	1,154	1,166	12	3,572	32%
Solid Waste	39	52	13	103	38%
Other	-	8	8	15	0%
Total	2,572	3,034	462	13,354	19%

Commentary on the capital expenditure

More detailed information on specific capital projects is included in reports to the Assets and Infrastructure Committee.

3 Waters

The Mataura River crossing project had been budgeted to be complete this financial year \$3.9m. The project has started later than originally budgeted and will continue into the 2025/26 year.

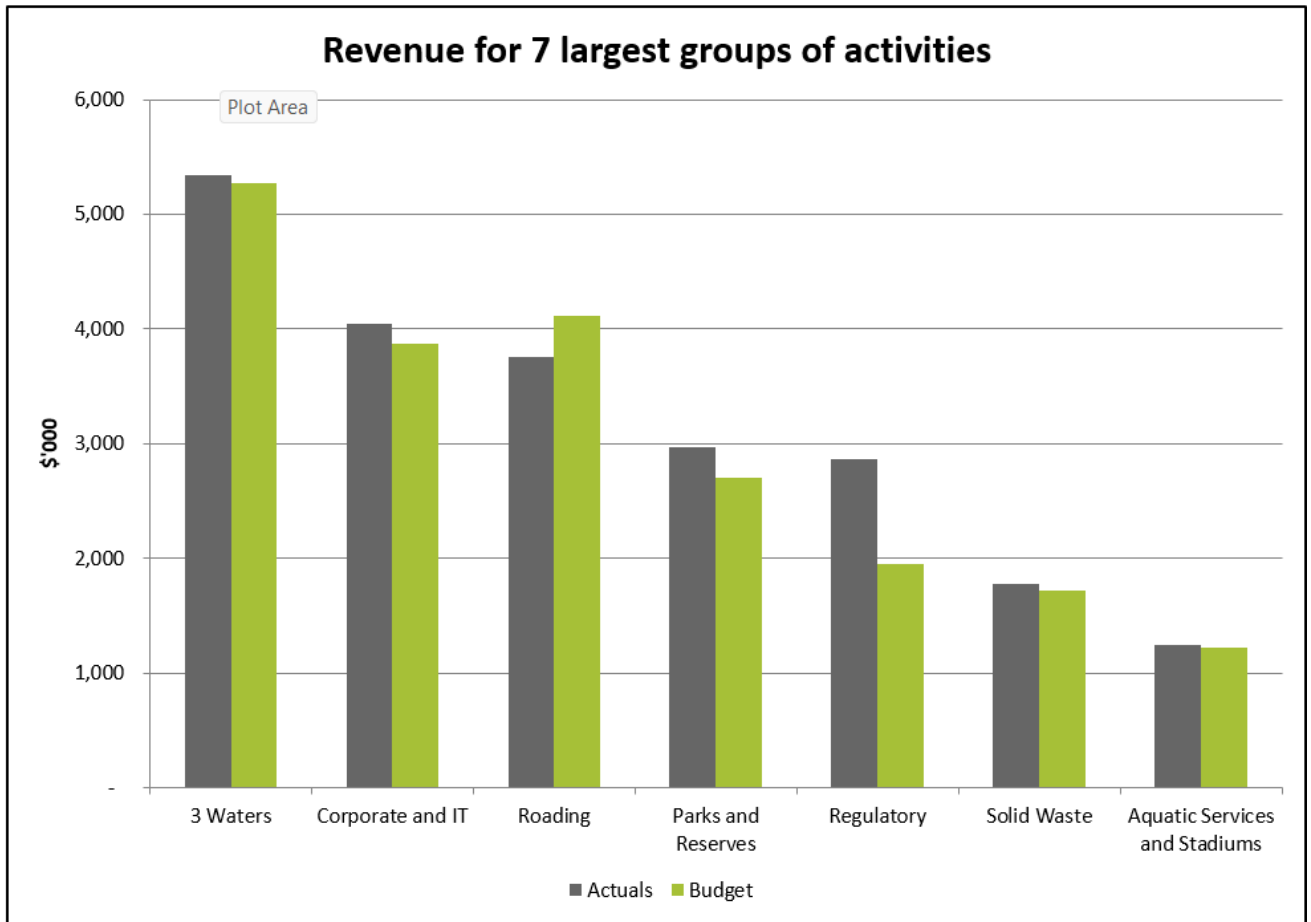
Arts and Heritage

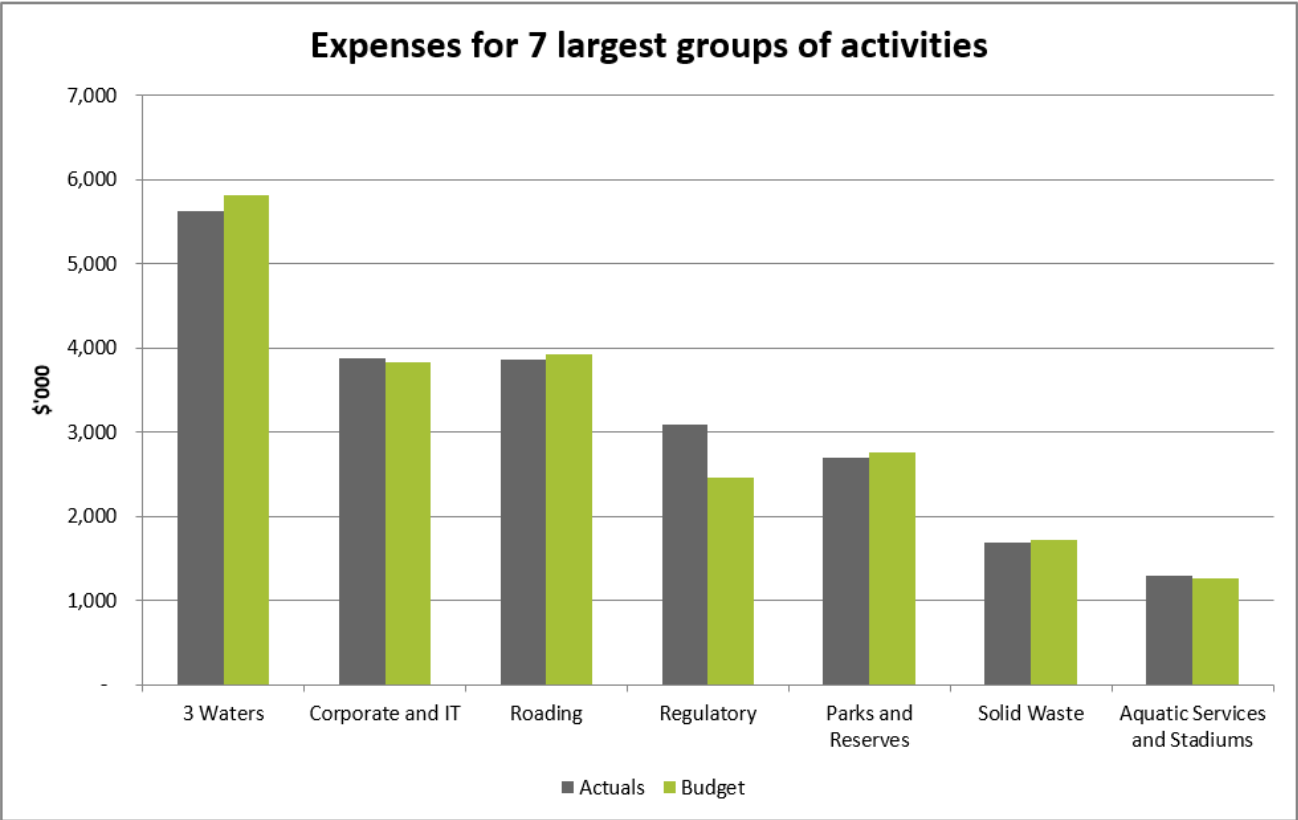
The variance in Arts and Heritage relates to renewals which were budgeted for in the 2023/24 financial year, as well as the Waikaka Valley windmill related expenditure that is fully offset by external funding received from the Government.

Parks and Reserves

Parks and Reserves are currently undertaking the redevelopment of Tulloch Park. The spend to date this financial year is \$273k. This expenditure is fully offset by Better Off funding as well as funding received from NZ Lotteries. This project had been budgeted in the Council's 2021-2031 Long Term Plan to be undertaken in the 2022/23 financial year.

Additional graphs for information





8. Reports for Decisions

8.1 Report on request to pause the proposed District Plan

Report to:	Council
Meeting date:	Tuesday, 18 February 2025
Author:	Debbie Lascelles
Author title:	Chief Executive
General Manager lead:	Jason Domigan
Report date:	Wednesday, 12 February 2025
Confidentiality:	Public

Purpose

1. To report back to the Council on advantages and disadvantages associated with a request in a letter seeking that the Council pause the proposed District Plan (PDP) process.
2. To recommend to the Council that this request is refused.

Recommendation

3. That the Council:
 - a) receives and notes the *Report on request to pause the proposed District Plan*; and
 - b) declines the request to pause the District Plan on the basis that the request is not consistent with the Council's statutory and regulatory obligations.

Executive Summary

4. The district plan is a critical document for local government because it enables development in the right places, while also protecting the District's environment and natural features for future generations. Considerable time, effort and financial resources have gone into the review of the District Plan.
 5. To date there have been a range of public consultation processes to develop the PDP. The current public hearings process involves more than 158 submitters from the community and across many business and government entities with interests in infrastructure and developments in the district. As a part of the current PDP process all submitters' points on each of the PDP rules and other provisions are considered and decided upon in order to create a district specific plan, designed to support development over the next 10-15 years.
 6. The Council level PDP process is now 95% complete, and decisions are expected to be issued before August 2025.
-

7. The Council has taken legal and planning advice on the matters raised in the pause request, which confirms that:
 - Under the Resource Management Act 1991, the Council has an obligation to ensure all decisions on the PDP are issued by 31 August 2025. If this requirement is not met, the Council must request an extension from the Minister for the Environment and give reasons for any delay beyond this date.
 - The current and upcoming resource management (RM) reforms will not significantly disrupt the PDP, and in fact there will only be minimal changes required to the PDP over the next two-five years in response to the anticipated legislative change.
 - A detailed review of the RM reforms against potential changes to the PDP rules has been conducted by Council's consultants. This confirms no changes are expected to the vast majority of the 46 chapters of the PDP, and only minimal change anticipated for six chapters over the next one-two years. RM reforms that have already been enacted or which are operative have already been factored into the current PDP process. The extent of change is well within what we have already seen in the resource management sector during the past 3-5 years.
 - The majority of the key RM reforms under way and still in the pipeline are directed to matters managed by Regional Councils, not District Councils or address housing issues in larger urban areas. The expected changes to regional management of water and discharge management would appear to be the 'red tape' matters that the Prime Minister was referring to at the recent community meeting in Gore that is referred to in the pause request.
 - As a part of the reforms, it is clear that a combined regional approach to planning will need to be adopted in the next five years, and with this in mind it will actually be significantly to the Gore District Council's (GDC) advantage to have a recently developed district plan in place before this occurs. This will better enable the Council to ensure it is properly provided for when feeding into a regional plan approach with the Invercargill City and Southland District Councils and Environment Southland. Conversely, if the current operative district plan, which is significantly dated and no longer provides appropriate direction for the district, remains in place then the Council may find itself significantly disadvantaged in those negotiations and subsequent plan development process.

Context

New District Plan overdue

8. The district plan is a rulebook for the community, enabling growth and prosperity while ensuring there are also rules in place to manage effects on the environment and other things people value. The rules of a district plan set out what activities people can do as of right (permitted activities), and what activities need resource consent. There are different classes of resource consent, with the most straight forward requiring minimal processes eg to check safe floor levels in a flood prone area, through to more complex consents where an activity is not expected in a particular zone eg industrial activities in a residential area.
9. The current District Plan became operative in 2006 and was very outdated and overdue for review at the time the PDP was notified. Work to review the Operative District Plan (ODP) and develop the PDP commenced in June 2020 and has included considerable input from both

elected members, the general public, Government Agencies and other key stakeholders. The PDP has been developed in partnership with Hokonui Rūnanga.

10. The PDP was notified on 31 August 2023. Under the RMA all decisions on the notified plan must be issued within two years of notification, so by 31 August 2025.
11. The Proposed District Plan has been designed especially to:
 - reflect existing land use patterns and aspirations of landowners for future development opportunities;
 - avoid unnecessary resource consents and regulation;
 - provide opportunities for growth and protection for the important features and assets within the district, including enabling the development of 650-860 new dwellings in the next 20 years, and providing for new industrial areas to support industry growth;
 - protect highly productive land and reduce fragmentation of this important resource;
 - meet the Council's obligations to align with national planning documents issued by the Government.

Public process followed for PDP

12. A summary of the consultation and public processes followed for the PDP is set out in *Attachment 8* to this report. This information shows that there have been multiple public processes and opportunities for community feedback on the PDP before and after its notification. The current PDP hearings process is fully public, with multiple opportunities for submitters to attend the hearings and speak on the topics that affect them. Over the last five years, representatives and entities from almost all corners of the community have been engaged by the Council on this planning document.
13. The public PDP process directly follows the requirements of schedule 1 to the Resource Management Act 1991, and provides full opportunity for the community, wider region and national stakeholders to express their views on plan provisions. The hearing process has also provided an opportunity for recommended refinements to provisions, including making some rules more enabling and adjusting zoning to reflect particular aspirations.

Overview of national planning standards for district plans

14. It is necessary for the PDP to adopt the framework and definitions in the National Planning Standards, and then adopt district specific approaches that also reflect best practice across New Zealand. This national requirement is why the format of the PDP has changed from the previous district plan, but as stated above, the Council has no choice but to follow this format.
15. In developing the PDP, the Council has had input from expert planners, traffic engineers, infrastructure specialists, natural hazard experts, heritage experts, and economic experts who have prepared comprehensive reports to support growth and development. Also, mana whenua on implementation of the Āpiti Hono, Tātai Hono assessments, landscape experts and ecologists, noise engineers and geotechnical engineers.
16. The approach taken in the PDP is similar to, and in many places more permissive than comparable district plans elsewhere in New Zealand. An overview of this is provided at *Attachment 7: Examples from other comparable district plans*. This comparative analysis highlights that the Gore PDP:
 - a) Is no more onerous or restrictive;

- b) Has a similar structure and content;
- c) Contains provisions which are directly comparable including:
 - i. Protection of heritage and cultural values;
 - ii. Restrictions on indigenous vegetation clearance;
 - iii. Management of activities through development of zones;
 - iv. Management of natural hazards and other matters which may adversely affect people's amenity values;
 - v. Provision of land for growth; and
 - vi. Provision for infrastructure development.

PDP hearings to date

17. A hearing timetable for the PDP hearings was confirmed in April 2024. For each of the hearings the following steps are taken:
 - All public submissions on each topic are specifically assessed and a further recommendation report (called a section 42A report) prepared to assist the Panel with its decisions and circulated to submitters.
 - The section 42A report will commonly include further development of the rules under discussion to directly respond to the issues raised by the submitters and seek to accommodate their concerns wherever possible.
 - Further evidence or other documents are provided to the panel by submitters attending the hearing, and then submitters come to the hearings to speak in support of the changes they are seeking.
 - Legal submissions may also be prepared and given at the hearing by lawyers appearing for the Council and/or the submitters.
 - The Panel will commonly ask submitters a range of questions to seek to refine the various provisions in response to the issues raised by each submitter.
18. Hearings for 44 (of 46) chapters of the PDP have been completed or are nearly complete.
19. There are currently three hearings scheduled to occur after the Council meeting on 18 February 2025. Two hearings are for the final two chapters of the PDP to be heard, and then a final wrap up hearing to pick up any remaining integration or 'mop up' issues. The wrap up hearing is scheduled to start on 7 April 2025 and ensure consistency across the plan.
20. The majority of the work associated with PDP hearings is either complete (the completed 44 chapters), largely complete (two chapters with further information to be discussed, and two chapters which have not yet been heard but are scheduled for 24 Feb and 10 March 2025), or in progress (preparation for the wrap up hearing) with some limited pre- and post-hearing work likely for all the latter three hearings.
21. Decisions are expected to start issuing following the wrap up hearing through to August 2025, before the conclusion of the current triennium and the new election cycle. An overview of the hearings completed between June 2024 – February 2025 and the dates of the remaining two

scheduled hearings is set out in *Attachment 3: Overview of completed and scheduled PDP hearings*.

22. As a part of the PDP process to date there have been several requests from submitters on the plan, that have asked the Panel to delay, pause or amend the hearings timetable. Those applications have been considered and determined by the Panel in accordance with their delegations and with careful consideration of the Council's obligations and the requirements of the Resource Management Act 1991. An example of one such request, was the request from Southland Federated Farmers made in October 2024 that sought a change to the timetable for hearing the Sites of Significance to Māori chapter of the PDP. The Panel accommodated this request by providing for a second hearing to proceed in February 2025 (after the first step of this hearing which was held on 5 December 2024) to enable Southland Federated Farmers to present its case on this topic (Minute 25, issued by the Panel on 6 November 2024).

The Council's obligations under the RMA

23. Council currently has a statutory requirement to deliver decisions by August 2025. If Council delays the PDP process past this date, it must seek special permission of the Minister for the Environment. When making a request for an extension to this legislated timeframe Council must take into account the following¹:
 - The interests of people who may be directly affected by the extension;
 - The interests of the community in achieving adequate assessment of the effects of the PDP.
 - Council's duty under the RMA to avoid unreasonable delay in issuing a decision.
24. The views of submitters who are directly engaged with the PDP process should take priority over persons who have not decided to become personally or professionally involved in the process.
25. Without clear resource management based reasonings for the requested extension there may be a higher likelihood that the request might be refused.

Discussion

Testing whether RM reforms call for a pause

26. The Council's legal advisors and planning consultants have carefully considered the extent to which the Government's RM reform programme will engage with the Council's PDP in order to test the assertions of people from the community that the pause request is needed to accommodate the Government's RM reforms, and/or that the RM reform programme will have a significant impact on the PDP.
27. An overview of the RM reform programme has been prepared by the Council's legal advisors and is provided at *Attachment 9: Summary of RM Reforms*. This information was drawn from an analysis of:
 - Phases 1 and 2A of the completed RM Reform programme, being the repeal of the Natural and Built Environment Act and Spatial Planning Act and the enactment of the Fast Track

¹ RMA Schedule 1, Clause 10(A)

Approvals and Resource Management (Freshwater and Other Matters) Amendment Act 2024. Because they are in force, the latter legislation has been taken into account in the PDP process where appropriate.

- Phase 2B of the RM reform programme, which consists of the current Resource Management (Consenting and Other System Changes) Amendment Bill.
 - Phase 3, which is projected to include two bills to replace the RMA.
28. Using the information released by the Government to date it has been possible to analyse the extent to which recent reforms, the current bill and planned further reforms will engage with the PDP management of land use in the Gore District. A summary of the detailed analysis of that programme of reform relative to each of the chapters of the PDP is provided in *Attachment 2: Analysis of RM Reform topics relative to PDP chapters*.
29. In summary that analysis concludes that:
- There is expected to be no change to 39 chapters of the PDP from the current programme of RM reform.
 - There is expected to be minimal change to 6 chapters of the PDP from the current programme of RM Reform.
30. It is important to note that the RM reform information released to date also confirms a clear intention to require combined regional plans to be in place within a relatively short timeframe as part of Phase 3 of the reforms. This would require the Council to combine its RMA planning document with Southland District Council, Invercargill City Council and Environment Southland. In this situation, the Council may be significantly disadvantaged if it *does not* have a recent district plan in place that is in the national planning standard format and adequately provides for and details the district's core interests and requirements. This consideration tends to strongly support the need for the PDP process to continue without a pause.

Nine-month timeframe of proposed pause

31. The request to the Council seeks a pause of nine months to the PDP process. There is no clarity of why this timeframe has been proposed, and the Council's advisors have not identified any specific steps in the RM reform programme that will make material changes by then.
32. The RMA requires the Council to have a reviewed district plan in place. The RM Reforms are not expected to change this. The review of the first district plan is already well overdue both in terms of RMA requirements, and also in terms of changes that have occurred across the District over the past 20 years.
33. Even if a nine month pause could be justified by the Council and the Minister granted an extension to the legislated timeframe for PDP decisions, the PDP process would still need to resume by 1 November 2025. The PDP hearings would then continue perhaps December 2025-February 2026, with the PDP decisions to be issued in early 2026.

Lost opportunities if PDP pause request is granted

34. There will be loss of growth and development opportunities if the PDP process is paused. This is because the PDP rules will pave the way for new subdivision and land developments in Gore and other parts of the district. Loss of these opportunities will have adverse consequences for economic growth because of the resulting delays the PDP will create for residential and business expansion.
35. While a delay has been sought by some groups within the community, there are also number of parties who are submitters on the plan who are likely to be significantly impacted by delaying the process. A number of these parties have expended considerable time, effort and cost on participating in the PDP process to date and have legitimate expectations that Council will issues its decisions on the notified PDP within the timeframe originally planned in April 2024, and before 31 August 2025 (being the expected timeframe for decisions set in the RMA).
36. Evidence provided to the Panel hearings indicates that business decisions have been and are being made based on the projected PDP timeframe, and there are opportunities for growth in the district that may be lost if the PDP process is paused in line with the present request.

Positive growth outcomes expected from the new district plan

37. The Council's consultants have identified the following growth outcomes and development opportunities that will likely be provided from the date that decisions on the PDP are made (depending on the Panel's decisions). A number of submitters who were opposed to pausing the District Plan made comments aligned to the impact of delaying these positive outcomes:
 - Land developers such as Charlton Rise Limited (Submitter 100), Dwayne Smith (Submitter 5) and McNab Management Limited (Submitter 103) who support the enabling of large areas of additional land re-zoned to enable residential and rural lifestyle development in the district;
 - The PDP enabling minor units in residential zones to accommodate the ageing population, encourage additional rental properties and in turn providing secondary income options for all residents;
 - Kowhai Trust (Submitter 42) seeking additional rural lifestyle development which Council Officers supported following evidence presented at the hearing;
 - The introduction of a Rural Lifestyle zone enabling further subdivision of existing fragmented land in order to protect highly productive land;
 - The introduction of Settlement zones to recognise Mandeville, Waikaka and Pukerau and thereby support and enable township activities which are not presently provided for at all in the ODP;
 - Additional industrial zoning to support existing businesses in the Gore District such as Mataura Valley Milk and Alliance Group Ltd (Submitter 101);
 - Additional industrial zoning in Gore South to support growth of new business, in response to the shortfalls identified through the Spatial Plan and reports analysing business growth in Gore;
 - Establishing Māori Purpose Zones to give positive opportunities for specific developments to enable social, economic and cultural well-being for Māori;
 - Providing for and enabling quarry operations at the New Vale site for submitter Greenbriar Ltd (Submitter 128);

- Generally enabling new and additional consenting pathways proposed through the PDP General Rural Zone chapter;
 - Substantial regulatory relief for infrastructure providers such as the Telcos and the fuel companies, including the inclusion of an Energy Chapter to align with National Direction supporting renewable energy;
 - Key infrastructure operators such as NZTA (Submitter 112), Transpower (Submitter 101) and KiwiRail (Submitter 132) and aligning the PDP with National Direction;
 - The inclusion of Special Zones and other PDP provisions to recognise and provide for community activities including the Charlton Aerodrome, the A&P showgrounds, Field Days, the Mandeville Aviation and Rail Precinct, the Gore multi-sports centre, Dolamore Park and Camp Colomba (Submitter 61).
38. It is also important to note that the Council is itself seeking additional protections in the PDP for its own infrastructure, including:
- GDC-5 Jacobstown Wells water supply
 - GDC-6 Matura water supply treatment plant
 - GDC-7 Matura wastewater treatment plant GDC-8 Gore wastewater treatment site
 - GDC-9 Waikaka wastewater site
 - GDC-10 East Gore water treatment and pump station
 - GDC-11 Hilbre Avenue water supply treatment
 - GDC-12 Gore Transfer Station

Additional financial costs of PDP process due to pause

39. A large group of people are currently mobilised around the current hearings process. Pausing the process will come at a cost to the Council and submitters, some of whom have their own advisors, consultants and lawyers. The current costs of the PDP process have been anticipated and budgeted for in the current LTP.
40. An analysis of the costs and benefits of the pause request has been completed by the Council's consultants at The Property Group and is provided at *Attachment 4: Cost/benefit analysis of pause request*. This analysis confirms that there will be additional expenses for Council if the PDP process is paused. These additional and unbudgeted costs need to be carefully evaluated against any possible advantages of pausing the process.
41. It is expected that if there is a pause in the process there will also be additional costs incurred by many submitters, both large and small. Like the Council, these groups will have a range of 'sunk costs' from the current process, and would then need to incur new costs at a later date in order to participate in any resumed PDP process.

Procedural fairness and issues of natural justice

42. Where a party has had notice of the PDP process, has participated in that process on the basis of a publicised timeframe, and invested (sometimes considerable) resources in the process with an expectation of an outcome before August 2025, the Council must act cautiously in changing that process.

43. As set out in *Attachment 1*, the Council has a general obligation under the RMA to exercise powers and functions as promptly as is reasonable (section 21); and a duty to use timely, cost effective and efficient processes proportionate to the issue (section 18A). These obligations apply in a general manner to the processing of the PDP and issuing of decisions following hearings.
44. Some submitters have placed reliance on the PDP process being completed and new plan provisions in place within an expected timeframe in their business decisions. Some parties may even be awaiting those decisions to commence developments and or begin steps to grow new business.
45. The Council's legal advisors have confirmed that these factors raise potential issues of fairness which may arise if a decision is made to pause the PDP process. Issues of fairness or unreasonableness are able to be pursued by a party through judicial review of a Council's decision. Further analysis of these matters is provided as a part of the Council's legal advice at *Attachment 1: Legal advice on Council's LGA & RMA obligations*.

Legal effect of certain rules

46. Some provisions in the PDP are required to have had legal effect, meaning landowners are required to comply with those provisions now. These rules have been negotiated as part of the hearing process and the new decisions will go into the PDP and can take effect from the date those decisions are issued by the Panel. In many cases the decisions (newer) version of these rules have been agreed with interested parties and are expected to be much more refined and appropriate for the district.
47. Creating a pause on the district plan process will therefore mean that the less appropriate or acceptable rules for the community will continue to have legal effect for longer. In contrast, not pausing so that decisions are issued on these rules within the original timeframe is very likely in many cases to actually result in positive benefits for those landowners interested in these rules.

Complexity of resource consent processes during pause period

48. While the PDP processes are underway and before decisions are issued on the PDP, in many cases, the Council consenting team must take account of the current district plan and the proposed district plan when considering consent applications. Having both plans in place for longer, including for the duration of a nine month pause, will prolong the period within which there is a higher level of complexity in resource consent processes.

Logistics of implementing a pause

49. Aside from the substantive implications of a pause to the plan process traversed above, there are also operational matters that need to be considered about how a pause might be implemented.
50. The Council delegated authority to the hearings panel to consider and issue decisions on the PDP in 2024. If the pause request is to be granted, then that delegation would need to be suspended for 9 months under standing order 24.1.
51. Legal advice is that Council would also need to provide a special direction to the Hearing Panel before that revocation or suspension takes effect, to require the Hearing Panel to cancel procedural directions already made for submitters to provide evidence and set the hearing

timetable (under standing order 6.6 that requires Committees to carry out special directions from the Council).

52. If the Council approves a "pause", the Council would also need to delegate to the Chief Executive the power to take all necessary steps to implement such a pause. These include authority to:
 - a) give public notice of the Council's decision;
 - b) negotiate changes to contractors' current contracts; and
 - c) Apply to the Minister for the Environment for permission to exceed the current statutory deadline for decisions on the plan by 31 August 2025.
53. A later formal decision would then also need to be made to re-commence the PDP process, including providing for new delegations to a hearing panel. It is not clear whether the current panel would still be available at that time, but if different Commissioners were required this would need to be properly accommodated in the new process to be followed. Subject to what decisions are made at that time, a new round of updating hearings would most likely need to be held to ensure all evidence and decisions are correct for submitters' current positions (at that time) and the applicable framework of legislation and national policy.
54. Further advice on the legal requirements for implementing any pause request is provided in *Attachment 1 Council's obligations under the LGA and RMA*

Logistics of a partial pause

55. As set out in paragraphs 43-46, there are matters of procedural fairness that arise in considering whether the pause request might be applied to PDP topics that have already been heard. These issues may arise to a lesser degree where they have not been heard and/or are logically separable from the wider network of PDP rules.
56. As set out above hearings have been held to consider 44 chapters of the PDP by 18 February 2025 with two further chapters scheduled for hearings in the weeks of 24 February 2025: Ecosystems and Indigenous Biodiversity (ECO) and 10 March 2025: Natural Hazards, with a wrap up hearing to follow in the week of 7 April 2025.
57. In terms of these final two topics it is also noted also that:
 - the natural hazards topic is a matter of national significance, so there may be a higher expectation that this issue will be provided for in any PDP.
 - Planning advice received by Council also indicates that the natural hazard rules are intricately woven through the PDP so are likely to be relatively complex to separate from other topics.
 - Any natural hazard rules which may be re-notified may take immediate effect due to changes made by the recently introduced Resource Management Bill, which means that these rules could have wider immediate impacts for landowners than if the current process on this topic was continued.
 - the ECO chapter is also a matter of national significance, which again may therefore carry a higher expectation that it be provided for in the PDP.
 - withdrawal of the ECO topic could have implications for funding from Environment Southland that might be available to implement initiatives under the current format.
58. Consideration of a partial pause would need further investigation and consideration in terms of the interrelationships within the other plan provisions and the logistics of seeking to hold back certain parts of the plan while others proceed to have decisions issued; and secondly in terms

of the logistics of suspending only parts of the delegations to the Hearing Panel, seeking of an extension from the Minister for certain topics as set out in the discussion in the previous section of this report at paras 50-55.

Options

59. The principal three options the Council could adopt in response to the pause request are:

Option 1: Decline to progress the pause request so that the PDP process will continue

Option 1: Summary of advantages and disadvantages	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Maintain process to ensure legislated timeframe for decisions on PDP can be met. • PDP decisions part of plan process will be completed before the end of the current triennium. • Substantial growth and development opportunities which are being enabled through the PDP will be promoted by the Council on the quickest available timeframe. • Ensures additional regulatory protections over the Council's assets and infrastructure are provided on the quickest timeframe available. • Ensures additional regulatory protections and enabling provisions for large scale, public and government infrastructure in the district eg NZTA, KiwiRail, telcos, Transpower, fuel companies are provided in the PDP in the shortest timeframe. • Costs of the PDP process have already been budgeted for in the current LTP. • No additional costs are expected for Council and/or submitters involved in the PDP process, who have already completed 99% of their work on the PDP hearings process to date. • The PDP aligns with national planning standards and other national direction and regional policy. • New PDP will take a stronger weighting as decisions on submissions are issued, and the more permissive and 	<ul style="list-style-type: none"> • Does not align with request for pause sought by a number of ratepayers (representing 7% of submitters to the PDP).

<p>streamlined consenting approach in the PDP will become increasingly effective.</p> <ul style="list-style-type: none">• It will be helpful for the more refined and less restrictive rules in the PDP on certain topics covered by section 86B of the RMA to take legal effect after decisions are issued by the Panel, in place of notified versions of these rules.• Most risk averse option in terms of judicial review.	
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Option 2: Grant the pause request and make decisions to defer the PDP hearings and related PDP steps for a period of nine months (thereby pausing the whole PDP process for nine months)

Option 2: Summary of advantages and disadvantages	
Advantages	Disadvantages
<ul style="list-style-type: none"> Align with request for pause sought by a number of ratepayers (7% of submitters to the PDP). 	<ul style="list-style-type: none"> Significant inconsistency with the Council's regulatory obligations under the Resource Management Act 1991. The Council will not meet its legislative obligation to ensure decisions on the notified plan are issued by 31 August 2025. The Council will not meet its RMA obligation to ensure plan processes are conducted efficiently and decisions issued promptly. It is expected that there will be additional costs for the Council (which have not been budgeted for in current financial planning documents), and also for members of the public, local businesses and public entities who have already participated in the PDP process and are expecting decisions to be issued on the original timeframe. The current operative Gore district plan which is out of step with national and regional policy direction and best practice and no longer reflects the needs and future direction of the Gore District will remain in force for considerably longer. Substantial loss of growth and development opportunities in the district which are being enabled through the PDP. Loss of additional regulatory protections over the Council's assets and infrastructure which are to be provided for in the PDP. Loss of additional regulatory protections and enabling provisions for large scale, public and government infrastructure in the district eg NZTA, KiwiRail, telcos, Transpower, fuel companies.

	<ul style="list-style-type: none">• Potential risk of judicial review risk due to fairness issues raised by late stage and changes to the PDP process and planned timeframe.• Considerable additional complexity in resource consenting processes and associated increased consenting costs, which will follow for the period of time that the pause request is in place, and also the period thereafter as the PDP process resumes.• Pausing a regulatory process which is now more than 95% complete.• More onerous rules on certain topics covered by section 86B of the RMA will continue to have legal effect for the duration of the pause period and thereafter until decisions on the PDP are made.• It will be to the Council's significant advantage to have a recently developed plan in place, which aligns with national planning standards and national direction, when the shift to a combined regional plan occurs. The Gore District will be better supported and provided for when feeding into that process.
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Option 3: Grant the pause request in relation to the remaining two topics that have not yet begun being heard and make decisions to defer the PDP hearings on those topics for a period of nine months (thereby pausing the inclusion of those topics in the PDP decisions version to be issued before 31 August 2025 for nine months).

Option 3: Summary of advantages and disadvantages	
Advantages	Disadvantages
<ul style="list-style-type: none"> • May partially align with request for pause sought by a number of ratepayers • Seeks to address the significant fairness and natural justice issues if the full PDP is paused for nine months after the hearings are complete for 48 of the chapters in the PDP. 	<ul style="list-style-type: none"> • Considerable inconsistency with the Council's regulatory obligations under the Resource Management Act 1991. • The Council will not meet its legislative obligation to ensure decisions on the notified plan are issued by 31 August 2025. • The Council will not meet its RMA obligation to ensure plan processes are conducted efficiently and decisions issued promptly. • It is expected that there will be additional costs for Council (which have not been budgeted for in current financial planning documents), and also for members of the public, local businesses and public entities who have already participated in the PDP process and are expecting decisions to be issued on the original timeframe. • Parts of the currently operative Gore district plan will not be consistent with national and regional policy direction and best practice • Parts of the current operative Gore District plan which is recognised as no longer reflects the needs and future direction of the Gore District will remain in force for considerably longer. • Loss of some growth and development opportunities in the district due to additional resource consenting complexities created by having two district plans and added confusion due to a partially complete PDP. • Potential risk of judicial review risk due to fairness issues raised by late stage and changes to the PDP process and planned timeframe.

	<ul style="list-style-type: none"> • Considerable additional complexity in resource consenting processes and associated increased consenting costs, especially for any activities involving the affected topics - for the period of time that the pause request applies to nominated topics, and also the period thereafter as the PDP process resumes. • Some of the rules within the topics that may be paused include more onerous rules that have immediate legal effect under 86B of the RMA, and will continue to do so for the duration of the pause period and thereafter until decisions on the PDP are made. • Considerable additional complexity in resuming the partially paused PDP process.
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60. As noted above, Council staff and the Council's legal advisors and consultants recommend that Councillors take Option 1 and decline to progress the pause request so that the PDP process will continue, because:

- the PDP process is now more than 95% complete;
- given the costs expended by the Council and many of the submitters involved in the plan process, fairness and natural justice considerations tend to require that decisions on the PDP be issued by the Panel on the timeframe that was confirmed in April 2024;
- Council has a range of regulatory obligations under the Resource Management Act 1991 that are being met by the PDP process, and it is a requirement of this legislation that PDP decisions must issue by 31 August 2025;
- there are substantial enabling provisions and new development options provided for in the PDP once decisions are issued by the Panel, and this will promote positive growth outcomes for the district;
- the PDP provides for important infrastructure in the district, including additional protections for Council assets; and
- **there have been no material advantages identified that can be gained by a pause.**

61. If Option 2 is the Council's preferred option, then in order to implement this option, the Council will also need to decide to:

- Suspend the Hearing Panel's delegations, which were conferred by the Council previously;
- Direct the Hearing Panel to suspend the direction to prepare for hearings made to submitters on the current process; and
- Delegate responsibility to the Chief Executive to carry out all necessary steps to implement the pause request, including providing the public with notice of the decision made,

negotiating changes to contractual arrangements with the Council's consultants and experts, and either making an application to the Minister for the Environment seeking permission to exceed the statutory timeframe for decisions on submissions, or requiring staff to bring a draft application back to the Council for approval.

62. If Option 3 is the Council's preferred option, then in order to implement this option, the Council will also need to decide to:
- Direct the Hearing Panel to suspend hearings on the final two PDP topics of Ecosystems and Indigenous Biodiversity and Natural Hazards;
 - Suspend the Hearing Panel's delegations to consider and determine these topics, except to the extent required to ensure the decisions on all other chapters in the PDP can be completed;
 - Delegate administrative responsibilities to the Chief Executive to carry out all necessary steps to implement the pause request, including public notice to the submitters on these topics, to commence discussions with Environment Southland on the Natural Hazards approach in particular;
 - Delegate to the Chief Executive responsibility to either make an application to the Minister for the Environment seeking permission to exceed the statutory timeframe for decisions on submissions on parts that will be deferred, or requiring staff to bring a draft application back to Council for approval; and
 - Each of these options must be considered in accordance with the Council's obligations in sections 77-82A of the LGA, with a full evaluation of the advantages and disadvantages of each option to be undertaken, with due consideration of any input received from Hokonui Rūnanga under section 77(1)(c).

Significance and Engagement Policy

63. Staff have considered the key considerations under the Significance and Engagement Policy and identified that this is a decision of **high significance**, including because it engages with Council's obligations under the RMA, because the PDP plays a significant role in managing land use activities and enabling developments in the district, and because of the high degree of interest from the community in the PDP.
64. Under section 77(1)(c) this decision is also a significant decision in relation to land, for which the Council is required to take into account the relationship of Hokonui Rūnanga and its culture and traditions with its ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga.
65. Hokonui Rūnanga and Ngāi Tahu have submitted in their feedback that the delay in recognising Ngāi Tahu values in the PDP would be an unacceptable outcome for them and the Council would not be meeting its requirements under part 2 of the RMA.

Submitter consultation

66. The Council received approximately 117 signatories for a letter requesting the Council to consider a pause. It should be noted that 7% of these signatories were submitters who have engaged in the District Plan process to date.

67. Due to the significance of the decision, staff have sought comment from all of the District Plan submitters. It should be noted that there has been limited time available to seek these views and that the January/ February period is typically a poor time to get responses.
68. A summary of this feedback is provided at Attachment 5, with copies of the feedback itself provided as Attachment 6.
69. There were a total of 17 submitters who responded back to the letter sent by Council on the 22 January seeking feedback on a proposal put forward by Southland Federated Farmers of New Zealand, to postpone its consideration of the PDP for 9 months pending clarity and direction from central Government around the Resource Management Act 1991 (RMA) reform.
70. Six submitters responded in support of the pause request. The majority of these submitters submitted on topics including the General Rural Zone, Earthworks, Urban Form and Development, Sites and Significant to Māori, Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes.
71. Reasoning provided includes:
- Uncertainty around the central Government direction and how this will impact plan changes for local government.
 - To avoid the requirement for a further plan change and associated costs with this.
 - The difficulty of reading the plan and understanding the constant changes that are occurring throughout the hearing process.
 - Not implementing constraining policies or rules which negatively impact the local economy.
 - The Government have introduced the Resource Management (Consenting and Other System Changes) Amendment Bill and indicated they intend amending a number of National Direction Instruments by mid-2025.
 - The PDP process has become incredibly confusing for submitters, with multiple date changes and the splitting of hearings. The lack of evidence being received from submitters reflects the disengagement the community now has with the process. A refresh imposed through a plan delay would benefit submitters and the Council.
 - The Ngai Tahu Cultural Values chapter and the SASM chapter require further consideration and would benefit from community engagement.
 - The Council may be at risk of judicial review due to the multiple changes to the schedule and inconsistent treatment of submitters.
72. Ten submitters are opposed to the pausing of the PDP process.
73. Reasoning provided includes:
- that the PDP includes provisions which will modernise how telecommunication infrastructure is provided for in the Gore District,
 - submitters have invested significant resources in participating in the process with the goal of providing additional residential and rural residential land in areas immediately adjoining the existing urban area of Gore,
 - submitters seeks to commence development of their land as soon as possible and delays to the hearing and decision process may result in an inability to progress development.

- delaying the upzoning of industrial land proposed through the PDP process has the potential to delay the growth of the district as a whole.
- investing a significant amount of time and resources into this project, to service the rural industry sector that is fundamental to the district's economy. An indefinite delay of the PDP proceedings would delay the zoning outcome sought which would materially impact the proposed development from proceeding in timely and efficient manner.
- Much of the operative plan is outdated and does not reflect more modern legislation
- The Council postponing the PDP proceedings is contrary to both the requirements of the RMA and Local Government Act 2002 (LGA).
- Delaying will have the effect of delaying the recognition of Ngāi Tahu cultural values in the PDP.

Attachments to report

Attachment 1: Legal advice on the Council's obligations under the LGA and RMA – please note this is still being drafted and is expected to be received on 14 February. It will be circulated once received.

Attachment 2: Analysis of RM reform topics relative to PDP chapters

Attachment 3: Overview of completed and scheduled PDP hearings

Attachment 4: Cost/benefit analysis of pause request

Attachment 5: Summary of feedback from submitters directly involved in the PDP process

Attachment 6: Copies of feedback received from submitters directly involved in the PDP process

Attachment 7: Examples from other comparable other district plans

Attachment 8: Public consultation and other public processes followed for the PDP

Attachment 9: Summary of RM Reforms

16 February 2025

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Dear Debbie

Summary of LGA and RMA obligations to be considered in context of PDP pause request

- 1 This advice provides a summary of the legal matters relevant to the decision to be made by Council under Local Government Act 2002 (**LGA 2002**), in response to a request that Council pause the processing of the proposed district plan (**PDP**). We also set out a summary of the obligations Council has under the Resource Management Act 1991 (**RMA**) and other key RMA considerations which Council will need to take into account as a part of its decision.

LGA advice

- 2 It is important to be clear what exactly is being proposed for Council to decide. At present Council is "processing" the PDP, which effectively means that Council is presently following the statutory process of notifying a draft plan, receiving submissions on that plan, holding hearings and then making decisions on submissions in accordance with the steps set out in Schedule 1 of the RMA.
- 3 The actions being taken by Council in relation to that PDP process, and the decisions that are to be made on the PDP, are undertaken pursuant to separate regulatory decision-making powers and functions. The decisions on the PDP are due to be made pursuant to specific regulatory decision-making powers under the RMA that have been delegated to the Hearing Panel. In line with the requirements of the RMA, the Hearing Panel is made up of accredited decision makers who must follow the requirements of the RMA separate from, and on behalf of Council.
- 4 We consider that, in order to approve this request to "pause" the processing of the PDP, Council would need to revoke or suspend the delegations that were previously made to the Hearing Panel (under standing order 24.1). This is because a previous resolution of Council has delegated the authority to consider submissions on the district plan to the Hearing Panel, and at present decisions to be made by the Hearing Panel in their separate regulatory role under the RMA would currently be binding on Council (see standing order 6.5).
- 5 To effect any "pause" as requested, Council would also need to provide a special direction to the Hearing Panel before the revocation or suspension of their authority takes effect, in order to enable the Hearing Panel to cancel procedural directions already made for submitters to provide evidence and set the hearing timetable (under standing order 6.6 that requires Committees to carry out special directions from the Council).
- 6 If Council approves a "pause" Council would also need to delegate to the Chief Executive the power to take all necessary steps to effect such a pause. These are likely to include a range of matters, with the most obvious being;
 - (a) public notice of Council's decision;

- (b) identifying an alternative process to be followed once the pause has come to an end;
 - (c) negotiating changes to contractors' current contracts, including to enable further steps to be taken to resume the process at the appropriate time; and
 - (d) preparing an application on behalf of GDC, to the Minister for the Environment in order to seek an extension of time for making decisions on the notified plan beyond the current statutory deadline of 31 August 2025.
- 7 We suspect there may be a range of other matters arising from the pause that will be identified and need to be dealt with by staff during any pause period.
- 8 As noted above, the pause request being considered by Council will require a decision to be made under the decision making framework in the LGA 2002 to suspend the current delegations to the Hearing Panel. This is not a regulatory decision under the RMA. This is because the RMA does not have a section that deals with such a pause.
- 9 The LGA 2002 decision making framework requires¹:
- (a) An assessment of the significance of the decision;
 - (b) Assessment of the options available and for each, their advantages and disadvantages;
 - (c) Consideration of the views and preferences of those likely to be directly affected and/or whom have an interest in the matter; and
 - (d) Under section 77(1)(c), the taking into account of the relationship of Māori and their culture and traditions with ancestral land, sites, waahi tapu, valued flora and fauna and other taonga. This section therefore requires Council to take specific account of the feedback on the pause request provided by Hokonui Rūnanga.
- 10 We are satisfied the paper to Council by the Chief Executive properly addresses these matters for Council to make a decision on.
- 11 Finally it is noted, that requests have been made to the Panel to pause the PDP previously, and more recently Southland Federated Farmers has applied to adjourn the remaining hearing timetable. Those requests were refused by the Hearing Panel pursuant to it's delegated regulatory decision making powers and function.

RMA obligations

- 12 There are a range of RMA obligations that apply to Council which are directly relevant to the pause request. Although Council must consider the request under an LGA decision making framework, these legislative obligations under the RMA must also be taken into account as advantages and disadvantages of the decision requested to pause the PDP.
- 13 It is our assessment that there are no clear or compelling RMA or evidence based reasons that we identify that could be framed as advantages gained from a potential 9 month pause in the processing of the PDP. Rather to pause the processing of the PDP will lead to a range of legal issues which we list through below. These legal reasons cause us to recommend that the

¹ Under sections 76-82 LGA 2002

disadvantages strongly outweigh the advantages of a pause and we recommend that based on our review of the RMA legal framework, the pause request is declined.

- 14 The key legal obligations of Council concerning a PDP and any possible pause of that process are:
- (a) Sections 31 & 72-77 RMA require GDC to have and review the district plans for its district.
 - (b) Following its review of the operative district plan, GDC notified the PDP on 31 August 2023. Under clause 10(4) of Schedule 1 of the RMA, Council is now required to ensure that all decisions on the notified PDP are issued within two years of that notification date. So for the Gore PDP, all decisions on the PDP must be made by 31 August 2025.
 - (c) If for any reason the timeframe set in clause 10(4), Schedule 1 RMA cannot be met, the Council must seek an extension of time for issuing decisions from the Minister for the Environment. If an extension was sought, it would be necessary to provide good resource management reasons and/or evidence to support it.
 - (d) There is a general duty on Council under section 18A RMA to ensure that a timely, efficient, consistent and cost-effective PDP process is followed, proportionate to the significance of the functions being exercised.
 - (e) There is a further general obligation on Council under section 21 RMA that it must, as the promoter of the plan and decision maker, carry out its functions, powers and duties as promptly as is reasonable in the circumstances.
 - (f) Under section 75(4) the district plan must give effect to regulations, national policy statements and regional policy statements. The operative district plan for the Gore District does not implement much of the current national direction at present; and prompt decisions on the new PDP are necessary to ensure that this obligation will be met in the manner expected by section 75(5) RMA.
 - (g) There are a range of matters of fairness and natural justice that feed into PDP decision making processes, including to ensure that all parties are provided an opportunity to be heard and decisions are made on all points raised. These procedural considerations also tend to mean that a reasonable expectation has been created that decisions on the PDP will now be issued within the originally signalled timeframe (or close to it).
 - (h) Pausing the PDP process now, without a strong basis tied to RMA principles or evidence, may undermine the process and potentially expose the Council to legal challenges, including due to a potential claim of inadequate regard for the separation of regulatory and non-regulatory obligations.
 - (i) PDP processes and decisions under the RMA involve an evidence based process, including evaluation of technical evidence. A large amount of technical advice and expert input on many varied topics and issues has been gathered to support the PDP. If the PDP process is paused, it is likely that some of the evidence and reports completed for the PDP will need to be revisited and updated when the process is resumed.
 - (j) Given the strict process provided in Schedule 1 of the RMA to be followed to make decisions on a PDP, it is not clear how a pause request might be easily accommodated within these procedural steps. Staff will need to review whether there is a point when it will become necessary for new rounds of consultation need to be undertaken, new submission processes started, additional reports prepared or further public hearings held when the process is resumed.

- 15 Further RMA matters which are relevant to the Council's decision on the pause request include:
- (a) Under section 86B(3) RMA, certain rules in the notified PDP took immediate legal effect from 31 August 2023. These rules relate to the following topics:
 - (i) Protection of water, air, or soil;
 - (ii) Protection of areas of significant indigenous vegetation;
 - (iii) Protection of areas of significant habitats of indigenous fauna; and
 - (iv) Protection of historic heritage.
 - (b) If the PDP process is paused, these rules will continue to have legal effect for the duration of the pause, and also until such time as decisions are made on the relevant chapters of the PDP.
 - (c) Under section 86(1), the rules that took legal effect from notification of the PDP will be superseded by the rules approved by the Hearing Panel in their decisions when they are issued. Due to extensive input on the relevant rules from submitters, and recommendations to alter provisions from the PDP team recommending officers, many rules are expected to be much more refined and appropriate for the district.
 - (d) From the date that decisions are issued on the PDP, new maps and rules which enable new residential, rural residential and industrial developments and activities will take effect under section 86B(1) RMA. These rules will not be able to be taken into account during any PDP pause period.
 - (e) During the period that the Council is processing the PDP, including while any pause of the PDP process is in place, it is necessary for all resource consent applications to consider both the old operative district plan and, the PDP rules that took legal effect from 31 August 2023. This factor has and will continue to increase the complexity and therefore the work required and the regulatory burden, for persons seeking and processing resource consents during this period.
 - (f) As noted above, the operative district plan does not implement much of the present national direction that applies to resource consents processed under the RMA. This means there is considerable mismatch between these key RMA documents and the district plan provisions which further adds to the complexity and confusion for present consent processes. The decisions version of the PDP will go some way to addressing this issue.

Ngā mihi
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Attachment 2 – Analysis of RM Reform topics relative to PDP chapters

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Part 1 – Introduction & General Provisions			
Introduction	The Introductory Chapter of the PDP provides a list of contents of the plan followed by a brief outline as to the purpose of the district plan and a description of the Gore District.	No change. This is a descriptive chapter.	
How the Plan Works	This chapter seeks to outline the role of the Resource Management Act 1991 in District Plan preparation and the relationship between the District Plan and other plans and documents. It covers the general structure of the plan, rule numbering and the different activity statuses followed by a description of each of the zones, overlays and precincts.	No change. Factual Chapter outlining how the plan works and reiterating the planning standards.	
Interpretation	The interpretation chapter contains a list of defined terms that appear throughout the District Plan. Definitions for the terms assist with interpretation of the chapters and provisions within them.	No change.	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
National Direction Instruments	<p>This chapter serves to outline the relationship between National Policy Statements, New Zealand Coastal Policy Statements and National Environmental Standards and the influence they have on District Plans and resource consent applications. Relevant regulations, water conservation orders and statutory acknowledgements and Mataitai are also listed.</p>	<p>No change. This is a descriptive chapter of the relationship between planning policy documents.</p> <p>Whilst RM reforms have proposed changes to some national direction documents, for example the National Policy Statement for Freshwater Management (NPS-FM), they do not propose to change their hierarchy and relationship with district plans.</p> <p>Changes to the NPS-FM effect Regional Council policy and consenting only.</p>	
Mana Whenua	<p>The chapter content was prepared in accordance with the National Planning Standards and includes recognition of hapū and iwi, a list of relationship agreements between tangata whenua/mana whenua and the Local Authority, hapū and iwi planning documents and any specific involvement and participation with tangata whenua/mana whenua. The chapter is given effect to throughout the other chapters of the District Plan.</p>	<p>No change.</p>	
Part 2 – District Wide Matters			

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Urban Form and Development	<p>This chapter sets out the overarching directions for sustainable management of growth, land use, and development of the Gore District. Future residential growth and employment needs are provided for whilst considering the future effects of climate change and infrastructure/transport integration.</p>	<p>RMA Second Amendment Bill: The bill requires Tier 1 and Tier 2 councils to demonstrate compliance with the 30-year Housing Growth Targets and give councils the option to opt out of Medium Density Residential Standards.</p> <p>The UFD chapter sets objectives to meet housing supply demand for the long term, which is 30 years, and so achieves this already without requiring change.</p> <p>As Gore is a tier 3 Council, there is no requirement for the application of Medium Density standards, therefore no change required.</p>	
Energy	<p>The development of energy resources in the Gore District is managed through the Energy chapter. The district has potential for large scale energy production utilising wind and small-scale electricity generation using solar, water and wind. The chapter contains objectives, policies and rules to manage potential adverse environmental effects arising from energy development.</p>	<p>A new NPS for Infrastructure and amendments to NPS Renewable Energy Generation has been signalled. Full content unknown.</p> <p>Likely minimal change, as current submissions from infrastructure entities reflect current best practice, which is most likely to be followed in the new national direction.</p> <p>Further changes include maximum one-year processing timeframes and 35-year default durations for consents related to renewable energy. This relates directly to the issuing of consents, rather than the drafting of a plan its provisions.</p>	<p>Consultation mid 2025</p> <p>Timeframe tbc, possibly take effect late 2026</p>

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Infrastructure	<p>This chapter manages infrastructure which includes networks and facilities for transport, electricity transmission, electricity distribution, communication, water, wastewater, drainage, solid waste, and natural hazard management. The purpose of the chapter is to ensure infrastructure can be developed and maintained for its intended purpose.</p>	<p>A new NPS for Infrastructure and amendments to NPS Renewable Energy Generation has been signalled. Full content unknown.</p> <p>Likely minimal change, as current submissions from infrastructure entities reflect current best practice which is most likely to be followed in the new national direction.</p>	<p>Consultation mid 2025</p> <p>Timeframe tbc, possibly take effect late 2026</p>
Transport	<p>Transport, by motorised or non-motorised means, is managed by the Transport chapter. The intent of the objective policies and rules is to manage environmental effects, including noise, vibration, glare and dust and secondly, to avoid reverse sensitivity effects.</p>	<p>No change.</p>	
Hazardous Substances	<p>The purpose of hazardous substances chapter is to manage the effects of hazardous substance on sensitive environments and on environments where sensitive activities are located in higher densities.</p>	<p>No change.</p>	
Contaminated Land	<p>This chapter seeks to ensure sites that are known to contain contaminated soils are managed appropriately. Where land has been identified as having actual or potential contamination the provisions of the Resource</p>	<p>No change.</p>	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
	<p>Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) apply as well as the objectives and policies listed in the district plan.</p>		
<p>Natural Hazards</p>	<p>This chapter seeks to plan for natural hazards which have potential for loss of life and injury, damage and destruction of property, and negative impacts to our natural, social, cultural, economic and built environments and well-being. Climate change along with changes in land use or intensification of development can exacerbate the risks of hazards by increasing the likelihood and severity of effects.</p>	<p>RMA Second Amendment Bill: The bill focuses on the processing of applications, i.e. enabling land use consents to be declined or subject to conditions where there are significant natural hazard risks.</p> <p>The bill would give effect to notified plan rules, though this does not apply to the PDP as it was notified before the act will come into force.</p> <p>No change</p>	<p>Enactment projected for late 2025</p>
		<p>A new National Policy Statement for Natural Hazards has been signalled but not yet released. The government has signalled it will build on the Proposed NPS for Natural Hazards Decision-making 2023.</p> <p>Although not operative, the Section 42A Officer has reviewed this draft in consideration of responding to submissions received.</p> <p>Likely minimal change.</p>	<p>Consultation mid 2025</p> <p>Timeframe tbc, possibly take effect late 2026</p>

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Historic Heritage	<p>Historic heritage chapter aims to protect the natural and physical resources that contribute to an understanding and appreciation of our history and cultures. It can come from archaeological, architectural, cultural, historical, scientific and technological qualities.</p>	<p>RMA Second Amendment Bill: Changes to the classification of heritage structures.</p> <p>No change.</p> <p>A streamlined process for Council's and the Minister to list and delist heritage buildings in a District Plan will be introduced.</p> <p>Because the PDP was notified prior to the drafting of the bill the classification of heritage structures will remain unaffected by the unenacted bill. Once enacted the Council could use the streamlined process to delist heritage buildings if there was sufficient justification, such as the building has been demolished, for example.</p>	<p>Enactment projected for late 2025</p>
Notable Trees	<p>Notable trees are those which have been identified as prominent natural features and landmarks that add character and identity to different parts of the district, those which are rare species or spectacular specimens, those associated with special sites or events and/or those with special historical or cultural values. These trees are protected through the Notable Trees chapter.</p>	<p>No change.</p>	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Sites and Areas of Significance to Māori	The SASM chapter consists of overarching objectives and policies that direct the ways the Gore District Plan recognises and protects the historic and contemporary relationship of Māori with the natural environment and places where cultural practices are undertaken within the Gore District.	No change.	
Ecosystems and Indigenous Biodiversity	This chapter seeks to maintain areas of vegetation which have species and ecosystems that are native to New Zealand and the local area and are classified as significant areas of indigenous vegetation or habitats of indigenous fauna under Section 6(c) of the Resource Management Act 1991 (RMA). The Southland Regional Policy Statement and National Policy Statement for Indigenous Biodiversity contain criteria for identifying areas of significant indigenous vegetation or significant habitat of indigenous fauna that are to be protected with the chapter.	<p>RMA First Amendment Bill: Suspend for three years requirements under the NPS-IB for councils to identify new Significant Natural Areas (SNAs) and include them in district plans.</p> <p>The mapping obligations have been suspended but the obligation to protect SNAs has not.</p> <p>Taken into account</p> <hr/> <p>Other amendments to NPS and NES documents relating to freshwater, indigenous biodiversity, drinking water & marine aquaculture and stock exclusion regulations</p> <p>Minimal change.</p> <p>Changes in relation to freshwater, drinking water & marine aquaculture and stock exclusion are Regional Council considerations.</p>	Enacted and in force and taken into account in PDP process

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Natural Features and Landscapes	The chapter contains objectives, policies and rules which aim to protect outstanding natural features and landscapes from inappropriate subdivision, use and development. These landscapes have high levels of biophysical, sensory or associative landscape values, which makes them either Outstanding Natural Landscapes or Outstanding Natural Features.	<p>A new NPS for Infrastructure and amendments to NPS Renewable Energy Generation has been signalled. Full content unknown.</p> <p>Likely minimal change, as current submissions from infrastructure entities reflect current best practice which is most likely to be followed in the new national direction</p>	<p>Consultation mid 2025</p> <p>Timeframe tbc, possibly take effect late 2026</p>
Public Access	The chapter seeks to maintain and enhance public access to the natural environment as it is recognized as contributing to the well-being of people and communities, as well as being vital to the ability of some Māori communities – particularly mana whenua – to express and practice their culture.	No change.	
Subdivision	Subdivision is the legal process of creating new titles to parcels of land and can be fundamental in enabling growth and industry. The chapter controls subdivision in order to influence land use decisions while considering future activities, character and amenity, as well as infrastructure provision and site constraints.	No change.	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Activities on the Surface of Water	The objectives, policies and rules of the chapter seek to balance social, recreational and economic opportunities with maintenance of waterbody values and cultural relationships and activities.	No change.	
Earthworks	Earthworks and other land disturbance are a necessary part of subdivision, land use and development. The chapter seeks to manage potential adverse effects such as, land instability, sediment loss and increased natural hazards, with impacts on amenity, Ngāi Tahu cultural values, strategic infrastructure and the natural environment.	No change.	
Light	The chapter seeks to manage artificial outdoor lighting to ensure amenity of neighbouring properties, loss of night sky views, and disturbance of wildlife from lighting is not adversely affected.	No change.	
Noise	The purpose of the Noise Chapter is to provide noise limits for zones and specific activities to ensure land use are compatible with the anticipated amenity values of that zone and adjoining zones.	No change.	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Signs	Signs contribute to the social, cultural, and economic wellbeing of the District, however, inappropriate placement, design, and size of signage, individually and cumulatively, can give rise to adverse effects on amenity values and the safety and efficiency of the transport network. The chapter manages signage.	No change.	
Temporary Activities	The Temporary activities chapter seeks to enable temporary activities whilst managing any resulting adverse environmental effects in accordance with community expectation and tolerance.	No change.	
Part 3 – Area Specific Matters			
Large Lot Residential Zone	Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.	RMA Second Amendment Bill: signalling a new National Direction enabling granny flats and papakāinga housing. No change. The PDP provisions already enable minor residential units, which are the same as granny flats, as a permitted activity.	Enactment projected for late 2025

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
General Residential Zone	Areas used predominantly for residential activities with a mix of building types, and other compatible activities.	<p>RMA Second Amendment Bill: signalling a new National Direction enabling granny flats and papakāinga housing.</p> <p>No change. The PDP provisions already enable minor residential units, which are the same as granny flats, as a permitted activity.</p>	Enactment projected for late 2025
Medium Density Residential Zone	Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.	<p>RMA Second Amendment Bill: signalling a new National Direction enabling granny flats and papakāinga housing and ability to opt out of Medium Density standards.</p> <p>No change. The PDP provisions already enable minor residential units which are the same as granny flats as a permitted activity.</p> <p>As Gore is a tier 3 Council, there is no requirement for the application of Medium Density standards, therefore no change required.</p>	Enactment projected for late 2025

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
General Rural Zone	<p>Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.</p>	<p>RMA Second Amendment Bill: signalling a new National Direction as follows:</p> <p>Enabling granny flats and papakāinga housing. No change as the PDP provisions already enable minor residential units, which are the same as granny flats, as a permitted activity.</p> <hr/> <p>Changes to National Environmental Standard for Commercial Forestry (NES-CF) to remove ability for a rule in a plan to be more stringent or lenient than the NES-CF regulations relating to afforestation.</p> <p>Minimal change as relates to one activity provision in GRUZ zone. The current recommended provisions seek to manage "exotic continuous-cover forest" only.</p>	<p>Enactment projected for late 2025</p>

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
		<p>Other amendments to NPS and NES documents relating to freshwater, stock exclusion regulations and highly productive land.</p> <p>No changes as:</p> <ul style="list-style-type: none"> • freshwater, stock exclusion regulations the proposed amendment effect regional consenting only. • In relation to NPS-HPL, allowances for indoor production and greenhouses can be incorporated within existing provisions. • There has been some commentary on removing LUC 3 soils from the highly productive classification. This would result in no change given the proposed 8 ha lot size is relatively small in comparison to some Council's choices to require 40- 80 ha limits. An 8 ha rural lot size provides a point of difference from the rural lifestyle zone which has a 1 ha lot size to provide rural living and secure the productive nature of the rural zone. This is being taken into account to the extent possible in the PDP process. 	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Rural Lifestyle Zone	Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.	<p>RMA Second Amendment Bill: signalling a new National Direction enabling granny flats and papakāinga housing.</p> <p>No change. The PDP provisions already enable minor residential units, which are the same as granny flats, as a permitted activity.</p>	Enactment projected for late 2025

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Settlement Zone	Areas used predominantly for a cluster of residential, commercial activities, light industrial activities and/or community activities that are located in rural areas or coastal environments.	RMA Second Amendment Bill: signalling a new National Direction enabling granny flats and papakāinga housing. No change. The PDP provisions already enable minor residential units, which are the same as granny flats, as a permitted activity.	Enactment projected for late 2025
Neighbourhood Centre Zone	Areas used predominantly for small-scale commercial activities and community activities that service the needs of the immediate residential neighbourhood.	No change	
Local Centre Zone	Areas used predominantly for a range of commercial activities and community activities that service the needs of the residential catchment	No change	
Mixed Use Zone Chapter	Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.	No change	
Town Centre Zone	Areas used predominantly for a range of commercial activities, community, recreational and residential activities.	No change	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
Light Industrial Zone	Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.	No change	
General Industrial Zone	Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.	No change	
Natural Open Space Zone	Areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone.	No change	
Sport and Active Recreation Zone	Areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures.	No change	
Airport Zone	Areas used predominantly for the operation and development of airports and other aerodromes as well as operational areas and facilities, administrative, commercial activities	No change	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
	and industrial activities associated with airports and other aerodromes.		
Maori Purpose Zone	Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential activities and commercial activities.	No change	
Camp Columbia Zone	Area used predominantly for regional camping facilities for school and other community camping groups.	No change	
Field Days Zone	Area used for regional Field Day Events including a wide range of sporting, community, social, and corporate events such as conferences and concerts.	No change	
Development Areas	<p>Development Areas cover the following areas:</p> <ol style="list-style-type: none"> 1. West Gore Residential Development Area; and 2. South Gore Industrial Development Area. <p>These development areas spatially identify and manage areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply</p>	No change	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
	to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later Plan change.		
Designations	Spatially identify where a designation is included in a plan under section 168 or section 168A or clause 4 of Schedule 1 of the RMA. The designation authorises the requiring authority's work and activity on the site, area or route without the need to comply with the land use rules of the district plan.	<p>The new National Policy Statement for Infrastructure is signalled to extend the default lapse period of a designation to 10 years. Ports and emergency services may become requiring authorities.</p> <p>This will not affect the content of the PDP. New requiring authorities can apply for a Notice of Requirement to designate sites.</p> <p>No change</p>	<p>Consultation mid 2025</p> <p>Enactment late 2026</p>
General			
Fast-track Approvals Acts		No change. This legislation does not affect the content of the PDP.	

Proposed District Plan (PDP) Chapter	Overview of PDP Chapter	RMA Amendments	Projected timeframe
<p>RMA Amendments Phase 3: the replacement of the RMA with two new Acts.</p> <p>New combined regional plan requirement</p>		<p>GDC PDP will need to be combined with the ES, SDC, ICC plans.</p> <p>Benefits to GDC if PDP in place. It would be beneficial for GDC to have a second generation district specific plan in place before the plans are combined, otherwise it would be likely that Gore's interests could be substantially subsumed by the other Council's imperatives.</p>	<p>Timeframe tbc, though even if enacted this will likely require considerable lead in time for Councils</p>

Attachment 3: Overview of completed and scheduled PDP hearings

<i>KEY</i>		
Blue: Hearings complete	Orange: Hearings commenced	Purple: Hearing scheduled

<i>Chapter Code</i>	<i>Chapter name/topic</i>	<i>Hearing stream number</i>	<i>Hearing date</i>
<i>PART 1 – INTRODUCTION AND GENERAL PROVISIONS</i>			
n/a	Introduction, How the Plan works, Interpretation, National Direction Instruments	1	5 – 7 June 2024
MW	Mana Whenua	3	22 – 24 July 2024
<i>PART 2 – DISTRICT WIDE MATTERS</i>			
UFD	Urban Form and development	1	5 – 7 June 2024
ENRG	Energy	7	6 November 2024
INFR	Infrastructure	7	6 November 2024
TRANS	Transport	5	16 – 17 September 2024
CL	Contaminated Land	6	14 – 15 October 2024
NH	Natural Hazards	11	10 March 2025
HAZS	Hazardous Substances	6	14 – 15 October 2024

<i>Chapter Code</i>	<i>Chapter name/topic</i>	<i>Hearing stream number</i>	<i>Hearing date</i>
HH	Historical Heritage	8	2, 5 – 6 December 2024
TREE	Notable Trees	8	2, 5 – 6 December 2024
SASM	Sites and Areas of Significance to Maori/Ngāi Tahu Cultural Values	8 / 9A	5 – 6 December 2024 To resume 18/19 February 2025
ECO	Ecosystems and Indigenous Biodiversity	10	24 February 2025
NFL	Natural Features and Landscapes	9	12 February 2025
PA	Public Access	6	14 – 15 October 2024
SUB	Subdivision	6	14 – 15 October 2024
ASW	Activities on the Surface of Water	7	6 November 2024
EW	Earthworks	7	6 November 2024
LIGHT	Light	5	16 – 17 September 2024
NOISE	Noise	6	14 – 15 October 2024
SIGN	Signs	5	16 – 17 September 2024

<i>Chapter Code</i>	<i>Chapter name/topic</i>	<i>Hearing stream number</i>	<i>Hearing date</i>
TEMP	Temporary Activities	5	16 – 17 September 2024
PART 3 – AREA SPECIFIC MATTERS			
LLRZ	Large Lot Residential Zone	4b	20 – 21 August 2024
GRZ	General Residential Zone	4b	20 – 21 August 2024
MRZ	Medium Density Residential Zone	4b	20 – 21 August 2024
GRUZ	General Rural Zone	3	22 – 24 July 2024
RLZ	Rural Lifestyle Zone	3	22 – 24 July 2024
SETZ	Settlement Zone	3	22 – 24 July 2024
NCZ	Neighbourhood Centres Zone	2	24 June 2024
LCZ	Local Centres Zone	2	24 June 2024
MUZ	Mixed Use Zone	2	24 June 2024
TCZ	Town Centre Zone	2	24 June 2024
LIZ	Light Industrial Zone	4a	19 August 2024
GIZ	General Industrial Zone	4a	19 August 2024
NOSZ	Natural Open Space Zone	2	24 June 2024

<i>Chapter Code</i>	<i>Chapter name/topic</i>	<i>Hearing stream number</i>	<i>Hearing date</i>
SARZ	Sports and Recreation Zone	2	24 June 2024
AIRPZ	Airport Zone	2	24 June 2024
MPZ	Māori Purpose Zone	4a	19 August 2024
CCZ	Camp Columba Zone	2	24 June 2024
FDZ	Field Days Zone	2	24 June 2024
DEV1	Gore South Industrial Development Area	4a	19 August 2024
DEV2	Gore West Residential Development Area	4b	20 – 21 August 2024
n/a	East Gore Water Treatment	5A	17 October 2024
CNZ	Chorus New Zealand Ltd	5	16 – 17 September 2024
GDC	Gore District Council	5	16 – 17 September 2024
KRH	KiwiRail Holdings Ltd	5	16 – 17 September 2024
MSNZ	Meteorological Services New Zealand	5	16 – 17 September 2024
MCOR	Minister of Corrections	5	16 – 17 September 2024
MCOU	Minister of Courts	5	16 – 17 September 2024
MEDU	Minister of Education	5	16 – 17 September 2024

<i>Chapter Code</i>	<i>Chapter name/topic</i>	<i>Hearing stream number</i>	<i>Hearing date</i>
MPOL	Minister of Police/New Zealand Police	5	16 – 17 September 2024
NZTA	New Zealand Transport Agency	5	16 – 17 September 2024
PWN	PowerNet	5	16 – 17 September 2024
TPR	Transpower New Zealand Ltd	5	16 – 17 September 2024

Cost Benefit Analysis for Options to Continue or Pause the PDP process

Benefits	Costs	Risks and significance
Option 1 - Continue with current PDP timetable and process		
<ul style="list-style-type: none"> • Council meets its statutory obligations under the RMA and LGA by issuing a decision on the PDP within the required timeframe. • Matters of National Importance (significant indigenous vegetation and habitats of indigenous fauna, historic heritage, cultural values and outstanding natural features and landscapes) will be protected. • Management of the significant risk of natural hazard 	<p>Financial costs - low:</p> <ul style="list-style-type: none"> • There are financial costs to Council for the remaining phase of the PDP process, However, these costs are anticipated and budgeted for in the LTP. • Costs relate to the final hearings and associated tasks and for ongoing / additional tasks for previous hearings where the Panel has requested additional information. • Costs are incurred from consultants, experts, Commissioners and administration staff. • Due to the limited volume of work required to reach the decision stage of the process the remaining costs are comparatively small compared to the overall cost of the process. Costs are estimated to be in the region of \$300K-\$400K. 	<p>There is a low risk with continuing with the process and the decision has a high level of significance.</p> <p>There is a risk that RMA reform amendments require the PDP to be updated. However, as demonstrated in Attachment 2 the amendments which have been signalled will require modest amendments to the PDP which could be captured in a Plan Change. It is already signalled through the PDP that a future Plan Change for natural hazards would be required and there could be efficiencies in expanding the scope of any Plan Change.</p> <p>Typically, RMA reforms/amendments recognise Councils which have recently reviewed their district plans. Therefore, any requirement to amend the PDP is likely to have a reasonable timeframe which could allow efficiencies to capture multiple amendments at one time.</p>
<p>Economic benefits – high:</p> <ul style="list-style-type: none"> • Sufficient land is provided for development to support economic growth. • A wider range of housing choice is provided for through smaller minor units and large lot residential opportunities. 	<p>Economic costs - low:</p> <ul style="list-style-type: none"> • There may be some increased costs associated with resource consent requirements from PDP provisions where development is enabled under the ODP. However, these are anticipated to be low costs. 	<p>There is a risk that without the PDP the Council is not well positioned to adapt to RMA reform, particularly as it has been signalled that wider regional plans are likely. GDC is the first Council in the Southland region to review their district plan placing the Council in a strong position to provide a positive benchmark and ensure</p>

Benefits	Costs	Risks and significance
<ul style="list-style-type: none"> A more bespoke zoning approach is provided to ensure the right activities establish in the right locations and activities of significance to the district, such as the Mataura Valley Milk are enabled and their expansion is provided for. Key infrastructure is enabled and protected, including provision of new infrastructure and upgrades / maintenance of existing. 	<ul style="list-style-type: none"> There may be some costs associated with developing services for new growth areas, however, these costs are balanced against economic benefits of growth and would typically be borne by future users rather than the general ratepayers. 	<p>the districts interests are safeguard if a wider plan for the region is developed.</p> <p>The significance of continuing with the process is highlighted in the benefits column of this table and outlined in the report body. The project has been a significant undertaking for the Council that has involved years of work from both Council staff, community, landowners, interest groups and consultants as well as Councillors, including partnering with Hokonui Rūnanga.</p>
<p>Social benefits – moderate – high:</p> <ul style="list-style-type: none"> Local and regionally significant facilities are enabled and protected including the A&P showground, Field Days, Camp Columba, Carlton Aerodrome and the Mandeville Aviation and Rail Precinct. Local open space and recreation areas are enabled and protected for the benefit of the community (for example, Gore sports centre and Dolamore Park) 	<p>Social costs – low:</p> <ul style="list-style-type: none"> There are no identified social costs. 	<p>The PDP provides significant local and regional benefits to the community and provides for its social, cultural, economic and environmental well-being.</p> <p>There has been significant consultation with the community, wider regional and national stakeholders throughout the process, including general and targeted consultation. There is a high degree of significance associated with the outcomes of the PDP process considering the level of investment from a wide range of people.</p>
<p>Environmental benefits - high</p> <ul style="list-style-type: none"> The provisions seek to prevent rural land fragmentation and protect and enable use of rural land for productive purposes. Outstanding natural features and landscapes, indigenous biodiversity and cultural and historic heritage area protected. Promotion of a compact urban form through higher density urban zone and growth which is well 	<p>Environmental costs - low:</p> <ul style="list-style-type: none"> There are no identified environmental costs. 	

Benefits	Costs	Risks and significance
<p>connected to urban centres will assist with reducing transport emissions</p> <ul style="list-style-type: none"> Infrastructure upgrades are enabled and key infrastructure such as the rail and road network are adequately protected and managed. 		
<p>Cultural benefits –high:</p> <ul style="list-style-type: none"> The Council currently has a process for engaging with Hokonui Rūnanga through the resource consent process. The PDP allows for this to be more clearly articulated to provide greater certainty to plan users and decision makers around consideration of cultural values. The provision of Māori Purpose Zones provides positive opportunities to Māori to develop land for their social, economic and cultural well-being. 	<p>Cultural costs - low:</p> <ul style="list-style-type: none"> There are no identified cultural costs. 	
Option 2 - Pause entire pDP process		
	<p>Financial costs – moderate:</p> <ul style="list-style-type: none"> Many of the costs identified for option 1 would apply, however, these costs would predominantly be delayed until the next financial year. Additional costs above those anticipated by option 1 are likely to be incurred in association with: <ul style="list-style-type: none"> Administration tasks to notify submitters and rearrange hearings for future dates Cost of notification through public notices and press releases 	<p>There is a moderate – high risk and high level of significance associated with this option.</p> <p>There is a risk that economic growth is stifled, infrastructure upgrades are frustrated and important features of national significance, such as indigenous biodiversity and historic heritage are lost.</p> <p>There is a risk that Council may fail to meet its statutory obligations under the RMA. Strong reasoning for the delay would need to be presented to the Minister when asking for an extension to issuing the decision.</p>

Benefits	Costs	Risks and significance
	<ul style="list-style-type: none"> ○ Project management costs for consultants to liaise with Council on the above tasks. ○ Re-start costs from consultants, experts and Commissioners to reacquaint themselves with the provisions following a pause. However, some consultants, experts and Commissioners may be unavailable meaning increased work to engage and brief new personnel. ● In addition to the costs anticipated in option 1 a further potential cost \$150K to \$250K may be anticipated for this option to account for the tasks identified above. 	<p>There is a risk of judicial review from stakeholders in the PDP because of a perceived unfair pause which does not align with Council’s obligations under the RMA and because key stakeholders have invested significant resources in the PDP process to date. The financial cost of which has not been factored in given the high degree of uncertainty around costs.</p> <p>There is a risk of confusion and frustration within the community at the delay given how far the PDP has progressed to date and the identified social, economic and cultural benefits associated with the PDP. Likewise, there is a risk of frustration from the wider community for the increased costs associated with the delay, particularly as these costs have not been factored into the next financial year.</p>
<p>Economic benefits:</p> <ul style="list-style-type: none"> ● There are no identified economic benefits because the ODP does not sufficiently provide for growth or recognise some existing activities within the District. 	<p>Economic costs – moderate – high:</p> <ul style="list-style-type: none"> ● Delayed growth and development as a result of insufficient land zoned for urban development. ● Developers seek out of district land for development opportunities due to the lack of available land for commercial & residential development. ● Infrastructure upgrades may be frustrated by a lack of growth, enabling provisions and inconsistencies with national direction. ● Rural land becomes fragmented as a result of ineffective provisions within the ODP. ● Compliance with PDP provisions that have legal effect (heritage, biodiversity, ASW) would remain meaning there would be increased costs for some 	<p>The significance of pausing the process would be wide reaching and have local, regional and national impacts given the PDP provides for local development opportunities and to protect and manage matters of regional and national significance.</p> <p>Pausing would also have significant impacts on the relationship with Hokonui Rūnanga who have partnered with the Council in developing the PDP which provides clear articulation of cultural values to assist plan users and decision makers and enables several Māori Purpose Zones.</p> <p>Feedback from Hokonui Rūnanga strongly opposes the pause and have raised concerns that a delay would be contrary to the requirements of the RMA and that a pause would “<i>run contrary to the promotion of cultural</i></p>

Benefits	Costs	Risks and significance
	<p>landowners as the provisions may be more onerous than those recommended through the hearing process.</p> <ul style="list-style-type: none"> • There may be increased consenting costs for some developments which are not enabled or provided for through the PDP, including minor second dwellings and infrastructure projects. Increased consenting costs may also arise from confusion around the interaction between the ODP and provisions from the PDP which have legal effect. 	<p><i>well-being in particular as it would have the effect of delaying recognition of Ngāi Tahu cultural values in the PDP.”</i></p>
<p>Social benefits:</p> <ul style="list-style-type: none"> • There are no identified social benefits 	<p>Social costs – moderate:</p> <ul style="list-style-type: none"> • The ODP does not provide for housing choice meaning those seeking smaller minor second dwellings to provide for family members or affordable housing costs must go through a consent process. • Some existing locally and regionally significant facilities and infrastructure are not adequately provided for or enabled through the ODP (Gore multi-sports centre, A&P Showground). 	
<p>Environmental benefits -</p> <ul style="list-style-type: none"> • There are no identified environmental benefits 	<p>Environmental costs – moderate to high:</p> <ul style="list-style-type: none"> • Indigenous biodiversity would not be sufficiently protected across the district. • The effects of natural hazards would not be managed and the community would not be protected from the risks associated with natural hazards. • Rural land may become fragmented. 	

Benefits	Costs	Risks and significance
	<ul style="list-style-type: none"> Historic heritage would not be adequately protected. 	
<p>Cultural benefits –</p> <ul style="list-style-type: none"> There are no identified cultural benefits. 	<p>Cultural costs – moderate to high:</p> <ul style="list-style-type: none"> Māori may be required to seek resource consent to undertake activities on their land. There may not be full understanding of the range of cultural values adversely affected by an activity. 	
<p>Option 3 – Partial Pause, -disintegrate and withdraw certain pDP Chapters</p>		
<p>This option would allow Council to meet its obligations under the RMA and LGA in part.</p>	<p>Financial costs:</p> <ul style="list-style-type: none"> There may be comparable costs to option 2, however, additional costs to disintegrate the relevant chapters from the PDP, could be more significant and increase costs further. Some of the PDP, topics, such as SASM and Natural Hazards are intricately woven throughout the PDP and there would be significant work involved in determining how to disintegrate these topics to allow for a decision to be made on the remainder of the PDP. The costs associated with this option are likely to include the following: <ul style="list-style-type: none"> The \$300k-\$400k for option 1, <u>plus</u> The \$150k-\$250k for option 2, <u>plus</u> Between \$100k to \$200k for disintegration tasks – the degree of cost 	<p>The risks and significance are comparable to option 2, however, there is considered to be a further increased risks and higher degree of significance with this option given the challenges which would be involved in disintegrating certain parts of the PDP.</p> <p>There is a risk that if Chapters which are withdrawn and therefore disintegrated from the rest of the PDP relate to Section 6 ‘matters of national importance’ the Council will not be meeting its obligations in a more significant manner, noting that the ODP is deficient in protecting Section 6 matters</p> <p>There are risks in applying a hybrid approach whereby parts of the PDP and parts of the ODP apply that may lead to confusion and inefficiencies which have a negative effect on the social, economic and cultural well-being of the community.</p>

Benefits	Costs	Risks and significance
	will depend on which topics have been 'paused'.	
There are no identified economic, social, environmental or cultural benefits from this option.	<p>The economic, social, environmental and cultural costs are comparable to option 2. However, there may be increased costs as follows:</p> <ul style="list-style-type: none"> • Confusion around which parts of the PDP apply and which parts of the ODP apply. For example, if chapters relating to section 6 matters of national importance are withdrawn then the ODP provisions may still apply meaning the community will need to operate under two district plans which may create increased confusion and processing costs. • If the provisions relating to cultural values (Mana Whenua and SASM / Ngai Tahu Cultural Values Chapters) are withdrawn there may be cultural costs associated with risks to the relationship with Hokonui Rūnanga. 	

Appendix 5 – Submitter Summary and Feedback

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S1 – Howard Alchin	LLRZ		<p>Thank you for the letter regarding submissions on a delay to the district plan process. As i understand it, a significant amount has been spent on constants to this point. As well as supporting a pause due to incoming legislation and other policy changes i believe the council should focus during the delay period on building its in house planning capacity and put the local back into the mix. This is not Queenstown.</p> <p>I can't work out where the bullish pressure to continue at this point is coming from. I suspect it's political and also political in regards to the political careers of misguided politicians.</p> <p>In addition I firmly believe that more thought needs to be put into aligning our district plan with our neighbors. From my perspective, the sooner amalgamation is on the table the better. The current rates burden is already intolerable as is the common lack of clarity emanating from the corridors of local power. The internal power plays and pissing contests should not be conducted entirely behind closed doors. We have a right to know the political and management positions more openly. Filtered communications are decipherable for what they are, but politicians hiding in plain site is totally undemocratic and unacceptable.</p>	No Position stated
S3 - Stoney Creek Station Limited	SUB, UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW	✓		
S4 - Susan Coulman	GRZ			
S5 - Dwayne Smith	DEV			
S6 - BL & KM Shields Barry Shields	Designations, GRZ			
S7 - Damiyen Crosbie	Designations, GRZ			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S8 - Anton Hoffman	Designations, GRZ			
S9 - Laura-Lee Hoffman	Designations, GRZ			
S10 - Courtney Horrell	Designations, GRZ			
S11 - Jenna Potter	Designations, GRZ			
S12 - P & J Talbot	GIZ			
S14 - Desmond Wilson	GRZ			
S15 - Janice Wilson	GRZ			
S16 - Fuel Companies	CL, NH, EW, NOISE, TRANS, HAZS, MUZ, TCZ			
S17 - Resolution Developments Limited	GRUZ			
S18 - Reaby Downs Farm Ltd	UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW			
S19 - Karen Temple	UFD, ECO, NFL, EW, GRUZ, NOISE, SASM, NOSZ, MW			
S20 - Sarah and Peter Barclay	UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW			
S21 - AdMore Designs Limited	GRZ			
S23 - Mataura Marae	HH, MPZ, SASM			
S24 - Helen McIntosh	UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW			
S25 - Peter Kempthorne	Designations, GRZ, AIRPZ			
S26 - Michael Crymble	SETZ,			
S28 - Ravensdown Limited	NOISE, GRUZ, GIZ			
S29 - Leanne Grant	HH			
S30 - Deborah Lawson	HH			
S31 - Stephen Hook	DEV, GIZ			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S32 - One New Zealand Group Limited	Introductions & general provisions, SUB, DEV, UFD, INFR, NH, HH,EW		<p>This letter provides a collective response on behalf of the aforementioned telecommunications companies to the proposal to pause the PDP1, with the recommendation of this letter being that the hearing and decision process continues.</p> <p>Telecommunications infrastructure is significant and essential to modern society. The safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy while also allowing people and communities to provide for their wellbeing. Telecommunications infrastructure can also support disaster resilience by providing a more comprehensive and robust telecommunications network.</p> <p>The PDP includes provisions which will modernise how telecommunication infrastructure is provided for in the Gore district. This includes how the PDP interacts with the National Environmental Standards for Telecommunications Facilities 2016 (NESTF), as well as ensuring that the Gore District Council's planning document is aligned with the National Planning Standards 2019. As operators of national networks, a nationally consistent structure and form of District Plans as well as nationally consistent definitions makes our operations under the Resource Management Act 1991 (RMA) much more efficient. Consistency across the national, regional and district planning frameworks is fundamental to the industry having certainty and clarity around what is supported and enabled in each region.</p> <p>Change in Central Government direction is, and always will be, part of the regulatory system and any changes to RMA and national direction will take time to implement. While the telecommunications companies support Central Government's intention to better enable telecommunication infrastructure, pausing the PDP process would further delay critical changes to the Operative Gore District Plan. Through giving effect to their current obligations and responsibilities under the RMA, the Gore District Council will therefore support the delivery essential telecommunications infrastructure in the short- and medium-term.</p> <p>Any RMA reform is likely to include a reliance on the District Plan's which are in play at the time reform occurs, and as such, the PDP, regardless of any regulatory change, is likely to set the planning provisions for Gore for a reasonable time period.</p>	Proceed with PDP Process
S33 - FortySouth	Introductions & general provisions, SUB, DEV, UFD, INFR, NH, HH, EW			Proceed with PDP Process
S35 - Chorus New Zealand Limited	Introductions & general provisions, SUB, DEV, UFD, INFR, NH, HH, EW			Proceed with PDP Process

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<p>Consequently, updating and modernising the management of telecommunications facilities through the PDP is also not seen as wasted effort. The PDP will better enable the Gore District Council to enact any changes in the future through up-to-date provisions in line with not only national direction under the RMA, including the National Planning Standards, but also national best practice. In addition, significant time and cost has been invested by the telecommunications companies in engaging in the PDP process to date, who wish to see the processes through to fruition.</p> <p>In conclusion, the telecommunications companies recommend that the Gore District Council continue the PDP hearing and decision-making process.</p>	
S36 - Clayton Rowland	GRUZ			
S37 - Connexa Limited	Introductions & general provisions, SUB, DEV, UFD, INFR, NH, HH, EW		Joint feedback with s32, s33, s35, s37 & s154	Proceed with PDP Process
S39 - Bernadette Howard	RLZ			
S40 - Silver Fern Farms	Introductions & general provisions, SUB, GRZ, RLZ, DEV, UFD, CL, NH, EW, NOISE, GRUZ, GIZ, HAZS, LIGHT			
S41 - Michele Gentle	TREE			
S42 - Kowhai Trust	GRUZ, SETZ			
S46 - Margaret Katon	GRZ			
S47 - David Katon	GRZ			
S48 - Isobel Agnew	Designations, GRZ			
S49 - Gore District Memorial RSA (Inc)	TREE			
S50 - Jacklyn (Jackie) Johnston	SUB, GRUZ	✓	✓	
S51 - Nick Crisp	RLZ			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S52 - Brett Highsted	LLRZ	✓	✓	
S53 - Katherine Welsh	NFL			
S54 - Webbline Agriculture Limited	GIZ			
S55 - Brent Herbert	SUB, GRZ		As a submitter on the Proposed District Plan, I believe that the Proposed District Plan Hearing and decision process should be paused. This pause should extend until central government provides appropriate clarity to allow the Council to complete the District Plan.	Pause PDP Process
S56 - Richard Agnew	Designations, GRZ			
S59 - Adrienne Crispin	Introductions & general provisions, ECO, GRUZ, SASM			
S60 - Ronald Crispin	Introductions & general provisions, SUB, GRZ, RLZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, EW, NOISE, SIGN, GRUZ, GIZ, SASM, LIZ, TRANS, NOSZ, HAZS, LIGHT, TEMP, MW			
S61 - Camp Columba Charitable Trust	CCZ			
S62 - Roy Agnew	GRZ			
S63 - New Zealand Helicopter Association	NOISE, GRUZ, TRANS, TEMP,			
S64 - Jet Boating NZ	ASW, NOISE, SASM, NOSZ, TEMP			
S65 - Gore District Council	DEV, TREE, SIGN			
S66 - Groundswell NZ	UFD			
S68 - John Baynes	Introductions & general provisions, SUB, GRZ, RLZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, EW			
S69 - Ian Davidson-Watts	RLZ, UFD, ECO, NFL			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S74 - Hamish Weir	SUB, ECO, NFL, EW, GRUZ, SASM, TRANS, CCZ			
S75 - James Weir	HH	✓	✓	
S76 - Nicky Highsted	LLRZ	✓	✓	
S77 - New Zealand Heavy Haulage Association	GRZ, MRZ, RLZ, NCZ, LLRZ, GRUZ, GIZ, FDZ, MPZ, LIZ, SARZ, AIRPZ, SETZ, MUZ, TCZ, LCZ, CCZ			
S79 - Andrew Welsh	NFL			
S84 - John Sheddan	RLZ, HH			
S85 - Environment Southland	Introductions & general provisions, SUB, GRZ, MRZ, RLZ, NCZ, DEV, LLRZ, UFD, INFR, CL, NH, TREE, ECO, NFL, GRUZ, GIZ, FDZ, MPZ, SASM, LIZ, SARZ, NOSZ, HAZS, AIRPZ, SETZ, MUZ, TCZ, MW, LCZ, CCZ		<p>Kia ora</p> <p>This email is in response to the letter dated 22 January requesting feedback from submitters on potentially pausing the Gore District Council Proposed District Plan hearing and decision process.</p> <p>Environment Southland has decided to take a neutral position when providing feedback.</p>	Neutral Position
S87 - Ballance Agri-Nutrients	RLZ, NOISE, GRUZ			
S89 - Karen Menlove	GIZ, LIZ			
S92 - Nadine Fletcher	RLZ, LLRZ			
S94 - Phil Checketts	MRZ, LLRZ			
S95 - PowerNet Limited	Introductions & general provisions, Designations, ENRG, INFR, NOISE, HAZS, TEMP			
S96 - Anna Kauai	RLZ			
S97 - Woolworths New Zealand Limited	NCZ, TCZ, LCZ			
S98 - Southland Developers Ltd.	LLRZ			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S99 - Clark Fortune McDonald & Associates	Introductions & general provisions, SUB, GRZ, MRZ, RLZ, DEV, LLRZ, NH, EW, GRUZ, TRANS, SETZ, MUZ, TCZ			
S100 - Charlton Rise Limited	SUB, GRZ, MRZ, RLZ, NCZ, DEV, NH		<p>We provide the following feedback on the Gore District Council Proposed District Plan Hearing and Decision Process on behalf of Charlton Rise Limited.</p> <p>Council has received a request to: consider pausing the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then review the duration of the pause pending further direction from Central Government.</p> <p>Charlton Rise oppose any delay in the hearing and decisions process for the following reasons: 1. Charlton Rise Limited has invested significant resources in participating in the Proposed District Plan process with the goal of providing additional residential and rural residential land in areas immediately adjoining the existing urban area of Gore. Charlton Rise seeks to commence development of their land as soon as possible and delays to the hearing and decision process may result in an inability to progress development. 2. The request seeks to pause the process for an unspecified duration – nine months followed by the potential for additional pausing of the process. The uncertainty of the pause period is not acceptable. 3. The RMA requires that all decisions on submissions on the notified plan must be given within two years of the plans notified date and Charlton Rise requests that Council meet its obligations under the RMA in issuing decisions in a timely manner. 4. Charlton Rise notes that provision of residential land to meet a 30 year horizon has been signalled in successive resource management consultation and press releases issued by the coalition government. The development of the Gore West Residential Development Area is in accordance with this national direction. Charlton Rise Limited request that Gore District Council proceed with the hearing and decision processes in accordance with the requirements of the RMA in order to enable development within the Gore District.</p>	Proceed with PDP Process

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S101 - Transpower New Zealand Limited	Introductions & general provisions, SUB, GRZ, RLZ, DEV, LLRZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, ASW, EW, NOISE, SIGN, GRUZ, GIZ, FDZ,			
S102 - Clara McLennan	GRZ			
S103 - McNabb Management Ltd	Introductions & general provisions, RLZ, GRUZ, McNabb, MPZ		<p>McNab opposes the request to postpone the PDP proceedings and we consider the Council postponing the PDP proceedings is contrary to both the requirements of the RMA and Local Government Act 2002 (LGA).</p> <p>The request seeks to postpone the PDP proceedings for at least nine months, and potentially longer depending on the timing of RMA reform. This will have the effect of delaying the rezoning of land in the Gore District as anticipated in the notified PDP or in the relief sought by submitters.</p> <p>McNab has sought to rezone its land at 10 McKinnon Road to enable light industrial activities to occur on site, as well as to relocate the existing Te Ika Rama Marae and establish rural lifestyle activities. McNab has invested a significant amount of time and resources into this project, which has been proposed to service the rural industry sector that is fundamental to the district's economy. An indefinite delay of the PDP proceedings would delay the zoning outcome sought for the McNab site which would materially impact the proposed development from proceeding in timely and efficient manner.</p> <p>A decision from Council to postpone the PDP midway through the process would ultimately cut through the public hearing process and statutory decision-making function that the Council has delegated to the Panel to hear submissions on the PDP on the basis of one group of submitters' view.</p> <p>We consider this will have significant impacts on the Gore District. The level of growth anticipated in Gore requires additional land</p>	Proceed with PDP Process

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<p>within the district to be upzoned. As identified through the hearings process, additional industrial land is needed to enable growth in these industries as there is insufficient industrial zoned land across the district. Delaying the upzoning of land proposed through the PDP process has the potential to delay the growth of the district as a whole.</p> <p>Further, we note that the letter to Council seeking postponement notes that the “plan is contrary to the message from Central Government in removing red tape with the number of consents farmers, business people and residents will now need to obtain”. However, the letter does not identify the provisions which amount to “red tape” or which conflict with national direction. In our view the Council making a decision which runs contrary to relevant statutory requirements on the basis of a speech by Central Government politicians is a flawed approach.</p> <p>Fundamentally, we consider that Council needs to apply the legislative framework as it applies now to the process. The RMA has been the subject of many changes since 1991, and if in the future the legislation changes again in a yet to be determined way, the plan formulation process will need to respond to that.</p> <p>See letter for more....</p>	
S104 - McLeod-Wantwood Trust/Wantwood Station	Introductions & general provisions, RLZ, ECO, NFL, EW, GRUZ, SASM			
S105 - Farm Manager - Wantwood Station	Introductions & general provisions, RLZ, ECO, NFL, EW, GRUZ, SASM			
S106 - Mathew McLennan	GRZ			
S107 - Ronald Ashby	NOISE, LIZ, MUZ			
S108 - HWR Property Limited	NOISE, SIGN, GIZ			
S109 - Department of Conservation	Introductions & general provisions, SUB, RLZ, UFD,			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
	ENRG, INFR, NH, HH, ECO, NFL, PA, ASW, EW, GRUZ, SASM, TRANS, NOSZ, MW			
S110 - Royal Forest and Bird Society of NZ Inc	Introductions & general provisions, SUB, RLZ, DEV, ENRG, INFR, ECO, NFL, ASW, EW, GRUZ, GIZ, LIZ, TRANS, NOSZ, HAZS, SARZ, AIRPZ		<p>The Royal Forest and Bird Society of New Zealand Inc. (Forest & Bird) submitted on the proposed Gore District Plan and also provided further submissions.</p> <p>Forest & Bird do not agree with the proposal put to Council to pause the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then to review the duration of the pause pending further direction from Central Government.</p> <p>The current Gore District Plan became operative in July 2006, meaning the plan is close to 20 years old. Consequently, much of the content of the current plan is outdated and does not reflect more modern legislation such as the National Policy Statement for Freshwater Management (NPS-FM) and the National Policy Statement for Indigenous Biodiversity (NPS-IB) among others.</p> <p>RMA section 75(3) requires that a district plan must give effect to any national policy statement, any New Zealand coastal policy statement and any regional policy statement. The current District Plan does not.</p> <p>See letter for more</p>	Proceed with PDP Process
S111 - Aggregate and Quarry Association	Introductions & general provisions, EW, GRUZ,		<p>The Aggregate and Quarry Association (AQA) support the Council pausing the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then review the duration of the pause pending further direction from Central Government.</p> <p>The Resource Management (Freshwater and Other Matters) Amendment Act 2024 came into force on 25 October 2024. Also, the Government have introduced the Resource Management (Consenting and Other System Changes) Amendment Bill and indicated they intend amending a number of National Direction Instruments by mid-2025. Given the extent of change, and the fact that many of the changes will impact on the Proposed District Plan,</p>	Pause PDP Process

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			it would be prudent for Council to pause the District Plan process to avoid unnecessary work until these central Government changes are made.	
S112 - Waka Kotahi NZ Transport Agency	Introductions & general provisions, Designations, SUB, GRZ, MRZ, RLZ, DEV, UFD, INFR, NH, ECO, NFL, EW, NOISE, SIGN, GRUZ, GIZLIZ, TRANS, SARZ, AIRPZ, LIGHT, TEMP, SETZ, MUZ, TCZ			
S113 - Trudy Bokser	UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW	✓	✓	
S114 - Donna Vincent	GIZ			
S115 - Kevin Robertson	Introductions & general provisions, SUB, GRZ, RLZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, EW, NOISE, SIGN, GRUZ, SASM, LIZ, TRANS, NOSZ, HAZS, LIGHT, TEMP, MW,			
S116 - Nathan Bokser	UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW			
S117 - Greg Bokser	UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW			
S118 - AW+ JA Johnston Family Trust	UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW			
S119 - Mark Robinson	HH			
S120 - Louwenda Robinson	HH			
S121 - Alliance Group Limited	Introductions & general provisions, SUB, GRZ, RLZ, UFD, ENRG, INFR, CL, NH, HH, NFL, PA, EW, NOISE, GRUZ, GIZ, HAZS, LIGHT	✓	✓	
S122 - Fulton Hogan	CL, NH, TREE, ECO, PA, EW, GRUZ			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S123 - Heritage New Zealand Pouhere Taonga	GRZ, MRZ, HH, EW, SIGN, GIZ, SASM, LIZ, SETZ, TCZ, MW, LCZ			
S124 - Fire and Emergency NZ	Introductions & general provisions, SUB, GRZ, MRZ, RLZ, NCZ, DEV, LLRZ, INFR, CL, NH, ECO, NOISE, SIGN, GRUZ, GIZ, FDZ, MPZ, LIZ, TRANS, NOSZ, HAZS, SARZ, AIRPZ, TEMP, SETZ, MUZ, TCZ, LCZ, CCZ,			
S125 - Ministry of Education	Designations, SUB, GRZ, MRZ, RLZ, NCZ, DEV, LLRZ, UFD, ENRG, INFR, NH, HH, ECO, NOISE, GRUZ, GIZ, MPZ, LIZ, TRANS, NOSZ, HAZS, AIRPZ, LIGHT, SETZ, MUZ, TCZ, LCZ, CCZ,			
S126 - Southland Federated Farmers of New Zealand	Introductions & general provisions, SUB, GRZ, RLZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, EW, NOISE, SIGN, GRUZ, GIZ, SASM, LIZ, TRANS, NOSZ, HAZS, LIGHT, TEMP, MW	✓	<p>Gore District Council is seeking feedback on a letter signed by 116 people requesting Council to: Consider pausing the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then review the duration of the pause pending further direction from Central Government. The matter will be discussed by the Council on 18 February 2025. Southland Federated Farmers (SFF) was a signatory to this letter and assisted Stoney Creek Station in obtaining further signatures. We are in full support of the request to pause the Proposed District Plan (PDP) for reasons set out within this memorandum.</p> <p>Attachment 2 to the letter requesting feedback (dated 22 January 2025) sets out the matters to be considered by the Council relative to the request. We utilise some of these matters to structure our feedback: • (a) Advantages and disadvantages and the significance of the proposal; The advantage of the proposal to pause the PDP is that it would allow for further direction from the Government on the Resource Management Act 1991 (RMA) to be issued. The Council would not be pursuing a plan which could be subject to change if the legal framework is amended. Another advantage is that GDC</p>	Pause PDP Process

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<p>would be seen to be listening to the community, where the community feel that they have not been adequately consulted throughout the PDP process. There were 116 signatures obtained in a very short space of time, and from a range of ratepayers across the community (not just farmers). This shows that many in the community want GDC to slow down. Furthermore, ratepayers are subject to the cost of the PDP which involves many consultants who do not reside in Gore. Pausing the plan, while awaiting direction would mean that GDC is not unnecessarily spending ratepayer money on a plan which may be subject to change.</p> <p>This proposal should be considered as of high significance as per the Council's Significance & Engagement Policy. Submitters should be given the opportunity to present their views on this in person. • (c) A summary of the topics covered in each chapter of the proposed district plan and the extent to which recent and upcoming RM reform and/or other legislative change might affect each of these; This type of analysis is for the Council to carry out. The Government has signalled that the new RMA will strengthen private property rights. Any chapter related to s6 overlays in the RMA will be impacted by the RM reform. • (d) Costs and benefits of the proposed plan process, including costs to date and costs and benefits of any pause in the process; SFF has invested significant resource into developing its submissions and evidence on the PDP. This includes travel to the Gore District, development of legal submissions for the SASM chapter and the facilitation of a public meeting. However we see no benefit in further time and financial investment for a plan that seems to be going in a different direction to Government signals. We would prefer to see work and expenditure in this space halted until there is clarity on future direction. Further, continuing with the PDP may result in additional resourcing and workstreams to implement that soon prove unrequired. At stake are the costs of completing the PDP process (which could result in costly Court procedures depending on the outcomes from the Hearing Panel), costs to implement the Plan, and then costs to process and implement a Plan Change, variation or new Plan following confirmation of Government policy relative to the RMA and national direction. We understand the costs of</p>	

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<p>pausing now, but the costs of continuing are uncertain, significant and potentially greater than continuing, even without shifting Government policy. The act of pausing is clearly the most prudent. • (e) Subject to the fact that no final decisions have been made on any of the notified plan provisions: (i) Likely new restrictions, red tape and/or impacts of the proposed district plan on different sectors of the community including on farmers; SFF has strong objections to the SASM chapter and believes that it will impact farmers financially if accepted in its current form when consent is needed. No economic analysis by the Council has been commissioned for the SASM chapter as has been prepared for the ECO chapter. We believe additional time to properly develop this chapter, in alignment with Government direction, will be of benefit to the whole community. The ECO chapter, with its focus on SNAs/SIVAs, is the subject of a Government directive ordering councils to cease mapping SNAs. It is our view that the ECO chapter will impose additional costs on farmers, despite what Ms Hampson finds in her report, and these costs may be unnecessary if Government direction changes. We know that the full cost of obtaining a consent would not be refunded and farmers will be left out of pocket for any consents applied for that are then no longer needed.</p> <p>• The PDP process has become incredibly confusing for submitters, with multiple date changes and the splitting of hearings. The lack of evidence being received from submitters reflects the disengagement the community now has with the process. A refresh imposed through a plan delay would benefit submitters and the Council. • The Ngai Tahu Cultural Values chapter and the SASM chapter require further consideration and would benefit from community engagement. • GDC may be at risk of judicial review due to the multiple changes to the schedule and inconsistent treatment of submitters (i.e. Hokonui Runanga were the only submitter given multiple opportunities to provide evidence/respond to evidence for the SASM hearing). • GDC has the ability to request a longer timeframe for issuing decisions on the PDP therefore the 2-year timeframe argument is not relevant. • SFF would like to understand how GDC equates a plan pause to around \$500,000, as</p>	

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			noted by the Chief Executive when the matter was last discussed by Council. • The impact of delaying the process should be considered relative to the added cost of revision and changes required due to potentially repealed legislation. SFF thanks the Hearing Panel for the opportunity to provide feedback	
S127 - Peters Farm Ltd/Karen Peters	Introductions & general provisions, RLZ, UFD, ECO, NFL, EW, NOISE, GRUZ, SASM, NOSZ, MW			
S128 - Greenbriar Ltd.	Introductions & general provisions, UFD, ENRG, ECO, EW, NOISE, GRUZ, SASM, MW			
S129 - Waikaka Gold Mines Limited	GRUZ			
S130 - Mercury NZ Limited	UFD, ENRG, INFR, ECO, NFL, EW, GRUZ, HAZS			
S131 - PA & JE Johnstone Family Trust	HH			
S132 - KiwiRail Holdings Ltd	Introductions & general provisions, Designations, SUB, GRZ, MRZ, RLZ, NCZ, DEV, LLRZ, UFD, INFR, NH, ECO, ASW, EW, NOISE, SIGN, GRUZ, GIZ, LIZ, TRANS, SARZ, LIGHT, SETZ, MUZ, TCZ, LCZ,		<p>Apologies for the slightly delayed response to the request for feedback.</p> <p>KiwiRail is in receipt of the attached letter on behalf of Gore District Council requesting feedback from submitters on a proposal to pause the Proposed District Plan current hearing and decision processes.</p> <p>KiwiRail opposes the pause request and is supportive of the Council completing the hearing and decision processes in accordance with the 2025 hearings timetable (as set out in Minute 31 of the Hearings Panel dated 16 December 2024). We are near the end of this process with the final wrap-up hearing (Hearing Stream 12) scheduled for 7 April 2025. KiwiRail has invested time and resources in participating in the majority of the hearing streams to date, including through providing tabled statements, evidence from expert witnesses, submissions, and speaking virtually before the Hearings Panel. KiwiRail appreciates the Hearings Panel's and Council's Planning Department efforts in ensuring the Proposed</p>	Proceed with PDP Process

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<p>District Plan was a streamlined, well-run process for submitters. It would be positive to have this closed out instead of extending the scheduled timeframe by at least 9 months.</p> <p>Thank you for the opportunity to provide feedback on this matter. We would be grateful if you could please let us know the outcome of Council's consideration of the pause request following its meeting on 18 February 2025.</p>	
S133 - David Pullar	INFR, EW, GRUZ, MW			
S134 - Andrea McMillan & Tony Harpur	Designations, GRZ, INFR			
S135 - Straterra Inc	GRUZ			
S136 - Jenny Campbell	Introductions & general provisions, UFD, ENRG, TREE, ECO, NFL, GRUZ, MW,			
S137 - Hugh Gardyne	UFD		<p>I respond to the copied request for feedback on pausing the hearing and decision process for the proposed Gore District Plan. I concur with the submitters that signed the letter dated 12 December 2024, presented to GDC meeting before Christmas that the Gore District Council pause the hearing and decision process of the GDC district plan.</p> <p>Put simply the plan hearing and decision process is a "dogs breakfast". Submitter's like myself have been subordinated in the process with constant emails and changes proving impossible to keep up with.</p> <p>My objection and <u>support for the pause</u> is because of:</p> <ul style="list-style-type: none"> • the difficulty of reading the plan in its entirety since it is broken down into sections only, cf: with Acts of Parliament for example that can be read in sections or as a whole. • the introduction of the section to replace the Areas of Significance to Maori with its replacement that of Ngai Tahu Cultural Values. To my knowledge this happened without reason or explanation or consent of those that previously submitted. It constitutes an amendment and should have precipitated a public meeting to announce and give justification for the amendment. 	

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<ul style="list-style-type: none"> • the draft Plan is meant to reflect the aspirations and desires of the community after consultation with people in the community. The above mentioned section and various other sections, seem to have been included with no community consultation so where is evidence of GDC following the guidelines? • Despite requirements to complete the Plan within a 2 year time-frame, neither will the world stop or the sun not rise if the requested pause causes that timeline to be exceeded. • GDC know absolutely the pending reform of the RMA and are <u>reckless</u> persevering with the hearings and decisions based on old RMA legislation up for review. Clearly there are advantages to pause the process is obvious to everyone but the GDC. • GDC should front the public with a public meeting so we submitters can join the conversation and listen to the interchange of ideas from all interested parties on all matters concerning the District Plan. • the superficial announcement by the CE that delay would add costs of \$500 000 is, to date, not supported by any analysis or justification and by itself constitutes bullying of council and submitters by the CE and needs called out. • the impact of delaying the process needs balancing with the added cost of revision and getting any decisions wrong based on potentially repealed legislation. • there is a letter to be presented to GDC at its meeting 18 February 2025, concerning the conflicts of the commissioner - Keith Hovell. The letter states his fingerprints are across planning, advisory, engagement of contractors/consultants and now as the hearing commissioner and decision maker of the district plan. That issue, while separate to that I am addressing, is an integral problem GDC must consider and resolve, and is itself a reason to pause the hearing and decision process prior to removing Hovell off the hearing panel. 	

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<p>In summary the costs, confusion and scrutiny of parties beyond the Gore district boundaries of the proposed District Plan will create a Plan that won't meet or satisfy the expectations and aspirations of the Gore community and for that you have yourselves to blame. Sadly Councillors won't bear the cost.</p> <p>I totally support the request to pause the hearings and decisions process of the Gore District Plan for 9 months or as long as it takes central Government to complete the rewrite of the RMA and any derivatives.</p> <p>I further support a public meeting for submitters and the public to be updated publicly on the DP and to express their dissatisfaction with the Council, its Plan, the cost and direction of travel contrary to the wishes of ratepayers and residents.</p>	
S138 - Port Blakely Limited	Introductions & general provisions, ECO, EW, GRUZ, SASM			
S139 - Hokonui Rūnanga Inc	Introductions & general provisions, SUB, RLZ, NSZ, DEV, LLRZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, ASW, EW, GRUZ, GIZ, FDZ, MPZ, LIZ, TRANS, NOSZ, HAZS, SARZ, AIRPZ, TEMP, SETZ, MUZ, TCZ, MW, LCZ		<p>Hokonui Rūnanga and Ngāi Tahu oppose the request to postpone the PDP proceedings and we consider the Council postponing the PDP proceedings is contrary to both the requirements of the RMA and Local Government Act 2002 (LGA).</p> <p>The request seeks to postpone the PDP proceedings for at least nine months, and potentially longer depending on the timing of RMA reform. This will have the effect of delaying the recognition of Ngāi Tahu cultural values in the PDP.</p> <p>The relief sought by Hokonui Rūnanga seeks to recognise and provide for Ngāi Tahu cultural values in relevant resource consent decision-making across the district and ensure that growth and development occurs in a manner that is consistent with Te Ao Tahu. As the Council must recognise and provide for the relationship of Ngāi Tahu Whānui with their culture, traditions, and values within the Hokonui takiwā, an indefinite delay of the PDP proceedings would delay the consideration, assessment, and management of these cultural values as required by Part 2 of the RMA.</p>	

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
			<p>A decision from Council to postpone the PDP midway through the process would ultimately cut through the public hearing process and statutory decision-making function that the Council has delegated to the Panel to hear submissions on the PDP on the basis of one group of submitters' view.</p> <p>Further, we note that the letter to Council seeking postponement states that the "plan is contrary to the message from Central Government in removing red tape with the number of consents farmers, business people and residents will now need to obtain". However, the letter does not identify the provisions which amount to "red tape" or which conflict with national direction. In our view the Council making a decision which runs contrary to relevant statutory requirements on the basis of a speech by Central Government politicians is a flawed approach.</p> <p>Fundamentally, we consider that Council needs to apply the legislative framework as it applies now to the process. The RMA has been the subject of many changes since 1991, and if in the future the legislation changes again in a yet to be determined way, the plan formulation process will need to respond to that.</p> <p>See letter for more</p>	
S140 - Robina Johnston	Introductions & general provisions, SUB, RLZ, UFD, INFR, ECO, NFL, EW, NOISE, TRANS, HAZS, LIGHT			
S141 - Debra & Gary Gibson	DEV, GIZ, LIZ			
S142 - Alan Taylor	ECO, EW, SASM	✓	✓	
S143 - Rural Ratepayers Group	Introductions & general provisions, SUB, GRZ, RLZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, EW, NOISE, SIGN, GRUZ, SASM, LIZ, TRANS, NOSZ, HAZS, LIGHT, TEMP, MW			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S144 - Contact Energy Limited	ENRG, INFR, NH, ECO, EW, TRANS, LIGHT			
S145 - Rural Contractors NZ Incorporated (RCNZ)	UFD, GRUZ,			
S146 - Southland District Council	Introductions & general provisions, SUB, GRZ, MRZ, RLZ, NCZ, DEV, LLRZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, ASW, EW, NOISE, SIGN, GRUZ, GIZ, MPZ, SASM, LIZ, TRANS, NOSZ, HAZS, SARZ, LIGHT, TEMP, SETZ, MUZ, TCZ, MW, LCZ			
S147 - New Zealand Defence Force	Introductions & general provisions, INFR, ASW, EW, NOISE, TEMP,			
S148 - Alistair & Bernadette Hunt	Introductions & general provisions, SUB, GRZ, RLZ, UFD, ENRG, INFR, CL, NH, HH, TREE, ECO, NFL, PA, EW, NOISE, SIGN, GRUZ, GIZ, SASM, LIZ, TRANS, NOSZ, HAZS, LIGHT, TEMP, MW	✓	We fully support the request to pause the Gore District Plan process in anticipation of a change in direction from the Government. There is huge potential for Government direction to change requirements for Councils, and we would prefer to avoid the requirement for a further plan change down the track if this eventuates. In addition, we would not like to see the implementation of constraining policies or rules which negatively impact the local economy if they turn out to not be required.	Pause PDP Process
S149 - Yrless	GRZ, UFD, INFR, HH, TCZ			
S152 - Nigel Cowburn	RLZ, DEV, LLRZ, UFD, NH, ECO, NFL, TRANS			
S153 - Oakland Farming Ltd	ECO, EW, SASM			
S154 - Spark New Zealand Trading Limited	Introductions & general provisions, SUB, DEV, UFD, INFR, NH, HH, EW		Joint feedback with s32, s33, s35, s37 & s154	Proceed with PDP Process
S155 - MacKenzie Aviation Ltd	ECO			

Submitter number & name	Topics submitted on:	Submitters who signed petition	Feedback on PDP Pause	Position Held
S156 - New Zealand Agricultural Aviation Association	NOISE, GRUZ			

Table 1: Chapter Shortcode Abbreviations

Abbreviation	Chapter Reference
AIRPZ	Airport Zone
ASW	Activities on the Surface of Water
CCZ	Camp Columbia Zone
CL	Contaminated Land
DEV	Development Areas
ECO	Ecosystems and Indigenous Biodiversity
ENRG	Energy
EW	Earthworks
FDZ	Field Days Zone
GIZ	General Industrial Zone
GRZ	General Residential Zone
HAZS	Hazardous Substances
HH	Historic Heritage
INFR	Infrastructure
LCZ	Local Centre Zone
LIZ	Light Industrial Zone
LLRZ	Large Lot Residential Zone
MPZ	Māori Purpose Zone
MRZ	Medium Density Residential Zone
MUZ	Mixed Use Zone
MW	Mana Whenua
NCZ	Neighbourhood Centre Zone
NFL	Natural Features and Landscapes
NH	Natural Hazards
NOSZ	Natural Open Space Zone
PA	Public access
RLZ	Rural Lifestyle Zone

SARZ	Sport and Active recreation Zone
SASM	Sites and Areas of Significance to Māori
SETZ	Settlement Zone
SUB	Subdivision
TCZ	Town Centre Zone
TEMP	Temporary Activities
TRANS	Transport
TREE	Tree
UFD	Urban Form and Development

Bridget Sim

From: Howard Alchin <35devonstreet@gmail.com>
Sent: Wednesday, 22 January 2025 11:40 am
To: Planning
Subject: Re: Letter Seeking Proposed District Plan Submitters Feedback

This message needs your attention

- This is a personal email address.
- This is their first email to you.

Mark Safe

Report

Managed by GDC IT Team

Thank you for the letter regarding submissions on a delay to the district plan process. As i understand it, a significant amount has been spent on constants to this point. As well as supporting a pause due to incoming legislation and other policy changes i believe the council should focus during the delay period on building its in house planning capacity and put the local back into the mix. This is not Queenstown.

I can't work out where the bullish pressure to continue at this point is coming from. I suspect it's political and also political in regards to the political careers of misguided politicians.

In addition I firmly believe that more thought needs to be put into aligning our district plan with our neighbors. From my perspective, the sooner amalgamation is on the table the better. The current rates burden is already intolerable as is the common lack of clarity emanating from the corridors of local power. The internal power plays and pissing contests should not be conducted entirely behind closed doors. We have a right to know the political and management positions more openly. Filtered communications are decipherable for what they are, but politicians hiding in plain site is totally undemocratic and unacceptable.

Kind regards Howard Alchin

On Wed, 22 Jan 2025, 11:16 am Planning, <Planning@goredc.govt.nz> wrote:

Good morning,

Please find attached a letter seeking feedback from submitters on the proposal to pause the Gore District Council Proposed District Plan Hearing and decision process.

If you wish to provide feedback, we ask that you submit your response by **11 February 2025**.

If you have any questions or require further information, please don't hesitate to get in touch with the contact details provided.

Kind regards

Bridget

Disclaimer

The information contained in this communication from Gore District Council is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

Bridget Sim

From: Hunt Agriculture <huntagriculture@gmail.com>
Sent: Wednesday, 22 January 2025 1:38 pm
To: Planning
Subject: Re: Letter Seeking Proposed District Plan Submitters Feedback

This message needs your attention

- This is a personal email address.
- This is their first email to Gore District Council.

Mark Safe

Report

Managed by GDC IT Team

Hi there

We fully support the request to pause the Gore District Plan process in anticipation of a change in direction from the Government. There is huge potential for Government direction to change requirements for Councils, and we would prefer to avoid the requirement for a further plan change down the track if this eventuates. In addition, we would not like to see the implementation of constraining policies or rules which negatively impact the local economy if they turn out to not be required.

thanks

Alistair and Bernadette Hunt

From: Planning <Planning@goredc.govt.nz>
Sent: Wednesday, January 22, 2025 11:16 AM
Subject: Letter Seeking Proposed District Plan Submitters Feedback

Good morning,

Please find attached a letter seeking feedback from submitters on the proposal to pause the Gore District Council Proposed District Plan Hearing and decision process.

If you wish to provide feedback, we ask that you submit your response by **11 February 2025**.

If you have any questions or require further information, please don't hesitate to get in touch with the contact details provided.

Kind regards
Bridget



Bridget Sim

From: brent herbert <brent.herbert@gmail.com>
Sent: Wednesday, 22 January 2025 7:21 pm
To: Planning
Subject: Proposal to pause the Gore District Council Proposed District Plan Hearing and decision process

Hello,

As a submitter on the Proposed District Plan, I believe that the Proposed District Plan Hearing and decision process should be paused.

This pause should extend until central government provides appropriate clarity to allow the Council to complete the District Plan.

Thanks,
Brent

Disclaimer

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24 January 2025

Gore District Council
29 Bowler Avenue,
Gore
planning@goredc.govt.nz

To the Mayor, Councillors and CEO,

Re: Proposal to pause the Gore District Council Proposed District Plan hearing and decision process

The Aggregate and Quarry Association (AQA) support the Council pausing the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then review the duration of the pause pending further direction from Central Government.

The Resource Management (Freshwater and Other Matters) Amendment Act 2024 came into force on 25 October 2024. Also, the Government have introduced the Resource Management (Consenting and Other System Changes) Amendment Bill and indicated they intend amending a number of National Direction Instruments by mid-2025. Given the extent of change, and the fact that many of the changes will impact on the Proposed District Plan, it would be prudent for Council to pause the District Plan process to avoid unnecessary work until these central Government changes are made.

Yours sincerely



Wayne Scott
Chief Executive Officer

[Aggregate and Quarry Association](https://www.aqa.org.nz)
wayne@aqa.org.nz
021 944 336

Bridget Sim

From: Tony Michelle <eonzaaa@aviationnz.co.nz>
Sent: Monday, 27 January 2025 9:09 am
To: Planning
Cc: Lynette Wharfe; Simon Wallace; Scott McKenzie; Bruce Peterson
Subject: NZAAA/NZHA Request to Pause the Gore PDP

This message needs your attention

- This is their first mail to some recipients.

Mark Safe

Report

Managed by GDC IT Team

Good morning, Bridget

The NZ Agricultural Aviation and the NZ Helicopter Association support the request to pause the Proposed Gore District Plan. Both organisations have made original and further submissions to the PDP

The Interim Aviation Council (established by the Ministry of Transport) is developing a National Aviation Policy Statement (NAPS) to set out the long-term principles, objectives and outcomes and act as an enduring direction for the aviation system highlighting the Government's commitment to a world-class regulatory environment by 2025 with a light-touch approach.

The NAPS is expected to be completed mid 2025 and may include direction enabling commercial aviation activities that the council will need to consider in developing the PDP.

Kind Regards

Tony Michelle | Executive Officer | New Zealand Agricultural Aviation Association
M: 0274 325 085 | **W:** www.aianz.org.nz/divisions/nz-agricultural-aviation-association
Join our Facebook page: www.facebook.com/nzagav



Aviation
INDUSTRY
ASSOCIATION



From: Planning <Planning@goredc.govt.nz>
Sent: Wednesday, 22 January 2025 11:16 am
Subject: Letter Seeking Proposed District Plan Submitters Feedback

Good morning,

Please find attached a letter seeking feedback from submitters on the proposal to pause the Gore District Council Proposed District Plan Hearing and decision process.

If you wish to provide feedback, we ask that you submit your response by **11 February 2025**.

If you have any questions or require further information, please don't hesitate to get in touch with the contact details provided.

Kind regards
Bridget



Disclaimer

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28 January 2025

Gore District Council
PO Box 8
Gore 9710

By Email: c/- bsim@goredc.govt.nz

Dear Sir/Madam,

Telecommunications companies feedback on the proposal to pause the Gore District Council Proposed District Plan hearing and decision process

Incite have been engaged by the following telecommunications companies to provide assistance on the Gore Proposed District Plan (PDP) process:

- Chorus New Zealand Limited - submitter reference S35;
- Connexa Limited - submitter reference S37;
- Aotearoa Towers Group (trading as FortySouth) - submitter reference S33;
- One New Zealand Limited - submitter reference S32; and
- Spark New Zealand Trading Limited - submitter reference S154.

This letter provides a collective response on behalf of the aforementioned telecommunications companies to the proposal to pause the PDP¹, with the recommendation of this letter being that the hearing and decision process continues.

Telecommunications infrastructure is significant and essential to modern society. The safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy while also allowing people and communities to provide for their wellbeing. Telecommunications infrastructure can also support disaster resilience by providing a more comprehensive and robust telecommunications network.

The PDP includes provisions which will modernise how telecommunication infrastructure is provided for in the Gore district. This includes how the PDP interacts with the National Environmental Standards for Telecommunications Facilities 2016 (NESTF), as well as ensuring that the Gore District Council's planning document is aligned with the National Planning Standards 2019. As operators of national networks, a nationally consistent structure and form of District Plans as well as nationally consistent definitions makes our operations under the Resource Management Act 1991 (RMA) much more efficient. Consistency across the national, regional and district planning frameworks is fundamental to the industry having certainty and clarity around what is supported and enabled in each region.

¹ As per the letter dated 22 January 2025 we received from Gore District Council, seeking feedback on this matter.

Change in Central Government direction is, and always will be, part of the regulatory system and any changes to RMA and national direction will take time to implement. While the telecommunications companies support Central Government's intention to better enable telecommunication infrastructure, pausing the PDP process would further delay critical changes to the Operative Gore District Plan. Through giving effect to their current obligations and responsibilities under the RMA, the Gore District Council will therefore support the delivery essential telecommunications infrastructure in the short- and medium-term.

Any RMA reform is likely to include a reliance on the District Plan's which are in play at the time reform occurs, and as such, the PDP, regardless of any regulatory change, is likely to set the planning provisions for Gore for a reasonable time period.

Consequently, updating and modernising the management of telecommunications facilities through the PDP is also not seen as wasted effort. The PDP will better enable the Gore District Council to enact any changes in the future through up-to-date provisions in line with not only national direction under the RMA, including the National Planning Standards, but also national best practice. In addition, significant time and cost has been invested by the telecommunications companies in engaging in the PDP process to date, who wish to see the processes through to fruition.

In conclusion, the telecommunications companies recommend that the Gore District Council continue the PDP hearing and decision-making process.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Anderson', with a long horizontal flourish extending to the right.

Tom Anderson

Director/Principal Planner

Incite

tom@incite.co.nz

04 801 6862 or 027 231 0246

Bridget Sim

From: Hugh & Kathie Gardyne <esselmont@yrless.nz>
Sent: Saturday, 1 February 2025 3:35 pm
To: Planning
Subject: Gore District Plan proposed pause hearing and decision process.

This message needs your attention

- This is their first email to you.

Mark Safe

Report

Managed by GDC IT Team

Dear Bridget at GDC.

To GDC Councillors,

I respond to the copied request for feedback on pausing the hearing and decision process for the proposed Gore District Plan.

I concur with the submitters that signed the letter dated 12 December 2024, presented to GDC meeting before Christmas that the Gore District Council pause the hearing and decision process of the GDC district plan.

Put simply the plan hearing and decision process is a "dogs breakfast". Submitter's like myself have been subordinated in the process with constant emails and changes proving impossible to keep up with.

My objection and support for the pause is because of:

- the difficulty of reading the plan in its entirety since it is broken down into sections only, cf: with Acts of Parliament for example that can be read in sections or as a whole.
- the introduction of the section to replace the Areas of Significance to Maori with its replacement that of Ngai Tahu Cultural Values. To my knowledge this happened without reason or explanation or consent of those that previously submitted. It constitutes an amendment and should have precipitated a public meeting to announce and give justification for the amendment.
- the draft Plan is meant to reflect the aspirations and desires of the community after consultation with people in the community. The above mentioned section and various other sections, seem to have been included with no community consultation so where is evidence of GDC following the guidelines?
- Despite requirements to complete the Plan within a 2 year time-frame, neither will the world stop or the sun not rise if the requested pause causes that timeline to be exceeded.
- GDC know absolutely the pending reform of the RMA and are reckless persevering with the hearings and decisions based on old RMA legislation up for review. Clearly there are advantages to pause the process is obvious to every one but the GDC.
- GDC should front the public with a public meeting so we submitters can join the conversation and listen to the interchange of ideas from all interested parties on all matters concerning the District Plan.
- the superficial announcement by the CE that delay would add costs of \$500 000 is, to date, not supported by any analysis or justification and by itself constitutes bullying of council and submitters by the CE and needs called out.
- the impact of delaying the process needs balancing with the added cost of revision and getting any decisions wrong based on potentially repealed legislation.
- there is a letter to be presented to GDC at its meeting 18 February 2025, concerning the conflicts of the commissioner - Keith Hovell. The letter states his fingerprints are across planning, advisory, engagement of contractors/consultants and

now as the hearing commissioner and decision maker of the district plan. That issue, while separate to that I am addressing, is an integral problem GDC must consider and resolve, and is itself a reason to pause the hearing and decision process prior to removing Hovell off the hearing panel.

In summary the costs, confusion and scrutiny of parties beyond the Gore district boundaries of the proposed District Plan will create a Plan that won't meet or satisfy the expectations and aspirations of the Gore community and for that you have yourselves to blame. Sadly Councillors won't bear the cost.

I totally support the request to pause the hearings and decisions process of the Gore District Plan for 9 months or as long as it takes central Government to complete the rewrite of the RMA and any derivatives.

I further support a public meeting for submitters and the public to be updated publicly on the DP and to express their dissatisfaction with the Council, its Plan, the cost and direction of travel contrary to the wishes of ratepayers and residents.

Yours faithfully

HUGH GARDYNE

213 GARDYNE ROAD RD 5 GORE 9775.

29 Bowler Avenue, Gore 9710

PO Box 8, Gore 9740

Phone 03 209 0330

Email info@goredc.govt.nz

www.goredc.govt.nz

22 January 2025

Feedback sought on proposal to pause the Gore District Council Proposed District Plan hearing and decision process

1 The Council has received a request (Attachment 1) signed by 116 people requesting Council to: Consider pausing the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then review the duration of the pause pending further direction from Central Government.

2 As set out on the Council's Let's Talk platform, the Proposed District Plan hearings are currently scheduled to conclude on 11 April 2025. Decisions are likely to be published in the following two months. You can view more information on the current stages of the process at <http://goredc.govt.nz/pdp>. The request above seeks to extend the scheduled timeframe by at least nine months.

3 The request for a pause to the proposed district plan process has been placed on the agenda for Council's consideration at the next full Council meeting on 18 February 2025 at 4:00pm.

4 As a submitter on the Proposed District Plan, the Council is seeking your feedback on the proposal to pause the process. Your feedback will be considered by Council members when reviewing the request. Please also indicate whether you support or oppose the pause request and provide any reasons for your position.

5 A summary of the matters likely to be considered by Council regarding this pause request are set out in Attachment 2. Due to the tight timeframe for seeking feedback on this proposal Council staff have not been able to prepare a summary or analysis of the options. However, this information is expected to be publicly available in the agenda papers to be circulated before the Council meeting. Your feedback may be utilised to help in preparing this analysis.

6 Please provide your feedback by 11 February 2025 so it can be included for the Council's consideration. Electronic responses can be sent to planning@goredc.govt.nz, or hard copies posted to Council at the above address or hand delivered to the Council offices.

7 If you would like any further information about how to provide feedback, please contact:

Bridget Sim: bsim@goredc.govt.nz
03 209 0330

Bridget Sim

From: Marcus Roy <Marcus.Roy@es.govt.nz>
Sent: Wednesday, 5 February 2025 1:27 pm
To: Planning
Subject: Proposed pause to the Gore District Council Proposed District Plan hearing and decisions

Kia ora

This email is in response to the letter dated 22 January requesting feedback from submitters on potentially pausing the Gore District Council Proposed District Plan hearing and decision process.

Environment Southland has decided to take a neutral position when providing feedback.

Ngā mihi
Marcus Roy
[Marcus Roy](#)
Policy and Government Manager
Environment Southland *Te Taiao Tonga*

P 03 211 5115 | **M** 021 460 071

Cnr Price St & North Rd, Private Bag 90116, Invercargill 9840

Marcus.Roy@es.govt.nz | es.govt.nz | facebook.com/environmentsouthland

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Environment Southland supports flexible working arrangements. I may have sent this email outside of business hours and I only anticipate a response during your working hours.



bonisch

11 February 2025

Gore District Council
Attn: Bridget Sim
bsim@goredc.govt.nz

Dear Bridget

Charlton Rise Limited - Feedback on Gore District Council Proposed District Plan Hearing and Decision Process

We provide the following feedback on the Gore District Council Proposed District Plan Hearing and Decision Process on behalf of Charlton Rise Limited.

Council has received a request to: *consider pausing the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then review the duration of the pause pending further direction from Central Government.*

Charlton Rise **oppose** any delay in the hearing and decisions process for the following reasons:

1. Charlton Rise Limited has invested significant resources in participating in the Proposed District Plan process with the goal of providing additional residential and rural residential land in areas immediately adjoining the existing urban area of Gore. Charlton Rise seeks to commence development of their land as soon as possible and delays to the hearing and decision process may result in an inability to progress development.
2. The request seeks to pause the process for an unspecified duration – nine months followed by the potential for additional pausing of the process. The uncertainty of the pause period is not acceptable.
3. The RMA requires that all decisions on submissions on the notified plan must be given within two years of the plans notified date and Charlton Rise requests that Council meet its obligations under the RMA in issuing decisions in a timely manner.
4. Charlton Rise notes that provision of residential land to meet a 30 year horizon has been signalled in successive resource management consultation and press releases issued by the coalition government. The development of the Gore West Residential Development Area is in accordance with this national direction.

Charlton Rise Limited request that Gore District Council proceed with the hearing and decision processes in accordance with the requirements of the RMA in order to enable development within the Gore District.

Yours faithfully
BONISCH CONSULTANTS LIMITED

Christine McMillan
Divisional Manager Planning

MEMORANDUM

TO: Independent Hearing Panel, Gore District Council Proposed District Plan
TITLE: Response to letter 'Request to pause Proposed District Plan' (dated 22 January 2025)
DATE: 11 February 2025
AUTHOR: Rachel Thomas, Senior Policy Advisor and Bernadette Hunt, Executive Member of Southland Federated Farmers

INTRODUCTION:

Gore District Council is seeking feedback on a letter signed by 116 people requesting Council to:

Consider pausing the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then review the duration of the pause pending further direction from Central Government.

The matter will be discussed by the Council on 18 February 2025. Southland Federated Farmers (**SFF**) was a signatory to this letter and assisted Stoney Creek Station in obtaining further signatures.

We are in full support of the request to pause the Proposed District Plan (**PDP**) for reasons set out within this memorandum.

MATTERS LIKELY TO BE CONSIDERED BY COUNCIL IN RELATION TO THE PAUSE REQUEST

Attachment 2 to the letter requesting feedback (dated 22 January 2025) sets out the matters to be considered by the Council relative to the request. We utilise some of these matters to structure our feedback:

- **(a) Advantages and disadvantages and the significance of the proposal;**

The advantage of the proposal to pause the PDP is that it would allow for further direction from the Government on the Resource Management Act 1991 (RMA) to be issued. The Council would not be pursuing a plan which could be subject to change if the legal framework is amended. Another advantage is that GDC would be seen to be listening to the community, where the community feel that they have not been adequately consulted throughout the PDP process.

There were 116 signatures obtained in a very short space of time, and from a range of ratepayers across the community (not just farmers). This shows that many in the community want GDC to slow down. Furthermore, ratepayers are subject to the cost of the PDP which involves many consultants who do not reside in Gore. Pausing the plan, while awaiting direction would mean that GDC is not unnecessarily spending ratepayer money on a plan which may be subject to change.

This proposal should be considered as of high significance as per the Council's Significance & Engagement Policy. Submitters should be given the opportunity to present their views on this in person.

- **(c) A summary of the topics covered in each chapter of the proposed district plan and the extent to which recent and upcoming RM reform and/or other legislative change might affect each of these;**

This type of analysis is for the Council to carry out. The Government has signalled that the new RMA will strengthen private property rights. Any chapter related to s6 overlays in the RMA will be impacted by the RM reform.

- **(d) Costs and benefits of the proposed plan process, including costs to date and costs and benefits of any pause in the process;**

SFF has invested significant resource into developing its submissions and evidence on the PDP. This includes travel to the Gore District, development of legal submissions for the SASM chapter and the facilitation of a public meeting. However we see no benefit in further time and financial investment for a plan that seems to be going in a different direction to Government signals. We would prefer to see work and expenditure in this space halted until there is clarity on future direction.

Further, continuing with the PDP may result in additional resourcing and workstreams to implement that soon prove unrequired. At stake are the costs of completing the PDP process (which could result in costly Court procedures depending on the outcomes from the Hearing Panel), costs to implement the Plan, and then costs to process and implement a Plan Change, variation or new Plan following confirmation of Government policy relative to the RMA and national direction. We understand the costs of pausing now, but the costs of continuing are uncertain, significant and potentially greater than continuing, even without shifting Government policy. The act of pausing is clearly the most prudent.

- **(e) Subject to the fact that no final decisions have been made on any of the notified plan provisions:**

(i) Likely new restrictions, red tape and/or impacts of the proposed district plan on different sectors of the community including on farmers;

SFF has strong objections to the SASM chapter and believes that it will impact farmers financially if accepted in its current form when consent is needed. No economic analysis by the Council has been commissioned for the SASM chapter as has been prepared for the ECO chapter. We believe additional time to properly develop this chapter, in alignment with Government direction, will be of benefit to the whole community. The ECO chapter, with its focus on SNAs/SIVAs, is the subject of a Government directive ordering councils to cease mapping SNAs. It is our view that the ECO chapter will impose additional costs on farmers, despite what Ms Hampson finds in her report, and these costs may be unnecessary if Government direction changes. We know that the full cost of obtaining a consent would not be refunded and farmers will be left out of pocket for any consents applied for that are then no longer needed.

OTHER FEEDBACK

- The PDP process has become incredibly confusing for submitters, with multiple date changes and the splitting of hearings. The lack of evidence being received from submitters reflects the disengagement the community now has with the process. A refresh imposed through a plan delay would benefit submitters and the Council.
- The Ngai Tahu Cultural Values chapter and the SASM chapter require further consideration and would benefit from community engagement.
- GDC may be at risk of judicial review due to the multiple changes to the schedule and inconsistent treatment of submitters (i.e. Hokonui Runanga were the only submitter given multiple opportunities to provide evidence/respond to evidence for the SASM hearing).
- GDC has the ability to request a longer timeframe for issuing decisions on the PDP therefore the 2-year timeframe argument is not relevant.
- SFF would like to understand how GDC equates a plan pause to around \$500,000, as noted by the Chief Executive when the matter was last discussed by Council.
- The impact of delaying the process should be considered relative to the added cost of revision and changes required due to potentially repealed legislation.

SFF thanks the Hearing Panel for the opportunity to provide feedback.

11 February 2025

Gore District Council
P O Box 8
Gore 9740
planning@goredc.govt.nz

Dunedin Office
PO Box 6230
Dunedin North, Dunedin 9059
New Zealand
P: 027 279 2500
www.forestandbird.org.nz

FEEDBACK ON THE PROPOSAL TO PAUSE THE GORE DISTRICT COUNCIL PROPOSED DISTRICT PLAN HEARING AND DECISION PROCESS

The Royal Forest and Bird Society of New Zealand Inc. (Forest & Bird) submitted on the proposed Gore District Plan and also provided further submissions.

Forest & Bird do not agree with the proposal put to Council to pause the current hearing and decision processes on the Gore District Council Proposed District Plan for nine months and then to review the duration of the pause pending further direction from Central Government.

The current Gore District Plan became operative in July 2006, meaning the plan is close to 20 years old. Consequently, much of the content of the current plan is outdated and does not reflect more modern legislation such as the National Policy Statement for Freshwater Management (NPS-FM) and the National Policy Statement for Indigenous Biodiversity (NPS-IB) among others.

RMA section 75(3) requires that a district plan must give effect to any national policy statement, any New Zealand coastal policy statement and any regional policy statement. The current District Plan does not.

Of the nearly 11,000 terrestrial species assessed using the New Zealand Threat classification System (NZTCS), 811 (7%) are ranked as 'Threatened' and 2416 (22%) as 'At Risk'. Between 2012 and 2017, population declines were recorded for 61 vascular plant species. Some threatened plants are key structural species for ecosystems, so their declines can have significant ramifications for their associated ecosystems. The major decline in many indigenous land-based species, and in some case their extinction, is largely the result of the substantial reduction in the extent and quality of natural habitats, the impact of introduced predators and herbivores and the legacy of past impacts (including harvesting). Indigenous vegetation continues to disappear with land use change and intensification. While rates of loss have slowed in recent times, less than

half of Aotearoa New Zealand's land area now Biodiversity in Aotearoa remains in indigenous vegetation cover¹.

Likewise with biodiversity, water quality is also on the decline. The National River Water Quality Network (NRWQN) and regional State of the Environment (SoE) monitoring show that diffuse pollution from land use is overwhelmingly the main cause of water quality degradation in New Zealand today. Research and monitoring have identified nitrogen (particularly its dissolved form, nitrate), phosphorus, faecal microbes, and sediments as the key contaminants from diffuse sources. Pastoral farming – which accounts for 40 percent of New Zealand's land area – is undoubtedly the main source of diffuse pollution. Evidence from the NRWQN and catchment studies generally show a gradient in water quality from excellent in native forest, to good in plantation forest, to poor in pastoral and urban streams. Streams in dairy land are among the most polluted. There is no doubt that our declining river water quality over the last 20 years is associated with intensification of pastoral farming and the conversion of dry stock farmland to dairy farming, particularly in Waikato, Southland, and Canterbury. For example, between 1992 and 2002, the number of cows in Waikato increased by 37 percent; during the same period nitrogen levels in the region's streams increased by 40 percent and phosphorus levels went up by 25 percent².

Southland has experienced the greatest losses in water quality, with a net loss of 2,665 hectares of freshwater repo (wetlands) between 1996 and 2018. Of the area of freshwater repo that were lost, 98 percent were because of conversion to land covers associated with farming and forestry³.

The Maitara River at Gore 5-year median for E.coli and Nitrogen is amongst the 25% worst of all sites monitored by LAWA. This means that for more than 30% of the time, the estimated risk is ≥ 50 in 1000 ($>5\%$ risk) of infection to swimmers based on a random exposure on a random day. On top of this, Nitrogen trend is more than likely further degrading⁴.

Although much of the responsibility for freshwater falls to the regional authority, territorial authorities still have responsibility for integrated management under RMA section 31, specifically (1)(b)(iii) 'the maintenance of indigenous biological diversity' and (1)(e) 'the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes', but also (f) 'any other functions specified in this Act'.

Regardless of future legislative change, the Council should continue progressing their District Plan as proposed. Legislative change is almost inevitable throughout a District Plans life cycle and unnecessarily halting proceedings is 'kicking the can down the road' and an inefficient use of resources which have already been and are being expended through this process. District Plans can have their rules stronger than that of its guiding legislation, therefore any future changes to National Policy Statements etc. does not necessarily mean that the District Plan will need to be reviewed, as long as the District Plan is not weaker than its guiding legislation.

¹ The Department of Conservation (2020) Biodiversity in Aotearoa an overview of state, trends and pressures <https://www.doc.govt.nz/globalassets/documents/conservation/biodiversity/anzbs-2020-biodiversity-report.pdf>

² NIWA (2017) How clean are our rivers? <https://niwa.co.nz/water-atmosphere/water-atmosphere-1-july-2010/how-clean-are-our-rivers#:~:text=Contaminants%20from%20the%20land,degradation%20in%20New%20Zealand%20today.>

³ MfE Our freshwater 2023 (2023) <https://environment.govt.nz/publications/our-freshwater-2023/>

⁴ Land Air and Water Aotearoa - Maitara River at Gore <https://www.lawa.org.nz/explore-data/southland-region/river-quality/maitara-river/maitara-river-at-gore>

Forest & Bird strongly encourages the Council to continue with its current hearing and decision processes on the Gore District Council Proposed District Plan.

Kā Mihinui

A handwritten signature in black ink, appearing to read 'McGaw', written in a cursive style.

Chelsea McGaw

Regional Conservation Manager (RCM) – Otago and Southland

Royal Forest and Bird Protection Society of New Zealand Incorporated.

c.mcgaw@forestandbird.org.nz

11 February 2025

Email: planning@goredc.govt.nz

Gore District Council
29 Bowler Avenue
Gore
9710

Attention: **Bridget Sim**

Dear Bridget,

Postponement of Proposed District Plan Proceedings

Introduction

1. We act for McNab Management Limited (**McNab**) on its submission on the Proposed Gore District Plan (**PDP**).
2. This letter responds to the Gore District Council's (**Council**) letter to submitters dated 22 January 2025. In that letter, Council invited submitters on the PDP to provide feedback on a proposal put forward by Southland Federated Farmers of New Zealand, and supported by 116 submitters, to postpone its consideration of the PDP pending clarity and direction from Central Government around the Resource Management Act 1991 (**RMA**) reform.¹
3. This letter sets out our legal opinion on behalf of McNab on the request to postpone the PDP proceedings.

McNab Management Limited Position

4. McNab **opposes** the request to postpone the PDP proceedings and we consider the Council postponing the PDP proceedings is contrary to both the requirements of the RMA and Local Government Act 2002 (**LGA**).
5. The request seeks to postpone the PDP proceedings for at least nine months, and potentially longer depending on the timing of RMA reform. This will have the effect of delaying the rezoning of land in the Gore District as anticipated in the notified PDP or in the relief sought by submitters.
6. McNab has sought to rezone its land at 10 McKinnon Road to enable light industrial activities to occur on site, as well as to relocate the existing Te Ika Rama Marae and establish rural lifestyle activities. McNab has invested a significant amount of time and resources into this project, which has been proposed to service the rural industry sector that is fundamental to the district's economy. An indefinite delay of the PDP proceedings would delay the zoning outcome sought for the McNab site which would materially impact the proposed development from proceeding in timely and efficient manner.
7. A decision from Council to postpone the PDP midway through the process would ultimately cut through the public hearing process and statutory decision-making function that the Council has delegated to the Panel to hear submissions on the PDP on the basis of one group of submitters' view.

¹ Letter to Gore District Council, signed by 116 submitters, dated 12 December 2024.

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8. We consider this will have significant impacts on the Gore District. The level of growth anticipated in Gore requires additional land within the district to be upzoned. As identified through the hearings process, additional industrial land is needed to enable growth in these industries as there is insufficient industrial zoned land across the district. Delaying the upzoning of land proposed through the PDP process has the potential to delay the growth of the district as a whole.
9. Further, we note that the letter to Council seeking postponement notes that the “*plan is contrary to the message from Central Government in removing red tape with the number of consents farmers, business people and residents will now need to obtain*”. However, the letter does not identify the provisions which amount to “red tape” or which conflict with national direction. In our view the Council making a decision which runs contrary to relevant statutory requirements on the basis of a speech by Central Government politicians is a flawed approach.
10. Fundamentally, we consider that Council needs to apply the legislative framework as it applies now to the process. The RMA has been the subject of many changes since 1991, and if in the future the legislation changes again in a yet to be determined way, the plan formulation process will need to respond to that.

Statutory Obligations

Resource Management Act 1991

11. The request to postpone the PDP is inconsistent with the Council’s duties under the RMA.

Duty to Avoid Unreasonable Delay

12. Section 79 of the RMA requires that local authorities must commence a review of the provisions of a District Plan if those provisions have not been subject to a plan change after 10 years of being operative. The Gore Operative District Plan (**ODP**) became operative in 2006. The Council commenced its review of the ODP in June 2020, four years over the statutory deadline.²
13. Nothing in section 79 of the RMA requires a local authority reviewing its District Plan to commence Schedule 1 processes within any specified time of completing its review. However, local authorities are bound by the provisions of section 21 RMA, which requires local authorities to exercise its functions “*as promptly as is reasonable in the circumstances*”.
14. The Court in *Coastal Ratepayers United Inc v Kapiti Coast District Council* held that although the time taken (four years) by the Kāpiti Coast District Council to effect its District Plan changes might be regarded as pushing the extreme boundaries of promptness, the Court considered the final provisions would likely have far reaching impacts on property owners. The Environment Court in that case found that in such circumstances, it was more important that the council “*gets it right rather than gets it quick*”.³
15. In contrast, in our view the request to delay the PDP proceedings for nine months (and potentially longer) to allow for greater clarity from Central Government on RMA reform to be available is not a reasonable reason to delay the PDP proceedings. There is no timeframe on when this national direction will be available, and reform of the RMA has been subject to considerable uncertainty between governments.

² Gore District Council, Section 42A Report: Introduction, General Provisions and Strategic Direction, 7 May 2024 at [75].

³ *Coastal Ratepayers United Inc v Kapiti Coast District Council* [2017] NZEnvC 31 at [1], [34]-[38].

16. Further, the High Court in *Frew v New Plymouth District Council* confirmed that the obligation is to apply the law as it stands⁴ and this has been the experience of counsel in various Environment Court proceedings.⁵ Should Central Government issue national direction that is inconsistent with the PDP, there are statutory mechanisms in place that allow the PDP to be varied, or a plan change to be made, to align the provisions with national direction.
17. In our view, indefinitely delaying the PDP proceedings until such time that Central Government has provided clarity on national direction would be contrary to the Council's statutory obligation to exercise its functions without unreasonable delay.

Statutory Timeframe for Decision Making

18. Clause 10(4)(a) of Schedule 1 of the RMA requires all decisions on submissions on the notified PDP to be made within two years of the PDP being notified.
19. As the PDP was notified on 31 August 2023, we understand that decisions on submissions on the PDP are to be made by 31 August 2025. A nine-month delay of the PDP proceedings will prevent the Council from meeting this statutory obligation.
20. Ministerial approval will be required for Council to extend this statutory timeframe for decision-making.⁶ Before seeking an extension, the Council must take into account:⁷
- (a) the interests of any person who, in its opinion, may be directly affected by an extension;
 - (b) the interests of the community in achieving adequate assessment of the effects of the proposed policy statement or plan or change to a policy statement or plan; and
 - (c) its duty under section 21 to avoid unreasonable delay.
21. The Minister for the Environment has discretion whether to decline or agree to an extension.⁸ We consider that the Council should be reluctant to seek an extension of time to make its decision on the PDP for the reasons that follow:
- (a) Postponing the PDP will adversely affect Gore ratepayers, submitters and further submitters on the PDP who have committed significant time and resources to the PDP process. As recognised by the Panel in Minute 37, persons directly affected by delays to the PDP process also extend to the wider public and potential developers and investors in the Gore District.⁹ The interests of these persons will also be adversely affected by an extension to the statutory timeframe for decision making.
 - (b) The request to postpone the PDP does not relate to ensuring adequate assessment of the effects of the PDP. Instead, the delay of the PDP process would effectively prevent the Panel from undertaking its role to consider all submissions and determine the most appropriate provisions for the PDP.

⁴ *Frew v New Plymouth District Council* [2004] ELHNZ 327 at [6].

⁵ The Environment Court confirmed in directions that uncertainty with LUC3 soils being removed from the NPS-HPL was not a reason to delay Court proceedings.

⁶ Clause 10A(1), Schedule 1, Resource Management Act 1991.

⁷ Clause 10A(3), Schedule 1, Resource Management Act 1991.

⁸ Clause 10A(4), Schedule 1, Resource Management Act 1991.

⁹ Minute 37 of the Hearing Panel, Determination of Request of Federated Farmers NZ to Amend Hearings Timetable, 4 February 2025.

- (c) Section 21 of the RMA imposes a duty to hear and issue decisions as promptly as is reasonable in the circumstances. Under section 18A, timely, efficient, consistent, and cost-effective processes that are proportionate to the functions and powers being performed are required to be used. The request would disproportionately add to the time and cost of the hearings process. Moreover, uncertainty with potential resource management reform does not provide a reasonable ground on which to delay proceedings.

Duty to Give Effect to Higher Order Documents and Part 2

22. A District Plan must give effect to higher order documents such as regional policy statements and national policy statements as well as Part 2 of the RMA. This requirement is limited to the higher order documents that are legally in force at the time of Council's decision on the PDP.¹⁰ The Council cannot predict what national direction in the future will look like, nor can it disregard the current state of the law. Further, national direction is subject to a degree of uncertainty with changing governments. The law is therefore constantly evolving, and the RMA is equipped with the tools to ensure planning instruments evolve with the law.
23. There are statutory mechanisms in place that allow councils to amend their planning instruments to account for any future changes to higher order national direction. For example, the RMA requires local authorities to amend its District Plan to give effect to a Regional Policy Statement in the event that there is conflict.¹¹ Overall, the key requirement is that a District Plan must give effect to Part 2 of the RMA. A local authority is also able to commence a plan change using the Schedule 1 process at any time. Further if the PDP is not yet made operative, a variation to the PDP can be made to align the PDP with any new national direction.
24. Accordingly, we consider that Council has a duty to ensure the PDP gives effect to higher order documents. However, in our view this is limited to the higher order documents that are in place at the time a decision on the PDP is made. We consider that a decision to delay the PDP by the Council will prevent the PDP from giving effect to these higher order documents and to Part 2.

Local Government Act 2002

25. In addition to the Council's duties under the RMA, the request to delay the PDP is inconsistent with the Council's obligations under the LGA.
26. Relevant provisions of the LGA are as follows:
- (a) Section 10 provides that the purpose of local government, which the Council is required to give effect to,¹² is to enable local decision-making and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
- (b) Section 14 provides that the Council, in performing its role, must act in accordance with the following relevant principles:
- (i) taking into account the interests of future as well as current communities; and

¹⁰ Unless there has been express direction from Central Government to delay compliance, such as the Government's direction for local authorities to delay the mapping of Significant Natural Areas as required by the National Policy Statement for Indigenous Biodiversity.

¹¹ Section 73(4) Resource Management Act 1991.

¹² Section 11.

- (ii) ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district.
 - (c) Part 6 sets out the Council's obligations in relation to decision making.¹³ A "decision" in accordance with the LGA is not limited to decision making under the LGA. Of relevance, the Council must give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
27. Delaying the PDP would be inconsistent with the role of the Council as directed by the LGA and would not promote social and economic well-being of communities in the Gore District. McNab is investing significant time and resources in participating in the PDP with the goal of providing a marae, rural residential and rural light industrial land to the Gore economy. Postponing the PDP will result in delays to the release of this land that is currently in short supply and will therefore slow economic growth in the district. This would be contrary to the principle of considering the interests of current and future communities and the principle of efficient and effective use of the Council's resources in the interests of the district.

Conclusion

28. McNab opposes the request to delay the PDP proceedings. In our view such a delay is contrary to the requirements of both the RMA and LGA because:
- (a) Council has a statutory obligation to exercise its functions under the RMA without unreasonable delay.
 - (b) Council has a duty to apply the law as it stands.
 - (c) The status of future national direction and reform of the RMA is subject to a degree of uncertainty, and there is no timeframe on when the new law will be in force. Delaying the PDP proceedings indefinitely until further clarity is provided on RMA reform would, in our view, be unreasonable.
 - (d) Statutory mechanisms are available for Council to amend the PDP (or Operative District Plan if made operative) should future national direction come into force that conflicts with the provisions of the PDP.
 - (e) Council must ensure efficient and effective use of its resources in the interests of the district which delaying a public plan formulation process part way through does not do.
 - (f) The purpose of local government is to enable local decision-making and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Council must also take into account the interests of the current and future Gore community. Postponing the PDP would run contrary to the promotion of social and economic wellbeing and the interests of the community as it would have the effect of delaying the release of rural residential and rural light industrial land to the Gore economy which is currently in short supply.

¹³ Section 75.

29. McNab wishes to be informed of the outcome of this discussion at the Council hearing on 18 February 2025.

Yours faithfully
Lane Neave

A handwritten signature in blue ink, appearing to read 'Joshua Leckie', is positioned below the typed name.

Joshua Leckie
Partner

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11 February 2025

Email: planning@goredc.govt.nz

Gore District Council
29 Bowler Avenue
Gore
9710

Attention: **Bridget Sim**

Dear Bridget,

Postponement of Proposed District Plan Proceedings

Introduction

1. We act for Hokonui Rūnanga Incorporated (**Hokonui Rūnanga**) in relation to their submission on the Proposed Gore District Plan (**PDP**) and Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**) in relation to the PDP and several other District Plan Review processes around the South Island.
2. This letter responds to the Gore District Council's (**Council**) letter to submitters dated 22 January 2025. In that letter, Council invited submitters on the PDP to provide feedback on a proposal put forward by Southland Federated Farmers of New Zealand, and supported by 116 submitters, to postpone its consideration of the PDP pending clarity and direction from Central Government around the Resource Management Act 1991 (**RMA**) reform.¹
3. This letter sets out our legal opinion on behalf of both Hokonui Rūnanga and Ngāi Tahu on the request to postpone the PDP proceedings.

Hokonui Rūnanga Incorporated and Te Rūnanga o Ngāi Tahu Position

4. Hokonui Rūnanga and Ngāi Tahu **oppose** the request to postpone the PDP proceedings and we consider the Council postponing the PDP proceedings is contrary to both the requirements of the RMA and Local Government Act 2002 (**LGA**).
5. The request seeks to postpone the PDP proceedings for at least nine months, and potentially longer depending on the timing of RMA reform. This will have the effect of delaying the recognition of Ngāi Tahu cultural values in the PDP.
6. The relief sought by Hokonui Rūnanga seeks to recognise and provide for Ngāi Tahu cultural values in relevant resource consent decision-making across the district and ensure that growth and development occurs in a manner that is consistent with Te Ao Tahu. As the Council must recognise and provide for the relationship of Ngāi Tahu Whānui with their culture, traditions, and values within the Hokonui takiwā, an indefinite delay of the PDP proceedings would delay the consideration, assessment, and management of these cultural values as required by Part 2 of the RMA.
7. A decision from Council to postpone the PDP midway through the process would ultimately cut through the public hearing process and statutory decision-making function that the Council has delegated to the Panel to hear submissions on the PDP on the basis of one group of submitters' view.

¹ Letter to Gore District Council, signed by 116 submitters, dated 12 December 2024.

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8. Further, we note that the letter to Council seeking postponement states that the “*plan is contrary to the message from Central Government in removing red tape with the number of consents farmers, business people and residents will now need to obtain*”. However, the letter does not identify the provisions which amount to “red tape” or which conflict with national direction. In our view the Council making a decision which runs contrary to relevant statutory requirements on the basis of a speech by Central Government politicians is a flawed approach.
9. Fundamentally, we consider that Council needs to apply the legislative framework as it applies now to the process. The RMA has been the subject of many changes since 1991, and if in the future the legislation changes again in a yet to be determined way, the plan formulation process will need to respond to that.

Statutory Obligations

Resource Management Act 1991

10. The request to postpone the PDP is inconsistent with the Council’s duties under the RMA.

Duty to Avoid Unreasonable Delay

11. Section 79 of the RMA requires that local authorities must commence a review of the provisions of a District Plan if those provisions have not been subject to a plan change after 10 years of being operative. The Gore Operative District Plan (**ODP**) became operative in 2006. The Council commenced its review of the ODP in June 2020, four years over the statutory deadline.²
12. Nothing in section 79 of the RMA requires a local authority reviewing its District Plan to commence Schedule 1 processes within any specified time of completing its review. However, local authorities are bound by the provisions of section 21 of the RMA, which requires local authorities to exercise their functions “*as promptly as is reasonable in the circumstances*”.
13. The Court in *Coastal Ratepayers United Inc v Kapiti Coast District Council* held that although the time taken (four years) by the Kāpiti Coast District Council to effect its District Plan changes might be regarded as pushing the extreme boundaries of promptness, the Court considered the final provisions would likely have far reaching impacts on property owners. The Environment Court in that case found that in such circumstances, it was more important that the council “*gets it right rather than gets it quick*”.³
14. In contrast, in our view the request to delay the PDP proceedings for nine months (and potentially longer) to allow for greater clarity from Central Government on RMA reform to be available is not a reasonable reason to delay the PDP proceedings. There is no timeframe on when this national direction will be available, and reform of the RMA has been subject to considerable uncertainty between governments.
15. Further, the High Court in *Frew v New Plymouth District Council* confirmed that the obligation is to apply the law as it stands⁴ and this has been the experience of counsel in various Environment Court proceedings.⁵ Should Central Government issue national direction that is inconsistent with the PDP,

² Gore District Council, Section 42A Report: Introduction, General Provisions and Strategic Direction, 7 May 2024 at [75].

³ *Coastal Ratepayers United Inc v Kapiti Coast District Council* [2017] NZEnvC 31 at [1], [34]-[38].

⁴ *Frew v New Plymouth District Council* [2004] ELHNZ 327 at [6].

⁵ The Environment Court confirmed in directions that uncertainty with LUC3 soils being removed from the NPS-HPL was not a reason to delay Court proceedings.

there are statutory mechanisms in place that allow the PDP to be varied, or a plan change to be made, to align the provisions with national direction.

16. In addition, submitters on the Ngāi Tahu Cultural Values chapter in particular have already been granted an extension for the filing of evidence relating Hearing stream 8.⁶ Hokonui Rūnanga and Ngāi Tahu have been working in good faith to progress matters and consider that further delays will result in undue prejudice to Hokonui Rūnanga and Ngāi Tahu.
17. In our view, delaying the PDP proceedings indefinitely until such time that Central Government has provided clarity on national direction would be contrary to the Council's statutory obligation to exercise its functions without unreasonable delay.

Statutory Timeframe for Decision Making

18. Clause 10(4)(a) of Schedule 1 of the RMA requires all decisions on submissions on the notified PDP to be made within two years of the PDP being notified.
19. As the PDP was notified on 31 August 2023, we understand that decisions on submissions on the PDP are to be made by 31 August 2025. A nine-month delay of the PDP proceedings will prevent the Council from meeting this statutory obligation.
20. Ministerial approval will be required for Council to extend this statutory timeframe for decision-making.⁷ Before seeking an extension, the Council must take into account:⁸
 - (a) the interests of any person who, in its opinion, may be directly affected by an extension;
 - (b) the interests of the community in achieving adequate assessment of the effects of the proposed policy statement or plan or change to a policy statement or plan; and
 - (c) its duty under section 21 to avoid unreasonable delay.
21. The Minister for the Environment has discretion whether to decline or agree to an extension.⁹ We consider that the Council should be reluctant to seek an extension of time to make its decision on the PDP for the reasons that follow:
 - (a) Postponing the PDP will adversely affect Gore ratepayers, submitters and further submitters on the PDP who have committed significant time and resources to the PDP process. As recognised by the Panel in Minute 37, persons directly affected by delays to the PDP process also extend to the wider public and potential developers and investors in the Gore District.¹⁰ The interests of these persons will also be adversely affected by an extension to the statutory timeframe for decision making.
 - (b) The request to postpone the PDP does not relate to ensuring adequate assessment of the effects of the PDP. Instead, the delay of the PDP would effectively prevent the Panel from undertaking its role to consider all submissions and determine the most appropriate provisions for the PDP.

⁶ Minute 25 of the Hearing Panel.

⁷ Clause 10A(1), Schedule 1, Resource Management Act 1991.

⁸ Clause 10A(3), Schedule 1, Resource Management Act 1991.

⁹ Clause 10A(4), Schedule 1, Resource Management Act 1991.

¹⁰ Minute 37 of the Hearing Panel.

- (c) Section 21 of the RMA imposes a duty to hear and issue decisions as promptly as is reasonable in the circumstances. Under section 18A, timely, efficient, consistent, and cost-effective processes that are proportionate to the functions and powers being performed are required to be used. The request would disproportionately add to the time and cost of the hearings process. Moreover, uncertainty with potential resource management reform does not provide a reasonable ground on which to delay proceedings.

Duty to Give Effect to Higher Order Documents and Part 2

22. A District Plan must give effect to higher order documents such as regional policy statements and national policy statements as well as Part 2 of the RMA. This requirement is limited to the higher order documents that are legally in force at the time of Council's decision on the PDP.¹¹ The Council cannot predict what national direction in the future will look like, nor can it disregard the current state of the law. Further, national direction is subject to a degree of uncertainty with changing governments. The law is therefore constantly evolving, and the RMA is equipped with the tools to ensure planning instruments evolve with the law.
23. There are statutory mechanisms in place that allow councils to amend their planning instruments to account for any future changes to higher order national direction. For example, the RMA requires a local authority to amend its District Plan to give effect to a Regional Policy Statement in the event that there is conflict.¹² Overall, the key requirement is that a District Plan must give effect to Part 2 of the RMA. A local authority is also able to commence a plan change using the Schedule 1 process at any time. Further, if the PDP is not yet made operative, a variation to the PDP can be made to align the PDP with any new national direction.
24. Accordingly, we consider that Council has a duty to ensure the PDP gives effect to higher order documents. However, in our view this is limited to the higher order documents that are in place at the time a decision on the PDP is made. We consider that a decision to delay the PDP by the Council will prevent the PDP from giving effect to these higher order documents and to Part 2.

Local Government Act 2002

25. In addition to the Council's duties under the RMA, the request to delay the PDP is inconsistent with the Council's obligations under the LGA.
26. Relevant provisions of the LGA are as follows:
- (a) Section 10 provides that the purpose of local government, which the Council is required to give effect to,¹³ is to enable local decision-making and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
- (b) Section 14 provides that the Council, in performing its role, must act in accordance with the following relevant principles:
- (i) provide opportunities for Māori to contribute to its decision-making processes; and

¹¹ Unless there has been express direction from Central Government to delay compliance, such as the Government's direction for local authorities to delay the mapping of Significant Natural Areas as required by the National Policy Statement for Indigenous Biodiversity.

¹² Section 73(4) Resource Management Act 1991.

¹³ Section 11.

- (ii) ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district.
 - (c) Part 6 sets out the Council's obligations in relation to decision making.¹⁴ A "decision" in accordance with the LGA is not limited to decision making under the LGA. Of relevance, the Council must:
 - (i) give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter;¹⁵
 - (ii) establish and maintain processes to provide opportunities for Māori to contribute to its decision-making processes;¹⁶ and
 - (iii) consider ways in which it may foster the development of Māori capacity to contribute to its decision-making processes.¹⁷
27. Delaying the PDP would be inconsistent with the role of the Council as directed by the LGA. The significant uncertainty involved in prolonging the PDP would not promote cultural well-being in particular as it would delay recognition of Ngāi Tahu cultural values in the District Plan. Delay to the PDP would also be contrary to the principle of efficient and effective use of the Council's resources in the interests of the district.
28. In relation to Council's obligations, Hokonui Rūnanga and Ngāi Tahu have been working to progress the PDP proceedings and have committed significant time and financial resources to following the correct process for this.
29. The delay of the PDP for an uncertain period would indefinitely hamper opportunities for and the capacity of Hokonui Rūnanga and Ngāi Tahu to continue to contribute to the process. It is necessary for Hokonui Rūnanga and Ngāi Tahu to be actively involved in the plan review process to be able to effectively exercise kaitiakitanga in the Gore District.

Conclusion

30. Hokonui Rūnanga and Ngāi Tahu oppose the request to delay the PDP proceedings. In our view such a delay is contrary to the requirements of both the RMA and LGA because:
- (a) Council has a statutory obligation to exercise its functions under the RMA without unreasonable delay.
 - (b) Council has a duty to apply the law as it stands.
 - (c) The status of future national direction and reform of the RMA is subject to a degree of uncertainty, and there is no timeframe on when the new law will be in force. Delaying the PDP proceedings indefinitely until further clarity is provided on RMA reform would, in our view, be unreasonable.

¹⁴ Section 75.

¹⁵ Section 78(1).

¹⁶ Section 81(1)(a).

¹⁷ Section 81(1)(b).

- (d) Statutory mechanisms are available for Council to amend the PDP (or Operative District Plan if made operative) should future national direction come into force that conflicts with the provisions of the PDP.
- (e) Council must ensure efficient and effective use of its resources in the interests of the district which delaying a public plan formulation process part way through does not do.
- (f) The purpose of local government is to enable local decision-making and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Postponing the PDP would run contrary to the promotion of cultural well-being in particular as it would have the effect of delaying recognition of Ngāi Tahu cultural values in the PDP.
- (g) Council has a duty to provide opportunities for Hokonui Rūnanga and Ngāi Tahu to contribute to the PDP process and consider ways in which it may foster the capacity of Hokonui Rūnanga and Ngāi Tahu to do so. Delaying the PDP would prevent Hokonui Rūnanga and Ngāi Tahu from being able to continue to contribute to the process.

31. Hokonui Rūnanga and Ngāi Tahu wish to be informed of the outcome of this discussion at the Council hearing on 18 February 2025.

Yours faithfully
Lane Neave



Joshua Leckie
Partner

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Attachment 7 - Examples of approach to Section 6 Overlays and Plan Format in other district plans

Partially Operative Selwyn DP – Appeals Version – Plan notified 5 October 2020	
ECO (Ecosystems & Indigenous Biodiversity)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on clearance of indigenous vegetation outside an SNA in certain zones including GRUZ • Limits on clearance of indigenous vegetation within SNAs otherwise consent is required as a non-complying activity. • Specific overlays for certain habitats and nesting areas for Crested Grebe with restrictions on vegetation clearance in these areas. • Non-Complying consent requirement for establishment of Plantation Forest within an SNA
NATC (Natural Character)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Setbacks to water bodies for earthworks, buildings, horticultural plantings, woodlots and shelterbelts and signs. Setbacks vary between zones; for different purposes (i.e. building, earthworks etc) and depending on nature and status of water body. Setbacks generally range from 5m to 100m with setbacks being between 10 – 20m most commonly.
NFL (Natural Features & Landscapes)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Restrictions on building size, height, coverage, setbacks and appearance within Outstanding Natural Landscapes (ONLs) and Visual Amenity Landscape Overlay (VAL) • Consent required as a Discretionary or Non-Complying activity for horticultural planting, woodlots & shelter belt in ONLs and as a Controlled Activity within VAL overlay. • Consent requires as a Discretionary Activity for mineral extraction in a VAL overlay and as a Non-Complying Activity within an ONL. • Establishment of a new plantation forest requires consent as a Non-Complying activity within an ONL and as a Controlled Activity within a VAL.

SASM (Sites and Areas of Significance to Māori)	<ul style="list-style-type: none"> • Specific overlays identified with rules relating to activities and buildings within those overlays.
Zones	5 Residential Zones, 2 Rural Zones, 5 Commercial & Mixed Use Zones, 1 Industrial Zone, 11 Special Purpose Zones and 13 Development Areas
Other District Wide Matters	Strategic Direction, Energy, Infrastructure & Transport; Contaminated Land; Natural Hazards; Hazardous Substances; Biosecurity; Historic Heritage & Notable Trees; Subdivision; Noise, Light, Signs, Temporary Activities, Earthworks, Activities on the Surface of Water, Coastal Environment and Urban Growth.
Proposed Far North DP - Hearings currently progressing – Plan notified July 2022	
ECO (Ecosystems & Indigenous Biodiversity)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on indigenous vegetation pruning, trimming & clearance and any associated land disturbance for certain activities outside an SNA in any zone. • Limit on indigenous vegetation clearance and associated land disturbance within an SNA otherwise consent is required as a discretionary activity. • Any new plantation forest and plantation forestry activities within an SNA require a Discretionary Activity consent.
NATC (Natural Character)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on placement, purpose and scale of new buildings and structures and extensions / alterations to existing buildings or structures within a water body margins. • Limits on earthworks and vegetation clearance within water body margins.
NFL (Natural Features & Landscapes)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on the size, height and appearance of buildings within an ONL and ONF. • Limits on earthworks and clearance of indigenous vegetation within an ONL and ONF. • Farming, plantation forestry and associated activities and extension to existing mineral extraction activities require consent as a Discretionary Activity within an ONL and ONF. • New mineral extraction and land fill, clean fill or managed fill are prohibited within an ONL and ONF.

SASM (Sites and Areas of Significance to Māori)	<ul style="list-style-type: none"> • Specific sites, areas and overlays where certain activities are either limited or require resource consent.
Zones	1 Residential Zone, 4 Rural Zones, 1 Commercial & Mixed Use Zone, 2 Industrial Zones, 12 Special Purpose Zones, 3 Open Space and Recreation Zones
Other District Wide Matters	Strategic Direction, Infrastructure, Renewable Energy & Transport; Natural Hazards; Hazardous Substances; Public Access; Historic Heritage & Notable Trees; Subdivision; Noise, Light, Signs, Temporary Activities, Earthworks, Activities on the Surface of Water, Coastal Environment; GMO, Treaty Settlement land overlay & Mineral extraction overlay.
Proposed West Coast One Plan – Hearings currently progressing - Plan notified July 2022	
ECO (Ecosystems & Indigenous Biodiversity)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Differing requirements for land outside and within the Coastal Environment – limits on clearance or disturbance of indigenous vegetation in both where the area is outside an SNA. • Controlled Activity consent required for clearance or disturbance of indigenous vegetation in accordance with approved plan or permit issued under Forests Act 1949 outside an SNA and outside certain other identified areas. • Discretionary consent required for clearance of indigenous vegetation within an identified SNA – no permitted standard for clearance of indigenous vegetation within an identified SNA.
NC (Natural Character and the Margins of Waterbodies)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on works, including earthworks and indigenous vegetation clearance within riparian margins. • Restrictions on buildings and structures within riparian margins.
NFL (Natural Features & Landscapes)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on earthworks within listed ONL or ONFs • Limits on the size (height & floor area) and use of building within ONLs otherwise resource consent is required.

SASM (Sites and Areas of Significance to Māori)	<ul style="list-style-type: none"> Unless written approval is provided from the relevant Poutini Ngāi Tahu rūnanga restrictions on activities (such as new buildings, clearance of indigenous vegetation, earthworks etc) on sites which are identified in the PDP as being of significance to Māori.
Zones	4 Residential Zones, 4 Rural Zones, 4 Commercial & Mixed Use Zones, 2 Industrial Zones, 9 Special Purpose Zones, 4 Open Space and Recreation Zones and 1 Development Area
Other District Wide Matters	Strategic Direction, Infrastructure, Energy & Transport; Natural Hazards; Contaminated Land; Hazardous Substances; Public Access; Historic Heritage & Notable Trees; Subdivision; Noise, Light, Signs, Temporary Activities, Earthworks, Activities on the Surface of Water, Coastal Environment.
Proposed New Plymouth DP - Appeals Version – notified September 2019	
ECO (Ecosystems & Indigenous Biodiversity)	<p>Key provisions:</p> <ul style="list-style-type: none"> Limits on indigenous vegetation disturbance (includes damage, destruction, removal, modification, trimming or felling of indigenous vegetation) within an SNA and in the Coastal Environment Restricted Discretionary Activity consent for indigenous vegetation clearance within an SNA pursuant to an approved plan or permit issued under the Forests Act 1949
WB (Waterbodies – their margins and natural character)	<p>Key provisions:</p> <ul style="list-style-type: none"> Setbacks for buildings adjoining waterbodies (setback distances are either 10m or 20m depending on the zone) Setback for earthworks to waterbodies
NFL (Natural Features & Landscapes)	<p>Key provisions:</p> <ul style="list-style-type: none"> Limits on indigenous vegetation disturbance and earthworks within listed ONL or Outstanding Natural Character Areas (ONCs). Limits on the size (height & floor area) and use of structures within ONLs and ONCs. Resource consent as a discretionary activity for additions to buildings within ONLs and ONCs.
SASM (Sites and Areas of Significance to Māori)	<ul style="list-style-type: none"> Specific sites are identified where buildings, earthworks and activities are limited and consent may be required. Limits on structures within 50-100m of the sites within certain zones.

Zones	3 Residential Zones, 2 Rural Zones, 6 Commercial & Mixed Use Zones, 1 Industrial Zone, 6 Special Purpose Zones, 3 Open Space and Recreation Zones and 5 Development Area
Other District Wide Matters	Strategic Direction, Network Utilities, Energy & Transport; Natural Hazards; Contaminated Land; Hazardous Substances; Public Access; Historic Heritage & Notable Trees; Entrance Corridors; Viewshafts; Subdivision; Noise, Light, Signs, Temporary Activities, Earthworks, Activities on the Surface of Water, Coastal Environment.
Proposed Timaru DP – Hearings currently progressing – notified September 2022	
ECO (Ecosystems & Indigenous Biodiversity)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on clearance of indigenous vegetation within an SNA otherwise consent is required as a non-complying activity. • Limits on clearance of indigenous vegetation within certain other areas (riparian margins, coastal environment, on slopes, close to wetlands and springs or at a high altitude). • Limits on clearance of trees within the Long-Tailed Bat Protection Area. • Restricted Discretionary Activity consent required for any earthworks within an SNA.
NATC (Natural character)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on vegetation clearance, vegetation planting & earthworks within riparian margins • Only post and wire fences are permitted in riparian margins • Restricted Discretionary Activity consent for buildings and structures within riparian margins.
NFL (Natural Features & Landscapes)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on size (height and area), location, proximity to other buildings and appearance of buildings within an ONL, ONF or VAL (Visual amenity landscape). • Limits on earthworks within an ONL, ONF & VAL • Only post and wire fences are permitted in an ONL, ONF & VAL • Limits on tree planting within an ONL, ONF & VAL • Limits on primary production within an ONL & ONF

	<ul style="list-style-type: none"> • Limits on afforestation within a VAL. • New roads, farm tracks, walking & cycling tracks require consent as a restricted discretionary activity in an ONF, ONL & VAL • Mining and quarrying is a non-complying activity within an ONL, ONF & VAL
SASM (Sites and Areas of Significance to Māori)	<ul style="list-style-type: none"> • Limits on activities, buildings & earthworks within specific overlays where there are identified SASM
Zones	2 Residential Zones, 3 Rural Zones, 6 Commercial & Mixed Use Zones, 1 Industrial Zone, 6 Special Purpose Zones, 2 Open Space and Recreation Zones and 4 Development Area
Other District Wide Matters	Strategic Direction, Energy & Infrastructure, Stormwater Management & Transport; Natural Hazards; Contaminated Land; Hazardous Substances; Public Access; Versatile Soil; Historic Heritage & Notable Trees; Subdivision; Noise, Light, Signs, Temporary Activities, Earthworks, Activities on the Surface of Water, Coastal Environment.
Proposed Waimakariri DP – last stages of hearings – notified September 2021	
ECO (Ecosystems & Indigenous Biodiversity)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on indigenous vegetation clearance within mapped or unmapped SNAs (mapped SNAs are shown in the PDP, unmapped SNAs is an area of significant indigenous habitat or indigenous fauna which is listed in the PDP that occupies at least a specified minimum contiguous area). • Limits on indigenous vegetation clearance outside mapped or unmapped SNAs within identified ecological areas. • Limits on planting within SNAs and other identified areas with natural character values. • Planting of non-indigenous vegetation, woodlots and shelterbelts are a non-complying activity within mapped SNAs.
NATC (Natural character of freshwater bodies)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on planting of non-indigenous vegetation within identified natural character freshwater overlays

	<ul style="list-style-type: none"> • Limits on new buildings, alterations and extensions to existing buildings within identified natural character freshwater overlays. • Plantation forestry, woodlots or shelterbelts are a non-complying activity within identified natural character freshwater overlays.
NFL (Natural Features & Landscapes)	<p>Key provisions:</p> <ul style="list-style-type: none"> • Limits on size, scale and appearance additions to existing building and new buildings and structures within an ONL, ONF and Significant Amenity Landscape (SAL) • Formation of new roads, establishment of woodlots and shelterbelts require consent as a Discretionary Activity within an ONL, ONF & SAL. • Restrictions on planting trees within an ONL, ONF & SAL • Plantation forestry and mining and quarrying activities require consent as a non-complying activity.
SASM (Sites and Areas of Significance to Māori)	<ul style="list-style-type: none"> • Limits on buildings, earthworks and activities within overlays where there are identified SASM
Zones	3 Residential Zones, 3 Rural Zones, 5 Commercial & Mixed Use Zones, 3 Industrial Zones, 6 Special Purpose Zones, 3 Open Space and Recreation Zones and 17 Development Area
Other District Wide Matters	Strategic Direction, Energy & Infrastructure & Transport; Natural Hazards; Contaminated Land; Hazardous Substances; Public Access; Historic Heritage & Notable Trees; Subdivision; Noise, Light, Signs, Temporary Activities, Earthworks, Activities on the Surface of Water, Coastal Environment, Financial Contributions.

Attachment 8: Summary of PDP consultation and public processes followed

1. Work to review the Operative District Plan (ODP) and develop the proposed District plan (PDP) commenced in June 2020 and has included considerable input from both elected members, the general public, Government Agencies and other key stakeholders. The PDP has been developed in partnership with Hokonui Rūnanga.
2. From June 2020 through to July 2023 the PDP was workshopped with the District Plan Review Sub-committee and Hokonui Rūnanga representatives.
3. The Council engaged with key stakeholders such as DOC, Transpower, NZTA and Beef and Lamb NZ to understand aspirations, objectives and challenges.
4. Key focus sessions were undertaken with certain groups. For example, in Mandeville to understand the existing activities and future aspirations of the airfield; Matura Valley Milk to understand their intentions for growth; Federated Farmers to gather information on viable land size for productivity.
5. Landowners affected by heritage building and tree listings and those subject to a major zoning change were also engaged with directly.
6. In July 2022 Full Council was briefed on the content of the Draft PDP. This was released for public feedback during August and September 2022. During this time drop-in sessions were organised at Council chambers, Mandeville, Matura, Waikaka and Pukerau, providing an opportunity for the community to discuss the plan provisions.
7. The Council's communications team ensured adverts were placed in the paper and socials were updated. The Lets Talk page held all information and feedback forms. Council staff, including the libraries, were briefed and advised to direct enquiries to the planning team.
8. Feedback was received from over 100 people and organisations during this period.
9. Between March 2023 and July 2023 additional technical work was commissioned and undertaken to respond to matters raised in the feedback. Amendments were made to the plan to incorporate feedback. The revisions were workshopped with the District Plan Review Sub-committee.
10. Feedback sought from key stakeholders and the Sub-committee on the Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes Chapters.
11. Feedback was sought from key stakeholders and the Sub-committee on the Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes Chapters. A Biodiversity Technical Working Group was established to discuss the management of Indigenous Biodiversity.
12. A working Group was further created with Stoney Creek Station Limited and McLeod-Wantwood Trust to discuss specifically how PDP provisions would affect their landholdings. Agreement was reached on the provisions of the Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes Chapters and signed by all parties on 3 December 2024.
13. The PDP was approved for public notification by Council on 25 July 2023 and notified in August 2023.
14. The plan was notified in accordance with the RMA First Schedule.
15. All ratepayers were notified via a letter. The letter provided instructions on how to access the PDP and make a submission;
16. All individuals, groups and stakeholders who had previously provided feedback on the Draft District Plan were contacted and advised the plan had been notified.

17. Media releases through established Council media and social media channels were actioned, advising that the PDP had been notified and detailing how to make a submission.
18. Media releases were sent to all mainstream news outlets, and newspaper adverts placed in all major daily newspapers in accordance with statutory requirements.
19. Meetings with local and regional professionals to discuss the content of the plan.
20. A dedicated email inbox has been set up to respond to all PDP queries.
21. Hard copies of the PDP have being made available at the public libraries and at the main Council reception.
22. Each topic within the PDP has a corresponding report prepared under Section 32 of the RMA to assess how provisions give effect to the RMA and higher order documents. The Section 32 analysis also considers whether the provisions achieve a best practice approach by reviewing the approach other Council's are taking, explaining the background to drafting and highlighting feedback from the community and input from experts. Furthermore, the s32 reports assess the scale and significance of the change between the ODP and the PDP and provide a cost, benefit analysis was also undertaken for each provision.
23. We received 130 submissions during the formal consultation period covering 5542 submission points. They covered all aspects of the Proposed District Plan.
24. A summary of all the submissions received on the PDP was released to the public and available for further submissions with consultation held between 14 February and 28 February 2024.
25. 1454 further submission points from 26 further submitters were received over this time.
26. At the 11 July 2023 Council meeting, Council resolved that:
 - a. a panel of Cr Hovell, Cr Dickson and at least three Independent Commissioners be created for hearing submissions and making decisions on submissions for the Proposed District Plan
27. Hearings to consider the issues raised in submissions began in June 2024 and are scheduled to continue until April 2025.
28. The Council is required to issue decisions under RMA First Schedule provisions by 31 August 2025.

Attachment 9: Summary of RM Reform programme

Introduction

- 1 This paper details the Government's proposed changes – both certain and projected policy – that might impact district council planning development processes.
- 2 The Government's RM reforms are divided into three phases:
 - (a) Phase 1 – repeal the Natural and Built Environment Act and Spatial Planning Act.
 - (b) Phase 2 – development of Fast-Track Approvals Act and targeted amendments to the RMA
 - (c) Phase 3 – replace the RMA with two new Acts.
- 3 Phases 1 and 2A (Fast Track Approvals Act) are now complete.

Phase 2B

- 4 Phase 2B is the progression of targeted legislative amendments to the RMA. It has so far involved two RMA Amendment Bills. The first was passed into law on 23 October 2024 and therefore is already being applied to the extent possible in the current PDP process.
- 5 The second bill was introduced to Parliament on 9 December 2024. This second amendment Bill amends the RMA in relation to infrastructure and energy, housing growth, farming and the primary sector, natural hazards and emergencies as well as system improvements.
- 6 The below table outlines these changes and their application to the Gore District Council Planning:

Phase 2B Proposed Changes	
Proposed Change	Further Detail / Application to Gore District Council Planning
<i>Option for councils to opt out of Medium Density Residential Standards</i>	<ul style="list-style-type: none">• Allows for councils to opt out, retain or alter these standards in their district plan• Because Gore is a tier 3 council, there is no requirement for the application of these standards.

	<ul style="list-style-type: none"> • The PDP already implements best practice and a district appropriate response based on economic advice in relation to these types of developments.
<i>Changes to resource consent compliance and enforcement</i>	<ul style="list-style-type: none"> • Councils will be able to consider recent consent applications. Histories of ongoing, significant, or repeated non-compliance may allow an application to be declined. • Issuing abatement notices will be simplified. • This relates directly to the administration of a Proposed District Plan rather than the drafting of its provisions, so no changes would be required in the context of the PDP process.
<i>Changes to how resource consents are processed</i>	<ul style="list-style-type: none"> • Streamlining consent granting by reducing required information for grants proportionately to the significance of the activity. • Allowing decisions to be made without hearings where sufficient information has been offered. • Maximum processing timeframes of one year. • 35-year default durations for consents related to renewable energy or defined long living infrastructure. • This relates directly to the application of a district plan and the issuing of consents, rather than the drafting of a plan's provisions, so no changes would be required in the context of the PDP process.
<i>Amendments to council obligations under section 70</i>	<ul style="list-style-type: none"> • Discharges with significant adverse effects on aquatic life will be permitted in certain situations. • This falls under regional council jurisdiction rather than district council planning, so no changes would be required in the context of the PDP process.
<i>Rules relating to natural hazards</i>	<ul style="list-style-type: none"> • The PDP was notified prior to the bill and therefore unaffected by the unenacted second amendment bill.

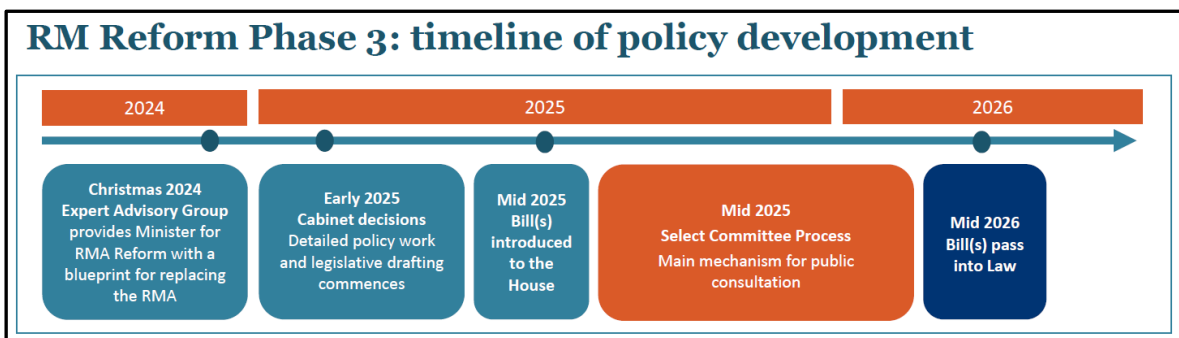
<p><i>Refusal of natural hazard risk-inducing consents</i></p>	<ul style="list-style-type: none"> • Where an activity would create a new risk from natural hazards, the land use consent could be refused. • This is related to the administering of a district plan rather than the drafting of its provisions, so no changes would be required in the context of the PDP process.
<p><i>Extended powers for Governor General</i></p>	<ul style="list-style-type: none"> • A new provision will allow for the Governor General to make emergency response regulations for the purpose of responding to a natural hazard event or emergency. • This would not directly influence district planning, rather it would impact administration powers in certain circumstances, so no changes would be required in the context of the PDP process.
<p><i>Changes to the classification of heritage structures</i></p>	<ul style="list-style-type: none"> • A streamlined process will be introduced which will enable councils and the Minister to list and delist heritage buildings in a district plan. • Because the PDP was notified prior to the drafting of the bill the classification of heritage structures will remain unaffected by the unenacted bill and no changes would be required in the context of the PDP process.
<p><i>Clarifying the role of the RMA in relation to fishing activities</i></p>	<ul style="list-style-type: none"> • Reducing the extent that councils can use the RMA to control fishing for biodiversity protection. • Relevant only to regional council functions, so no changes would be required in the context of the PDP process.
<p><i>Creation of an approval pathway for freshwater farm planning</i></p>	<ul style="list-style-type: none"> • Introducing industry-wide farm plan programmes into the freshwater farm plan system. • Relevant only to regional council functions, so no changes would be required in the context of the PDP process.
<p><i>Changing coastal permits/requirements</i></p>	<ul style="list-style-type: none"> • Enabling the alteration or cancellation of consent conditions for marine aquaculture farms.

<i>for marine aquaculture farms</i>	<ul style="list-style-type: none"> • Relevant only to regional council functions, so no changes would be required in the context of the PDP process.
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- 7 All of these provisions are not directly relevant to the PDP process that is underway. The majority are directed to regional council matters or resource consent processes.
- 8 The first reading occurred 17 December. A 6 month Select Committee reading process is now underway, pushing an expected implementation date deep into the year.
- 9 When this expected timing is paired with the complexity and vagueness surrounding some of these proposals, it would not be unlikely for this implementation to occur later into 2025.

Phase 3

- 10 Phase 3 signals the replacement of the RMA with two new Acts. One will deal with environmental effects, and the other will deal with urban development and infrastructure.
- 11 A timeline has been initialised for phase 3, with an expert advisory group having been formed, and targets for Cabinet to detail policy work and drafting throughout the first half of 2025, with law expected mid 2026.
- 12 Below is a diagram outlining the timeframe proposed by government in relation to the policy development and implementation process for Phase 3.



- 13 The Government proposes that the RMA reforms are based on the enjoyment of property rights and guided by the objectives for the reform programme.
- 14 Cabinet has agreed on 10 core principles and a high-level timeline for Phase 3 work. Below are the specific changes proposed within these principles, and their estimated relationship with Gore District Council Planning:

Phase 3 Proposed Changes	
Proposed Change	Further Detail / Application to Gore District Council Planning
<i>Introducing environmental protection limits:</i>	<ul style="list-style-type: none"> • Reducing environmental protections. • Limits will be set through plans for the various environmental domains. They will control discharges and manage activities so that these limits can be met. • Relevant only to regional council functions.
<i>Narrowing the scope of the RM system:</i>	<ul style="list-style-type: none"> • Limiting council abilities to guide how individuals can use their property. • The initial indication appears to be that any rules that might be affected will be 'switched off' by legislation, therefore not require any new plan process.
<i>Generating new national standards and reducing the need for resource consents:</i>	<ul style="list-style-type: none"> • Creation of new national standards rather than reliance on resource consents. • Reliance to shift to the monitoring and penalisation of non-compliance rather than attaining consents. • Unable to quantify impacts from this principle. Impacts will not be known until after bill is published ca. 2026.
<i>Requiring one regulatory plan:</i>	<ul style="list-style-type: none"> • Regional and district councils will jointly prepare one plan for each region. Standardisation will shape the context in which councils can plan, apply standards, and set rules. • This approach actually means that it is important for the Gore District Council to have a recent district plan in place, because it will then be better placed to ensure that Gore specific issues are properly considered in the development of a new regional plan. • The timeframe for development is likely to be 3-5 years from an enactment of the new legislation in 2026 (at the earliest) due to the complexity associated with bringing several district and a regional plan together.
<i>Using spatial planning and a</i>	<ul style="list-style-type: none"> • New legislation and the broader direction of the resource management system will require constraints mapping and the protection of infrastructure corridors.

<p><i>simplified designation process:</i></p>	<ul style="list-style-type: none"> • Long term, spatial planning for urban development and infrastructure will be given more legal weight. • This will give council planning greater weight but this largely impacts enforcement and administration rather than the planning process itself, and is not expected to provide 'on the ground' impacts until well after 2026.
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- 15 The formation of the Expert Advisory Committee has already seen a delay. This in itself will likely push back the implementation process later into 2026.
- 16 Additionally, the complexity of replacing the current RMA must not be underestimated. A half year estimation for the Expert Advisory Committee to completely reconstruct the RM system should be viewed as highly optimistic.
- 17 Generating new national standards, requiring one regulatory plan, and narrowing the scope of the RM system are all highly complex, yet currently vaguely outlined proposals. These will likely take considerable planning within the committee, followed by additional scrutiny and time when introduced as a Bill to the House.
- 18 The next general election will occur late 2026. Any delay in the Government's proposed timeline could prevent these measures from becoming law before the electoral process begins.

8.2 2025 Gore District Council Election – Order of Candidate Names on Voting Documents

Report to:	Council
Meeting date:	Tuesday, 18 February 2025
Author:	Frances Shepherd
Author title:	Deputy Electoral Officer
General Manager lead:	General Manager Corporate Support
Report date:	Tuesday, 14 January 2025
Confidentiality:	Public

Purpose

1. This report sets out the options for the order candidate names will appear on voting documents for the 2025 elections.

Recommendation

2. That the Council:
 - a) receives and notes the 2025 Gore District Council Election – Order of Candidate Names on Voting Documents report; and
 - b) determines that the candidate names for the 2025 triennial Gore District Council election, including any subsequent by-elections up to 14 October 2028, be in random order.

Executive Summary

3. The Local Electoral Regulations 2001 allows for each Council to resolve the order of candidate names on the voting documents. It provides three options for ordering candidate names on voting papers: alphabetical order, pseudo-random order, and random order. Alphabetical order, used until 2019, is straightforward but may give an advantage to candidates listed first. Pseudo-random order, used in 2019, involves drawing names from a container to determine their order on all voting papers. Random order, used in 2022, randomizes the order of names on each voting document using specialized software. While alphabetical order is easier to use, it can create a perception of bias. Research and recommendations from the Justice and Electoral Committees have led to more councils adopting random order to eliminate perceived bias.
4. In the 2022 election, 73% of territorial authorities used random order. The use of pseudo-random order is declining due to its perceived disadvantages and additional administrative tasks.
5. Staff recommend option 3 – Random Order, as detailed in paragraph 7 below.

Context

6. The Local Electoral Regulations 2001 permits the Council to decide the order candidate names will appear on voting papers.

Discussion

7. The regulations provide three options: alphabetical order of surname; pseudo-random order or random order. A description of each method is outlined below:

Option 1 – Alphabetical order of surname

This option is self-explanatory and was used in previous elections until 2019.

Option 2 – Pseudo-random order

The candidate names are drawn out of a container. The order the names are drawn out will be the order they appear on all voting papers. This was used in the 2019 election.

Option 3 – Random order

The names of the candidates are shown in a different order on every voting document. Specialised software is used to randomise the candidate names when the voting papers are printed. This was used in the 2022 election.

8. Alphabetical order is potentially easier to use and understand. The candidate profile booklet which is included in each voter pack is also arranged in alphabetical order. It is the 'default' option under the legislation i.e. if a Council chooses not to set a preferred order, candidate names must be listed in alphabetical order on the voting papers.
9. One of the weaknesses of using the alphabetical method is the perception that candidates listed in the top half of an alphabetically ordered list receive an electoral advantage.
10. The limited research carried out on this issue in both New Zealand and international elections has confirmed the possibility of advantage for candidates listed in the top part of an alphabetically ordered list. More local authorities are moving away from using this method to remove that perception of bias.
11. The report of the Justice and Electoral Committee on its inquiry into the 2013 local authority elections, recommended the order on all ballot papers in local authority elections be completely randomised. The Committee also made a similar recommendation in its 2010 enquiry. While the Government response to the enquiry did not agree to the Committee's recommendation, it did encourage councils to consider adopting the randomisation of names on ballot papers under the existing provision.
12. Subsequently, local councils have been increasingly adopting random order for voting papers. Of all the territorial authorities, regional councils, district health boards and licensing trusts in the 2022 election, 64 used random, 32 used alphabetical and 2 used pseudo-random.
13. The number of councils using the pseudo-random order is reducing. The perception that electors unsure of who to vote for will select those ordered at the top of the paper isn't overcome by this option. Additionally, the use of the pseudo-random order option places additional tasks into the voting paper preparation work that can negatively impact the time required to sign off the voting documents, thus moving those councils down the print-production list.

14. This table shows the total number (and percentage) of changes by territorial authorities over the past three elections:

	2016		2019		2022	
Random	29	(43%)	38	(57%)	49	(73%)
Alpha	32	(48%)	22	(33%)	16	(24%)
Pseudo-random	6	(9%)	7	(10%)	2	(3%)

15. This table shows the options selected by Councils in the lower South Island for the 2022 election:

Random	Pseudo-Random	Alphabetical
Ashburton District Council		Clutha District Council
Central Otago District Council		
Christchurch City Council		
Dunedin City Council		
Environment Southland		
Gore District Council		
Invercargill City Council		
MacKenzie District Council		
Otago Regional Council		
Queenstown Lakes District Council		
Selwyn District Council		
Southern District Health Board		
South Canterbury District Health Board		
Southland District Council		
Timaru District Council		
Waimakariri District Council		
Waimate District Council		
Waitaki District Council		

Options

16. The regulations provide three options which are detailed in paragraph 7 above.
17. In 2022, the Council resolved to order candidate names in a fully random manner. While the 2019 decision to use pseudo-random order removed the perceived bias of offering an electoral advantage to candidates listed in the top half of an alphabetically ordered voting paper, a different perceived advantage (as outlined above) could still apply. Adopting the fully random option eliminates that perception and the minor cost savings associated with the administration of the pseudo-randomisation process.

Financial Considerations

18. There is no difference in voter pack printing costs associated with either method. There are small additional costs associated with using the pseudo-random order to advertise and conduct the candidate draw.

Risks

19. If there is no applicable resolution, the candidates' names must be arranged in alphabetical order of surname on the voting papers.

Reference

[Section 31, Local Electoral Regulations 2001](#)

8.3 Local Water Done Well – Otago Southland Joint Group of Councils

Report to:	Council
Meeting date:	Tuesday, 18 February 2025
Author:	Central Otago, Clutha, Waitaki and Gore District Council Chief Executives
Author title:	
Report date:	Thursday, 13 February 2025
Confidentiality:	Public

Purpose and Summary

1. The Water Services Preliminary Arrangements Act 2024 sets out the new requirements for water services delivery in New Zealand. The Local Government (Water Services) Bill has also been introduced into parliament and will likely set the enduring framework for water delivery if it is passed into law later this year. This paper presents a summary of progress to develop a Joint Water Services Organisation by the Central Otago, Clutha, Gore and Waitaki District Councils (the 'Group of Councils') as an option to consider alongside other practicable delivery model options.

The paper summarises the overall approach and plan to develop the options, consult with the community, secure required Council approvals and prepare a Council Approved Water Services Delivery Plan (WSDP) to the Minister of Local Government by 3 September 2025. This paper makes recommendations in relation to consultation under the Water Services Preliminary Arrangements Act 2024.

To support this work, a Commitment Agreement Template has been developed by the DIA, for Councils to modify and adopt as they work to develop and establish a Joint Operating Organisation for Water Services. The Commitment Agreement Template has been populated to meet the requirements of the Group of Councils.

The purpose of this paper is to seek that the Council authorises the Chief Executive to enter into the Commitment Agreement as appended to this paper subject to any minor drafting changes that are required when the document is finalised.

Recommendation

2. That the Council:
 - a) receives and notes *Local Water Done Well - Otago Southland Joint Group of Councils*
 - b) agrees to enter into the Otago Southland Joint Group of Councils Commitment Agreement.
 - c) authorises the Chief Executive to sign the Otago Southland Joint Group of Councils Commitment Agreement as set out in *Attachment 1* on behalf of Gore District Council.
 - d) recommends to the Council:

- i. relies on the alternative requirements for decision-making and consultation set out in sections 61 and 64 of the Local Government (Water Services Preliminary Arrangements) Act 2024 in accordance with section 58(a)(i).

Context

3. In February 2024, the Coalition Government introduced and passed legislation to repeal all laws relating to the previous Government's water services entities. The new approach, Local Water Done Well (LWDW), is designed to address New Zealand's long-standing water infrastructure challenges while maintaining local decision-making flexibility. Councils, in consultation with their communities will determine how their water services are delivered, provided they meet economic, environmental, and regulatory requirements.
4. Government statements have made it clear that water service providers must operate more like independent utility businesses, similar to telecommunications or electricity providers. Regardless of whether services remain in-house or are managed by a Council-Controlled Organisation (CCO), they must be structured and operated differently, with direct accountability to customers, regulators, and ratepayers and shareholders.
5. The Water Services Preliminary Arrangements Act 2024, enacted on 2 September 2024, requires councils to submit a Water Services Delivery Plan (WSDP) to the Department of Internal Affairs (DIA) by 3 September 2025. Each WSDP must define a financially sustainable delivery model with 10 years of financial information and undergo public consultation before formal adoption. The Government has introduced financial arrangements allowing CCOs to borrow up to 500% of their water revenue from the Local Government Funding Agency (LGFA).
6. On 10 December 2024, the Local Government (Water Services) Bill (Bill 3) was introduced to Parliament. The Bill sets out key details relating to the water services delivery system, the economic regulation and consumer protection regime for water services, and changes to the water quality regulatory framework and is expected to be enacted in June 2025.
7. Councils in Otago and Southland have a history of working together on water service challenges.
8. In February 2024, the Otago-Southland Mayoral Forum directed Chief Executives to establish the Otago-Southland LWDW Working Group to explore a Regional Delivery Model. As part of this, the Morrison Low report, "Local Water Done Well Review," was completed and presented to Otago-Southland councillors in November 2024. It found that without structural changes, future water service delivery would become unaffordable, with 76% of residential users in the region facing doubled water bills within 10 years. Additionally, workforce shortages and infrastructure demands would require regional coordination to avoid inefficiency and competition. The report concluded that a joint asset-owning entity would be the most effective solution.
9. From that work, a subgroup of Otago Southland Councils has formed, comprising Central Otago, Clutha, Gore and Waitaki District Councils. This Group of Councils is working to investigate creation of a Joint Water Services CCO.

Discussion

Group of Councils - Project Formed

10. Mayors and Chief Executives of the Group of Councils are engaged, and a project team has formed to define what a joint CCO would look like and how it compares against the other

practicable options, such as leaving water services in house or setting up a standalone Council CCO.

Presenting the options and agreeing a preferred delivery model to take out for consultation.

11. A view of the water organisation delivery model options, with supporting pros and cons is planned to be presented to the March Council meeting for decision on a preferred delivery services model and options to consult on.
12. Current modelling is predominantly based on existing Council long-term plans and infrastructure strategies with some adjustments to reflect a reduction in potential costs for wastewater treatment plant upgrades.
13. Further work is required in order to present a view of the water service delivery models and their relative strengths and weaknesses. The work includes:
 - External review of the Council's Asset Management Plans and associated Long Term Budgets to test and align planning and costing assumptions.
 - Draft wastewater standards are released mid-February 2025. These may mean future investment requirements can be reduced. Potential impact of these to be assessed for each Council.
 - Progress Joint CCO design and update modelling to reflect design options. For example, approach to Price Harmonisation.
 - Seek DIA and Water Services Authority - Taumata Arowai review of financial modelling and option analysis.

DIA Joint Commitment Agreement

14. The DIA WSDP Team have provided a Commitment Agreement Template which sets out how councils can work together to develop and establish a joint water organisation. It lists the key activities and programme, allocation of roles and sharing of resources, accountability measures and the governance structure during the period where councils are assessing the delivery options, deciding on a preferred delivery and through to establishment of a joint water organisation.
15. The agreement provides for individual Councils to withdraw from the agreement at any time. Logical points for Councils to assess their continued participation are set out below. The consequences of withdrawal for the remaining Councils is largely unknown. However, the Commitment Agreement deals with some of the immediate financial considerations.
 - Provision of Water Service Delivery Models Options Analysis for Councils to decide on their preferred Water Service Delivery Model
 - Review of Consultation and Stakeholder engagement outcomes
 - Review & Approval of the Water Services Delivery Plan
16. The Commitment Agreement template has been completed by the project team and an external legal review conducted to help inform council decision making. The Commitment Agreement is provided as *Attachment 1*.

Consultation and Decision Making

17. The Water Services Preliminary Arrangements Act 2024, provides an alternative consultation requirements and decision-making pathway to that provided via the Local Government Act 2002 (Alternative Consultation and Decision-Making Requirements).
18. Councils are required to adopt the Alternative Consultation and Decision-Making Requirements when considering the preferred model or arrangement for delivering water services in its WSDP. These requirements are summarised as -
 - Must consult once but may consult further if certain conditions are met
 - Make the following information publicly available:
 - o Proposed model or arrangement (with explanation and reasons for the proposal)
 - o Analysis of reasonably practicable options
 - o How proceeding (or not) with the proposal would affect Council rates, debt, water charges and levels of service.
19. If the alternative consultation pathway is taken there is no need to consult further on required amendments to the Long Term Plan to give effect to the water services delivery model if the Council has already consulted on a proposed model and is satisfied that the community has a good understanding of its implications and that the Council understands the community's views. All other relevant LGA 2002 requirements still apply (eg principles of consultation).
20. For a Council decision whether to establish, join or amend a Water Services CCO there is the ability to consult either via the LGA 2002 Part 6 pathway or use the Alternative Consultation and Decision-Making Requirements. The Alternative Consultation and Decision-Making Requirements include consideration of the following:
 - Impact of the Joint Water Services CCO on the communities in the joint service area (as well as the impact on the authority's district)
 - Views of people in the joint service area (as well as the views of people in the authority's communities)
 - View of other territorial authorities who are parties or potential parties to the Joint Water Services CCO Arrangement.

Options

21. As noted, the project team is working to compile a view of practicable water service delivery model options, assess these against investment objectives and provide a view of their relative merits and drawbacks, impact of each to the ratepayer and Council debt and any impact on service levels. That analysis will be presented to the March Council meetings for decision to confirm the preferred option and options to consult on.
22. A summary of the options associated with the decisions requested in this paper is presented below:

For the Council decision whether to approve entry to the Commitment Agreement:

Option	Advantages	Disadvantages
Group of Councils draft their own commitment agreement Not Recommended	Tailored for the group of Councils requirements	Significant cost and time to draft a bespoke agreement

		Likely greater DIA scrutiny of a bespoke agreement and less willing to provide support to the Group if required. Impact on WSDP delivery timeframe
Group of Councils adopt the DIA Template as modified in Attachment 1. Recommended	Comprehensive and low cost to adapt to specific Group of Council requirements DIA supported approach Defined agreement entry and exit process. Legal review completed	If the Joint CCO preferred option is not adopted by a member Council, time and cost to exit the Agreement.
Group of Councils proceed without a Commitment Agreement. Not Recommended	Avoided costs to adapt, complete legal reviews and secure Council decisions.	Project work is complex and costly – lack of an agreement increases the risk of poor governance, disputes and failure to deliver required outcomes. Increased risk of DIA intervention

For the Council decision whether to establish, join or amend a Water Services CCO there are two consultation options. Note that the proposed model for delivering water services is required to be consulted on using the alternative consultation requirements in the Local Government (Water Services Preliminary Arrangements) Act 2024:

Option	Advantages	Disadvantages
Consult via LGA 2002 Part 6 consultation requirements Not Recommended	Established decision making framework. Allows wider Joint CCO Council & Community views to be included in Council Decision Making	Requires consultation to be split between two processes which creates inefficiency, complexity and potential confusion in decision making. Consultation processes can be costly in terms of resource and financial cost. Running multiple processes will cost more. Given the number of significant decisions that will be required and decisions that require statutory consultation, the public may become fatigued with consultation. No ability to narrow consultation, if doing so would not comply with the LGA requirements.
Consult via Local Government (Water Services Preliminary Arrangements) Act	Aligns CCO decision making with consultation on the proposed model for delivery of	Possible perception that consultation / decision making is not as robust as via the LGA 2002.

<p>2024 alternative consultation requirements Recommended</p>	<p>water services – offering a single consistent framework that is comparatively more efficient to adopt. Potential to avoid the need to consult on required LTP changes for the proposed model and for transfer of strategic assets if the water infrastructure is defined as a strategic asset in the Council’s significance and engagement policy. Consultation Process is tailored for consideration of selecting a water service delivery model and will be sufficiently detailed so that the public are well informed about the full process being consulted on. Only one consultation process required therefore saving resources and cost. Retain the ability to consult more broadly than the alternative arrangements prescribe.</p>	
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Risks

Strategic Consistency

23. The requirements of LWDW requires the Group of Councils to revisit their respective Long Term Plans and associated supporting strategies (including Financial and Asset Management Strategies), to ensure that water service delivery complies with the Local Water Done Well legislation requirements.
24. The options analysis completed to date includes consideration of impacts on the current LTPs. Impacts of the selected options will be further defined and put forward for community feedback through the planned consultation in the early part of 2025. Following decision making, amendments to Annual and/or LTPs will be made from FY 26/27.

Financial Implications

25. The costs for the Group of Councils Joint Project, including community consultation and approach to apportionment are detailed within the Commitment Agreement. Project costs to develop, consult on and submit a Water Services Delivery Plan for a Joint Water Services CCO, are estimated to be \$540k and would be equally apportioned between the Councils.
26. As noted, the Commitment Agreement provides for individual Councils to exit the Agreement. They will be liable for and are only liable for costs incurred, committed or budgeted (but unpaid) costs that cannot be avoided by the remaining Councils.

27. In selecting the preferred delivery model, the financial implications for ratepayers and impact on overall Council debt and non 3 waters budgets will be included in the Pros and Cons analysis to be presented to Council and for community feedback through the planned consultation.

Legal Implications

28. The Local Government (Water Services Preliminary Arrangements) Act places statutory requirements on the Councils that are required to be complied with. If a territorial authority struggles to comply with the requirements for a compliant WSDP, the Act provides for the Minister to appoint either of two new roles:
29. Crown facilitators, who may work with Councils to assist, advise or amend draft WSDPs and;
30. Crown water services specialists, who may prepare, direct, or adopt a WSDP in accordance with their notice of appointment.
31. In addition, the Act provides that a person who contravenes an obligation to disclose information can be fined up to \$500,000 or, in the case of an entity, \$5 million.

Climate Change

32. Changes are administrative in nature. Climate Change impacts would be assessed as part of any change to service provision.

Risk	Impacts
DIA does not approve the WSDP and requires the document to be revised.	DIA requires the Group of Councils to alter the WSDP DIA requires the Group of Councils to change the Operating Model Design DIA requires other Councils to join the Group of Councils.
DIA does not approve the Group of Councils WSDP – and appoints a Crown Facilitator or Water Services Specialist	Reputation risk for Councils Reduction / loss in decision making control
Individual Councils do not approve of progressing with a Joint CCO approach.	Group may become unviable Individual Councils may not be able to complete a compliant WSDP Risk of DIA intervention with associated loss of decision-making control
WSDP Plan and Implementation Tasks are more complex / extensive than estimated	Potential increase in project budget Additional Council resource commitments
Continuing uncertainty for the Council 3 Waters teams as to how their work and roles may be affected	Potential loss of key staff Increasing difficulty to recruit staff
Local Government Election processes during Oct 2025.	Potential delay to key decisions – administration period may then impact Re-litigation of decisions by new Council New Councillors require up skilling in LWDW requirements
The Group of Councils is not fully compliant with new legislative requirements – within the required timeframes	Reputation risk for Councils Cost and time to rectify Potential DIA or Regulator Intervention

3 Waters legislative investment requirements impact on wider Council investment capacity	Impending increase in 3 Waters costs impacting affordability and Council investment in other areas
Ratepayers do not appreciate the impending costs increases for 3 Waters Services –ratepayers irrespective of the delivery model adopted	Increasing affordability issue for larger group of Negative publicity and reputation risk for Councils
Changes to legislation through Bill 3 may require additional resource commitments and amendments to arrangements.	Cost and time associated with rework Potential increase in project budget Additional Council resource commitments

Next Steps

- Complete and present Practicable Option Pros and Cons Assessment for Council decision to identify the Preferred Water Service Delivery Model and options to consult on (target end March)
- Present Joint CCO design options and secure decisions – March and potentially April 2025 Council meetings.
- Draft consultation materials and secure Council approval – April Council Meetings
- Schedule consultation to occur from end April to end May 2025
- Schedule hearings, deliberations and decision making through June 2025
- Council decision making and WSDP approval June and July 2025
- Contingency to secure WSDP approvals - August 2025
- WSDP Submission deadline – 3 September 2025

Significance and Engagement

33. Significance overall is considered high on several grounds including, community interest, impact on the Council’s capability and capacity, cost to the Council and impact on ratepayers and potential changes to the control of a strategic asset.
34. The Significance and Engagement Policies of the Group of Councils and the requirements of the Local Government (Water Services Preliminary Arrangements) Act 2024 and Bill 3, require the water services delivery model options to be presented for community engagement and feedback.
35. It is intended that consultation will be coordinated across the Group of Councils, with consistent content developed in collaboration with the individual councils, approved by the individual Council and conducted via each Council using their existing community engagement channels, processes and relationships.
36. Outcomes would be collated and presented back to each Council to inform decision making and whether to proceed with the preferred delivery model. A summary of the consultation would also be included in the WSDP.

37. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report are low, as no decision is being made to enter into a joint water services entity yet and the costs are covered by DIA transition funding.

Attachments – please note these are still to be received and will be circulated as soon as possible

Commitment Agreement

Commitment Agreement Summary Table

Commitment Agreement

PARTIES

Central Otago District Council

Clutha District Council

Gore District Council

Waitaki District Council

DRAFT

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PARTIES

Central Otago District Council

Clutha District Council

Gore District Council

Waitaki District Council

together, the "**Councils**".

INTRODUCTION

- A. The Councils have each voted to proceed with the planning for a joint operating model between the Councils in respect of the Service Areas.
- B. The Councils are required to submit a Water Services Delivery Plan ("**WSDP**") to the Secretary for Local Government (Department of Internal Affairs) by 3 September 2025 on how water services will be delivered in the Council's district as required under the Local Government (Water Services Preliminary Arrangements) Act 2024.
- C. The Councils commit to working together to:
 - (a) plan and develop a joint operating model for the delivery of water services for each Council's community to inform a WSDP; and
 - (b) establish a WO for the joint operating model in accordance with a WSDP adopted by the Councils (subject to community consultation).
- D. Each Council agrees to undertake the activities and responsibilities allocated to it in this agreement to achieve the Objectives.
- E. The Councils have entered into this agreement to record the terms of their commitment to achieve the joint operating model and Objectives.

SIGNATURES

SIGNED for and on behalf of

Central Otago District Council

By:

Signature of Authorised Signatory

Signature of Authorised Signatory

Name of Authorised Signatory

Name of Authorised Signatory

Date

Date

Clutha District Council

By:

Signature of Authorised Signatory

Signature of Authorised Signatory

Name of Authorised Signatory

Name of Authorised Signatory

Date

Date

Gore District Council

By:

Signature of Authorised Signatory

Signature of Authorised Signatory

Name of Authorised Signatory

Name of Authorised Signatory

Date

Date

Waitaki District Council

By:

Signature of Authorised Signatory

Signature of Authorised Signatory

Name of Authorised Signatory

Name of Authorised Signatory

Date

Date

SCHEDULE 1

Agreement Details

Commencement Date <i>(Clause 6.1, Schedule 2)</i>	This agreement commences on the date it is last signed by all Councils.
Expiry Date <i>(Clause 6.1, Schedule 2)</i>	This agreement expires on: Establishment of the WO in accordance with LG(WS) Act unless terminated earlier in accordance with the terms of this Agreement.
Service Areas <i>(Background A)</i>	The Districts of Central Otago, Clutha, Gore and Waitaki.
Councils Executive Group <i>(Clause 4, Schedule 2)</i>	<p>Members: The members of the Councils Executive Group are:</p> <ul style="list-style-type: none">• Central Otago District Council member: Mayor (or his/her delegate) and one elected representative.• Clutha Council member: Mayor (or his/her delegate) and one elected representative.• Gore Council member: Mayor (or his/her delegate) and one elected representative.• Waitaki Council Member: Mayor (or his/her delegate) and one elected representative. <p>Optional observers (non-voting): Chief Executive of each District Council (or his/her nominee).</p> <p>Meetings: The Council Executive Group will meet every second week.</p> <p>Quorum: At least one voting representative of each District Council.</p>
Project Steering Group <i>(Clause 4, Schedule 2)</i>	<p>Members: The members of the Project Steering Group are:</p> <ul style="list-style-type: none">• Central Otago District Council member: Peter Kelly• Clutha Council member: Steve Hill• Gore Council member: Deborah Lascelles• Waitaki Council Member: Alex Parmley <p>Meetings: The Project Steering Group will meet weekly</p> <p>Project Budget: The Project Steering Group is required to approve any expenditure that exceeds the Project Budget.</p>

<p>Project Team</p> <p><i>(clause 4 and 5.2, Schedule 2)</i></p>	<p>Members: The members of the Project Team are:</p> <ul style="list-style-type: none"> • Central Otago Council member: Julie Muir • Clutha Council member: Jules Witt • Gore Council member: Jason Domigan • Waitaki Council Member: Paul Hope <p>Meetings: The Project Team will meet weekly.</p> <p>Project Budget: The Project Team has authority to approve costs up to the agreed Project Budget. Costs that exceed this amount will require approval by the PSG.</p>	
<p>Initial Contribution</p> <p><i>(clause Error! Reference source not found., Schedule 2)</i></p>	<p>Each Council will contribute an Initial Contribution of \$26,500 – to provide for consulting services during January/February 2025.</p>	
<p>Address for notices</p> <p><i>(clause 10, Schedule 2)</i></p>	<p>Central Otago District Council</p> <p>1 Dunorling St. Alexandra, 9320</p> <p>Email: peter.kelly@codc.govt.nz</p> <p>Attention: Peter Kelly</p>	<p>Clutha District Council</p> <p>1 Rosebank Ter, Balclutha 9230</p> <p>Email: steve.hill@cluthadc.govt.nz</p> <p>Attention: Steve Hill</p>
	<p>Gore District Council</p> <p>29 Bowler Avenue, Gore, 9710</p> <p>Email: dlascelles@goredc.govt.nz</p> <p>Attention: Debbie Lascelles</p>	<p>Waitaki District Council</p> <p>20 Thames Street, Oamaru, 9400</p> <p>Email aparmley@waitaki.govt.nz</p> <p>Attention: Alex Parmley</p>

SCHEDULE 2

Agreement Terms and Conditions

1. DEFINITIONS AND INTERPRETATION

1.1 **Definitions:** In this agreement the following definitions apply:

"Agreement Details" means Schedule 1 of this agreement.

"Business Day" means any day other than a Saturday, Sunday or a statutory public holiday in the Service Area(s) identified in the Agreement Details, New Zealand.

"Commencement Date" has the meaning given to that term in the Agreement Details.

"Confidential Information" means any of the following (whenever it was obtained):

- (a) all information of a confidential nature (reasonably determined) obtained by one Council from another Council under or in connection with this agreement;
- (b) all information relating to the operations and affairs of another Council; and
- (c) all information obtained by a Council in respect of all activities or information undertaken, produced or discussed under the umbrella of the Project.

"Councils" means the councils who are named as counterparties to this agreement and who continue to be a participant of this agreement.

"Existing Material" means, in respect of any Council, all documentation and other materials used or provided by the Council under or in connection with this agreement that are:

- (a) owned by, or licensed to, that Council prior to the date of this agreement; or
- (b) developed independently from this agreement by that Council, and that are not developed, commissioned or created under or in connection with this agreement.

"Expiry Date" has the meaning given to that term in the Agreement Details.

"Initial Contribution" has the meaning given to that term in the Agreement Details.

"Intellectual Property Rights" means, in respect of any person, all intellectual and industrial property rights and interests (including common law rights and interests) owned or held by that person, or lawfully used by that person, including:

- (a) patents, trade marks, service marks, copyright, registered designs, trade names, symbols and logos;
- (b) patent applications and applications to register trade marks, service marks and designs; and
- (c) formulae, methods, plans, data, drawings, specifications, characteristics, equipment, designs, inventions, discoveries, improvements, know-how,

experience, software products, trade secrets, price lists, costings, brochures and other information used by that person.

"**LGOIMA**" means the Local Government Official Information and Meetings Act 1987.

"**LG(WS) Act**" means Local Government (Water Services) Act 2024 as enacted or to be enacted under clause 1 of the Local Government (Water Services) Bill 11.

"**LG(WSPA) Act**" means the Local Government (Water Services Preliminary Arrangements) Act 2024.

"**Objectives**" has the meaning given to that term in clause 2.1.

"**Scope and Project Plan**" has the meaning given to that term in clause 4.6(a).

"**Submission Date**" means the date the WSDP is submitted by the Councils to the Secretary for Local Government (Department of Internal Affairs) in accordance with section 18 of the LG (WSPA) Act.

"**WO**" means the water organisation (as defined in the LG(WS) Act) to be established by the parties to this agreement.

"**WSDP**" has the meaning given to that term in paragraph B of the Introduction section of this agreement.

1.2 **Interpretation:** In this agreement unless the context otherwise requires:

- (a) headings are for convenience only and do not affect interpretation;
- (b) the singular includes the plural and vice versa, and a gender includes other genders;
- (c) another grammatical form of a defined word or expression has a corresponding meaning;
- (d) reference to a party, person or entity includes:
 - (i) an individual, firm, company, trust, partnership, joint venture, association, corporation, body corporate, , estate, state, government or any agency thereof, municipal or local authority and any other entity, whether incorporated or not (in each case whether or not having a separate legal personality); and
 - (ii) an employee, agent, successor, permitted assign, executor, administrator or other representative of such party, person or entity.
- (e) a reference to dollars or \$ is to New Zealand currency and excludes every tax and duty;
- (f) a reference to a clause or schedule is to a clause or schedule of this agreement;
- (g) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;

- (h) references to the word 'include' or 'including' are to be construed without limitation;
- (i) references to any form of law is to New Zealand law, including as amended or re-enacted;
- (j) a reference to a document or instrument includes reference to that document or instrument as novated, altered, supplemented, or replaced from time to time;
- (k) "written" and "in writing" include any means of reproducing words, figures or symbols in a tangible and visible form (including email);
- (l) any obligation falling due for performance on or by a day other than a Business Day shall be performed on or by the Business Day immediately following that day; and
- (m) an obligation not to do something includes an obligation not to allow or cause that thing to be done.

2. PROJECT OVERVIEW

2.1 **Objectives:** The key objectives of this agreement ("**Objectives**") are:

- (a) for the Councils to continue to work closely, collaboratively and successfully to plan and develop a WSDP that meets each Council's needs and objectives for their respective communities;
- (b) to facilitate the Councils making decisions in a timely manner to ensure a joint operating model can progress in a timely way to meet the requirements for submissions of the joint WSDP and other requirements under the LG(WSPA) Act and the LG(WS) ACT;
- (c) to enable the Councils to consider how they would operate together in a way that facilitates an effective and efficient use of the Councils' resources, providing optimum benefit to the parties' ratepayers; and
- (d) to effectively establish a WO for the joint operating model in accordance with a WSDP adopted by the Councils.

2.2 **Relationship principles:** The Councils will:

- (a) work together collaboratively and in good faith;
- (b) ensure communication between them is open, proactive, transparent and inclusive, to avoid any surprises;
- (c) make every effort to understand the other Council's needs and objectives for the joint operating model, and make all reasonable endeavours to ensure the joint operating model meets such needs and objectives;
- (d) raise any issues that arise in connection with this agreement at the earliest opportunity, for joint resolution;
- (e) resolve disagreements between them promptly and amicably; and

- (f) as a courtesy and in the interest of clear and consistent communication, consult with the other Councils before commenting publicly on the joint operating model or this agreement.

3. KEY ACTIVITIES

3.1 **Council responsibilities:** Each Council will:

- (a) work with the other Councils to:
 - (i) develop and document the Council's technical, operational, legal and other requirements for the joint operating model ("**Requirements**") and to agree reasonable and realistic timeframes for delivery of the joint operating model; and
 - (ii) plan and design the joint operating model to meet the Requirements, including at such time(s) required by the other Councils;
- (b) implement and make decisions in relation to matters for the project within the indicative timeframes listed in the Scope and Project Plan;
- (c) provide subject matter experts where relevant to assist with the development and design of the joint operating model;
- (d) provide a dedicated single point of contact for that Council for the management of the project delivery (ideally a project manager, who will also be the person authorised to make decisions (for example, approvals of proposed public comments on the project) on behalf of that Council);
- (e) provide a dedicated and senior level 'sponsor' for the project;
- (f) attend those meetings agreed by the Councils as appropriate or necessary for the effective governance of and/or the delivery of the joint operating model;
- (g) where there are any changes in Government policy or direction, which affects the purposes and activities of this agreement, inform the other Councils of those changes at the earliest possible opportunity thereafter, and the Councils agree to renegotiate, where necessary, any aspects of this agreement that has been or will be affected by this policy change; and
- (h) fund and provide resources to undertake the project under this Agreement; and
- (i) be responsible for complying with any requirements to undertake consultation or reporting in respect of its own council and local government processes.

3.2 **Council individual responsibilities not affected:** Each Council acknowledges that the Councils' commitment to the obligations under this agreement does not limit or pre-empt each Council's own obligations as local government authorities at law, including in respect of decision-making responsibility and public consultation obligations.

3.3 **Lead council responsibilities:**

- (a) The Councils unanimously agree that the Waitaki District Council will be the project lead ("**Lead Council**") with the following responsibilities:
 - (i) holding contributions from each Council in a nominated account;
 - (ii) managing project expenditure and tracking against the Project Budget;
 - (iii) preparing agendas and scheduling governance meetings for the project; and
 - (iv) preparing reporting for governance meetings for the project.
- (b) The Project Steering Group ("**PSG**") may, from time to time, agree to replace the Lead Council, after which time, the relevant Council will assume the responsibilities of the Lead Council under this Agreement.

3.4 **Development expectations and timelines:**

- (a) Each Council acknowledges that the other Council(s) will be providing funding and resources to develop and design the joint operating model, and has an interest in ensuring a consistency of approach in the development and design of the joint operating model.
- (b) Accordingly, any Council may submit a request to the other Council(s), for consideration and agreement by all the Councils, to:
 - (i) adjust expected timelines and/or reprioritise resources allocated to the development and design of the joint operating model as necessary to manage resource and funding constraints, subject to not compromising the achievement of the Objectives; and/or
 - (ii) change the Requirements that are not reasonably viable in order for a Council to meet its own needs, and the Councils will work together to agree and implement any agreed change to the joint operating model, including any consequential changes to the Requirements for that joint operating model.

3.5 **Project communications:** The Councils agree that media releases, public announcements and public disclosures by any Council relating to this agreement or its subject matter (including informational or promotional, but not including any announcement intended solely for internal distribution or any disclosure required by legal, accounting or regulatory requirements beyond the reasonable control of such Council) shall be co-ordinated with, and approved by, all Councils, provided that this does not apply to any media release, public announcement or public disclosure made by a Council (the "**Announcing Council**"):

- (a) which does not identify any other Council to this agreement; or
- (b) about the Announcing Council's business and operations or the Announcing Council's Confidential Information, excluding anything about or in connection with this agreement.

3.6 **Government communications:** The Councils agree that no Council may communicate directly with the Department of Internal Affairs in relation to the content of the joint WSDP without the prior written consent of the other Councils.

4. PROJECT GOVERNANCE

4.1 **Governance structure:** The governance model for the project comprises the following:

- (a) Councils Executive Group ("**CEG**");
- (b) Project Steering Group ("**PSG**"); and
- (c) Project Team.

4.2 **Decisions made by the governance groups:**

- (a) Each Council will be responsible for their own decision-making using the Project Team's advice and assistance.
- (b) The CEG, PSG, and Project Team will make decisions on a consensus basis.
- (c) Where consensus is not possible, decisions will be escalated to the next governance level, with final decisions to be made by the Council members of the CEG.

4.3 **Meeting administration:** Each of the governance meetings will be scheduled by the Lead Council, who will circulate agenda items and decisions to be discussed ahead of the meeting date.

4.4 **Councils Executive Group:** The CEG shall be responsible for:

- (a) overseeing the executive direction of the project;
- (b) addressing issues that have been escalated to it by the PSG; and
- (c) keeping informed on the project by information provided from the Project Team.

4.5 **Project Steering Group:** The PSG shall be responsible for:

- (a) providing strategic directions and decisions on the project;
- (b) addressing issues that have been escalated to it by the Project Team;
- (c) reviewing and approving any proposed changes the direction of the project;
- (d) appointing members to the Project Team;
- (e) ensuring the strategic direction of the project continues to align with the Objectives and each Council's obligations under this agreement; and
- (f) approving the Project Budget.

4.6 **Project Team:** The Project Team shall be responsible for:

- (a) preparing a detailed scope of work and project plan (including project milestones) to deliver on the Objectives ("**Scope and Project Plan**"). The Scope and Project Plan may take the form set out in Schedule 3. The project plan and progress against the Scope and Project Plan will be reported to the PSG and CEG on a monthly basis;
- (b) developing and maintaining a Project Budget and submitting same for approval by the PSG;
- (c) engaging external expertise as required;
- (d) preparing stakeholder/engagement framework ensuring all appropriate parties are included on an ongoing basis;
- (e) preparing and attending workshops with the Councils' elected members as required to achieve the project and Objectives;
- (f) preparing consultation packs in collaboration with individual Councils to support each Council's required consultation processes;
- (g) running and/or supporting consultation processes as required;
- (h) developing a joint WSDP in accordance with legislative requirements and each Council's requirements; and
- (i) any of matters required under a terms of reference agreed for the Project Team.

4.7 **Commercial Terms Sheet:** The parties agree to work in good faith to complete the terms sheet set out at Schedule 5 that will outline the key commercial terms relating to the WO.

5. **COST SHARING**

5.1 **Cost sharing principles:** The Councils agree to fund the costs of the project in equal parts in accordance with the Project Budget set out in Schedule 4 (as amended from time to time in accordance with this clause 5) (**Project Budget**).

5.2 **Project Team delegation:** The Project Team have authority to spend up to the approved Project Budget. Costs that exceed the approved Project Budget and any other amendments to the Project Budget will require approval by the PSG (and, for the avoidance of doubt, the provisions of clause 4.2(c) shall apply).

5.3 **Council Exit:** If a Council exits this agreement pursuant to clause 6.3:

- (a) contributions made by the Council on or prior to the date of exit (including the Initial Contribution) are not recoverable by the exiting Council;
- (b) that Council remains responsible for their share of all costs incurred up to that date; and
- (c) that Council remains liable to pay its share of any committed or budgeted (but unpaid) costs to the extent such costs cannot be reasonably mitigated or avoided (without penalty) by the remaining participating Councils.

6. TERM

6.1 **Term:** This agreement commences on the Commencement Date and continues until the Expiry Date, unless terminated earlier by all Councils in accordance with clause 6.2.

6.2 **Termination by agreement:** This agreement may be terminated at any time with immediate effect by agreement of all current Councils to this agreement for any reason, including if there is a material change of law or policy direction that affects the Councils' obligations under the LG(WSPA) Act and LG(WS) ACT.

6.3 Council withdrawal:

- (a) Subject to clauses 5.3 and 6.3(b), any Council may withdraw its participation in this agreement at any time prior to the Submission Date by giving written notice to the other Councils.
- (b) Before a Council exercises its withdrawal right under subclause (a), that Council must use reasonable endeavours to:
 - (i) provide as early as possible notification to the other Councils that the Council is considering, or intending to withdraw from the Project, including to provide the other Council(s) with sufficient time to respond to and agree on any public releases in accordance with clause 3.5; and
 - (ii) provide the other Council(s) an explanation for the withdrawing Council's reason(s) for the withdrawal.
- (c) Where any Council breaches a material obligation, or persistently does not perform its obligations, under this agreement, then the other Council(s) may request that such Council withdraws its participation from this agreement, in which case the parties will promptly discuss the next steps following such request.

6.4 **Effect of termination:** In addition to any other rights, powers or remedies a Council may have under this agreement or at law:

- (a) if this agreement ends or is terminated, the following will apply:
 - (i) each Council is released from its obligations under this agreement, except clauses 3.5 (Project communications); 5.3 (Council Exit); 6 Term); 7 (Dispute Resolution); 8 (Confidentiality); 9 (Intellectual Property); 10 (Notices); and 11 (General) that shall survive expiry or termination of this agreement;
 - (ii) each Council retains the rights and obligations it has accrued under this agreement as at the date of expiry or termination; and
 - (iii) each Council must return any Confidential Information of another Council in its possession to that other Council or, if requested by the other Council, destroy the Confidential Information, except to the extent that it is required to retain the Confidential Information in order to meet its legal, contractual and governance obligations.
- (b) if a Council withdraws its participation in this agreement:

- (i) clause 6.4(a) will apply only in respect of that Council; and
- (ii) this agreement continues in force as between the remaining Councils.

7. DISPUTE RESOLUTION

7.1 **Notice in writing:** If a Council claims that a dispute has arisen, that Council must give written notice to the PSG. The written notice must specify the nature of the dispute.

7.2 **Negotiation:**

- (a) On receipt of a notice delivered in accordance with clause 7.1 and before any Council may refer a dispute to mediation, the PSG must, in good faith and acting reasonably, do their best to resolve the dispute quickly and efficiently through negotiation.
- (b) If the PSG has not resolved the dispute within 10 Business Days of receipt of the notice delivered in accordance with clause 7.1, the dispute shall be escalated to the CEG for resolution.
- (c) If the dispute has not been resolved by the CEG within 10 Business Days (or within such other period as agreed by the Councils) of the date of escalation under clause 7.2(b), any Council may submit the dispute to mediation in accordance with clause 7.3.

7.3 **Mediation:**

- (a) If the Councils do not resolve the dispute by negotiation, the Councils must, in good faith and acting reasonably, do their best to resolve the dispute by participating in mediation with an independent mediator.
- (b) If the Councils do not agree on a mediator, then the mediator will be appointed by the New Zealand Dispute Resolution Centre.
- (c) The Councils must mediate the dispute in accordance with principles agreed between them or, if no agreement can be reached, the New Zealand Dispute Resolution Centre Mediation Rules.
- (d) Unless the Councils agree otherwise, the mediator's fee and any other costs of the mediation itself (such as for venue hire or refreshments) will be shared equally between the parties, but the parties will each pay their own costs of preparing for and participating in the mediation (such as for travel and legal representation).

7.4 **Arbitration**

- (a) If the dispute has not been resolved within 40 Business Days (or within such other period as agreed by the parties) of the dispute being referred to mediation, any Council (the "**Initiating Council**") may refer such dispute to binding arbitration by issuing a written notice ("**Arbitration Notice**") to the other Council(s) (together with the Initiating Council, the "**Disputing Council(s)**") for final resolution in accordance with the provisions of this clause 7.4 and in accordance with the provisions of the

Rules of Arbitration of the New Zealand Dispute Resolution Centre, as amended or modified from time to time ("**NZDRC Rules**").

- (b) The arbitral panel shall consist of one arbitrator. The arbitrator will be appointed by the agreement of the Disputing Council(s) or, failing agreement within 10 Business Days of the date of the Arbitration Notice, in accordance with the NZDRC Rules.
- (c) The seat of arbitration shall be Waitaki, New Zealand and the arbitration shall be conducted in the English language.
- (d) The award of the arbitration shall be in writing and must include reasons for the decision.
- (e) The award of the arbitration shall be final and binding on the Councils. No Council may appeal to the High Court under Clause 5 of the Second Schedule of the Arbitration Act 1996 on any question of law arising out of an award.
- (f) The award shall allocate or apportion the costs of the arbitration as the arbitrator deems fair.
- (g) Neither the existence of any dispute nor the fact that any arbitration is pending hereunder shall relieve any of the Councils of their respective obligations under this agreement.

7.5 Implementation of agreement: The Councils must do whatever is reasonably necessary to put into effect any negotiated or mediated agreement, arbitral award or other resolution. This includes exercising voting rights and other powers as required.

7.6 Rights and obligations during a dispute: During a dispute, each Council must continue to perform its obligations under this agreement.

7.7 Interlocutory relief and right to terminate: This clause does not restrict or limit the right of a Council to obtain interlocutory relief, or to immediately terminate this agreement where this agreement provides such a right.

8. CONFIDENTIALITY AND INFORMATION DISCLOSURE

8.1 Confidentiality: Each Council will keep confidential and secure all Confidential Information, and no Council shall disclose the other Councils' Confidential information to any person, or use the other Councils' Confidential Information, other than:

- (a) to the extent that use or disclosure is necessary for the purposes of giving effect to or exercising the rights and benefits of this agreement (which for the purpose of each Council, may involve disclosure to that council's elected members and staff);
- (b) if the discloser of the information has obtained the prior written approval of the providing Council to the use or disclosure;
- (c) if the use or disclosure is required by law including under the Local Government Official Information and Meetings Act 1987 ("**LGOIMA**"), or the Local Government Act 2002, provided that prior to that Council making a disclosure, that Council will

use reasonable endeavours to promptly consult in good faith with the other Councils:

- (i) regarding the requirement under which that Council is required to disclose the Confidential Information; and
 - (ii) so that the other Councils are informed to arrive at a view on whether those Councils would also be required to make such disclosure if a request is made of them; or
- (d) in relation to disclosure, if the information has already become public, other than through a breach of an obligation of confidentiality by one of the Councils or another third party.

8.2 **LGOIMA:** Each Council acknowledges that the other Council(s) are subject to the LGOIMA. Accordingly, notwithstanding anything else in this agreement, each Council agrees to cooperate fully in providing the other Council(s) with any documents or other information that the other Council is required to provide pursuant to a request made under the LGOIMA.

9. INTELLECTUAL PROPERTY RIGHTS

9.1 **Existing Intellectual Property Rights:** Notwithstanding any of the provisions of this agreement, each Council or its licensors retain ownership of all Intellectual Property Rights, including in Existing Material belonging to that Council or its licensors at the Commencement Date ("**Existing Intellectual Property Rights**").

9.2 **New Intellectual Property Rights:** Any new Intellectual Property Rights which are created as a result of, or in connection with, the provision of the Services or Deliverables, or otherwise in connection with this agreement, shall be jointly owned by the Councils, unless otherwise agreed by the parties.

9.3 **Licence:** If any Council's Existing Intellectual Property Rights is included in any new Intellectual Property Rights, then that Council grants to the other Council(s) and the other Councils accept, anon-exclusive, non-transferable, royalty-free licence during the term of this agreement to use the Council's Existing Intellectual Property Rights for the purposes of giving effect to and performing its obligations under this agreement. That licence will expire immediately on expiry or termination of this agreement.

10. NOTICES

10.1 **Giving notices:** Any notice or communication given to a Council under this agreement is only given if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Council at its address and marked for the attention of the relevant department or officer (if any) set out in Schedule 1.
- (b) Emailed to that Council at its email address and marked for the attention of the representative set out in Schedule 1.

- 10.2 **Change of details:** If a Council gives the other Councils three Business Days' notice of a change of its postal address or email address, any notice or communication is only given to that Council if it is delivered, posted or emailed to the latest postal address or email address.
- 10.3 **Time notice is given:** Any notice or communication is to be treated as given at the following time:
- (a) If it is hand delivered, when it is left at the relevant address.
 - (b) If it is sent by post, five Business Days after it is posted.
 - (c) If it is sent by email, on the date and at the time at which it enters the recipient's information system, as evidenced (if required by the recipient, where delivery is disputed) in a confirmation of delivery report from the sender's information system which indicates that the email was sent to the email address of the recipient.

However, if any notice or communication is given on a day that is not a Business Day or after 5pm on a Business Day in the place of the Council to whom it is sent it is to be treated as having been given at 9am on the next Business Day.

11. GENERAL

- 11.1 **Capacity:** The Parties each warrant and represent to each other that they have full power and authority to enter into this agreement and that all authorisations and approvals that are necessary or required in connection with the execution of this agreement have been obtained.
- 11.2 **No partnership, joint venture:** Nothing in this agreement shall create or evidence any partnership, joint venture, agency, trust or employer/employee relationship between any of the Councils, and a Council may not make, or allow to be made, any representation that any such relationship exists between any of the Councils. A Council shall not have authority to act for, or to incur any obligation on behalf of, any other Shareholder, except as expressly provided for in this agreement.
- 11.3 **No privity:** Other than as expressly provided for in this agreement, this agreement is not intended to confer a benefit on any person or class of persons who is not a party to it.
- 11.4 **Counterparts:** This agreement is deemed to be signed by a Council if that Council has signed or attached that Council's signature to any of the following formats of this agreement:
- (a) an original;
 - (b) a photocopy; or
 - (c) an electronic copy,

and if every Council has signed or attached that Council's signature to any such format and delivered it to the other Council(s), the executed formats shall together constitute a single binding agreement between the Councils.

- 11.5 **Electronic signing:** A Party may sign this agreement by way of the application of that Party's (or its relevant signatory's) electronic signature in accordance with Part 4 of the Contract and Commercial Law Act 2017.

- 11.6 **Entire agreement:** This agreement contains everything the parties have agreed in relation to the subject matter it deals with. No Council can rely on an earlier written agreement or anything said or done by or on behalf of another Council before this agreement was executed.
- 11.7 **Severance:** If any provision of this agreement is, or becomes unenforceable, illegal or invalid for any reason it shall be deemed to be severed from this agreement without affecting the validity of the remainder of this agreement and shall not affect the enforceability, legality, validity or application of any other provision of this agreement.
- 11.8 **Further assurance:** Each Council shall make all applications, execute all documents and do or procure all other acts and things reasonably required to implement and to carry out its obligations under, and the intention of, this agreement.
- 11.9 **Variation:** No variation of this agreement will be of any force or effect unless it is in writing and signed by each Council to this agreement.
- 11.10 **Assignments and transfer:** A Council must not assign or transfer any of its rights or obligations under this agreement without the prior written consent of the other Councils.
- 11.11 **Costs:** Except as otherwise set out in this agreement, each Council must pay its own costs and expenses, including legal costs and expenses, in relation to preparing, negotiating, executing and completing this agreement and any document related to this agreement.
- 11.12 **Waivers:**
- (a) A waiver of any right, power or remedy under this agreement must be in writing signed by the Council granting it. A waiver only affects the particular right, obligation or breach for which it is given. It is not an implied waiver of any other right, obligation or breach or an implied waiver of that right, obligation or breach on any other occasion.
 - (b) The fact that a Council fails to do, or delays in doing, something the Council is entitled to do under this agreement does not amount to a waiver.
- 11.13 **Governing law:** This agreement is governed by the laws of New Zealand and the Councils submit to the non-exclusive jurisdiction of the courts of New Zealand in respect of any dispute or proceeding arising out of this agreement.

SCHEDULE 3

Scope and Project Plan

Activities and Decisions	Indicative Timeframes
<p><u>Project initiation phase</u></p> <ul style="list-style-type: none"> • Agree project approach, high level plan, budget and cost allocation. 	<p>10 Feb 2025</p>
<p><u>Design phase</u></p> <ul style="list-style-type: none"> • Agree preferred service delivery model • Agree financial projections for the service delivery options • Agree approach to public consultation • Council decisions on consultation options and information to be made publicly available 	<p>End March 2025</p> <p>End April 2025</p>
<p><u>Planning phase</u></p> <ul style="list-style-type: none"> • Undertake public consultation • Prepare joint WSDP • Plan arrangements for the WO, including governance structures and financial arrangements • Each Council ensures internal endorsement for joint WSDP • Chief Executives from each Council certify information provided by that Council 	<p>End April to End May 2025</p> <p>Deliberations-Decisions</p> <p>June – July 2025</p> <p>August 2025</p>
<p>Submit the joint WSDP (with certification) to the Secretary for Local Government for acceptance. The WSDP may require amendments and resubmission for acceptance.</p>	<p>3 September 2025</p>
<p><u>Implementation phase</u></p> <ul style="list-style-type: none"> • Councils adopt the accepted WSDP • Publish the adopted WSDP • Execute the corporate documents required to establish the WO • Establish the WO • Set up operational arrangements for the WO 	<p>After acceptance of the WSDP under the LG(WSPA) Act</p> <p>Planning assumption – Work commences on Joint CCO setup early 2026 for 1 July 2027 establishment</p>

SCHEDULE 4

Project Budget

Project Budget	\$ 548,976
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	Equal Share	Cost	Rounded
Central Otago District Council	25.0%	\$ 137,244	\$ 137,000
Clutha District Council	25.0%	\$ 137,244	\$ 137,000
Gore District Council	25.0%	\$ 137,244	\$ 137,000
Waitaki District Council	25.0%	\$ 137,244	\$ 137,000
	100.0%	\$ 548,976	\$ 548,000

Budget

	Total
Project Delivery & Governance Support	\$ 199,000
Consulting Support - Financial Modelling & Analysis	\$ 42,000
Consulting Support - Initial Assessment	\$ 8,500
Consulting Support - CCO definition	\$ 3,500
Consulting Support - Options Update for decision / Consultation Content	\$ 15,000
Consulting Support - WSDP Content	\$ 15,000
Communications Support	\$ 89,480
Design & Printing	\$ 10,000
Consulting Support - Asset Mgt Plan and Long Term Plan Baselineing & New Env't Standards	\$ 15,000
Legal - Commitment Agreement & Decision Paper Review	\$ 20,000
Legal - Comms Content Review	\$ 10,000
Legal - WSDP Review	\$ 10,000
Legal - Ad Hoc Advice	\$ 20,000
	\$ 457,480
Contingency 20%	\$ 91,496
Sub Total	\$ 548,976

SCHEDULE 5

Commercial Terms Sheet

Term	Agreed position	Template document clause reference
General		
Name of the WO		<ul style="list-style-type: none"> All template documents
Matters which require the approval of shareholders.		<ul style="list-style-type: none"> Single council shareholder: Constitution, Schedule 2 Multiple shareholders: Shareholders' Agreement, Schedule 1; Schedule 2, clause 5.1(b); and Schedule 3
Service Area(s) where the WO will provide "water services".		<ul style="list-style-type: none"> Commitment Agreement: Background, paragraph A Shareholders' Agreement: Schedule 1; Schedule 2, clause 1.1; and Schedule 6
Constitution (single- and multi-shareholder WOs)		
Whether Shareholders will be able to require changes to and approve the Water Services Strategy.		<ul style="list-style-type: none"> Clause 3.2
Maximum number of directors.		<ul style="list-style-type: none"> Clause 12.2
Preferred method of appointing/removing directors, including: <ul style="list-style-type: none"> Will directors be appointed by the shareholders directly or a by a Shareholder Council? Will directors be appointed proportionate to the shareholding of each council, or some other methodology (please specify) 	Single director per shareholder	<ul style="list-style-type: none"> Clause 12.3(a)
Directors' term of appointment and maximum number of terms a director can be appointed for.	Term - 3 years	<ul style="list-style-type: none"> Clause 12.6

Quorum for board meetings.		<ul style="list-style-type: none"> • Schedule 2, clause 3.1(a)
Skills the directors are required to have.		<ul style="list-style-type: none"> • Clause 12.5 • Schedule 3
Shareholders' Agreement		
Initial shares to be issued and shareholding for each shareholder.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 2.2
Price payable for each share in the WO issued.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 2.3
Principles that any further shares must be issued in accordance with.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 9.3
The name, registered office and address for service of the WO.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 2.4
The initial business set up, operational steps and transactions to be undertaken by the WO and Councils.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 3.2
The initial directors of the WO.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 4.2
Whether to establish a Shareholders Council, and if yes, confirmation that the Terms of Reference in Schedule 4 apply.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 6.1 • Schedule 4
Membership of the Shareholders Council (where established), including the total number of members, the initial membership, and the number of members for a quorum at meetings.		<ul style="list-style-type: none"> • Schedule 4
Number of missed Shareholders Council meetings missed before a new representative will be appointed.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 6.6

Matters to be included in the Statement of Expectations.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 8.1(b)
Interest rate payable on payment default by any party under the Shareholder's Agreement.		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 12.3
Time period before publication to provide the agreed Statement of Expectations to the Chairperson of the Board, the Chief Executive of the Company and the Shareholders Council (must be no more than one month).		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 8.1(c)
Deed relating to Indemnity, Access and Insurance		
Individuals who will be indemnified under the Deed.	[All directors and senior executives of the WO.]	<ul style="list-style-type: none"> • Parties to the Deed
Transfer Agreement		
Responsibilities to be transferred to the WO; Responsibilities which won't be transferred		<ul style="list-style-type: none"> • Appendices 1 and 2 of Schedule 2
Assets to be transferred to the WO; Assets which won't be transferred		<ul style="list-style-type: none"> • Appendices 1 and 2 of Schedule 2
Employees and Contractors to be transferred to the WO		<ul style="list-style-type: none"> • Schedule 2, clause 5
Contracts to be novated to the WO; Contracts which won't be novated		<ul style="list-style-type: none"> • Appendices 1 and 2 of Schedule 2
Matters of Shared Interest which Council and the WO will work together on		<ul style="list-style-type: none"> • Schedule 3
Ad hoc services to be provided by Council to WO		<ul style="list-style-type: none"> • Schedule 1 • Schedule 4, clauses 2 and 4
Ad hoc services to be provided by WO to Council		<ul style="list-style-type: none"> • Schedule 1 • Schedule 4, clauses 2 and 4

Date of commencement		<ul style="list-style-type: none"> • Schedule 1 • Schedule 5, clause 1.1
Date on which the transfer will take effect		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clause 7.1
Purchase price/limitation of liability		<ul style="list-style-type: none"> • Schedule 1 • Schedule 2, clauses 3.1 and 11.2
Party (as between the Council and the WO) who will collect the water charges		<ul style="list-style-type: none"> • Schedule 1 • Schedule 3, clause 2
Council's Representative and Interface Governance Group Members		<ul style="list-style-type: none"> • Schedule 1 • Schedule 3, clause 4.2 • Schedule 3, clause 4.3

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9. Confidential Business

Section 48, Local Government Official Information and Meetings Act 1987.

Resolution to exclude the public

His Worship to move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution</i>	<i>Ground(s) Under Section 48(1) for the passing of the resolution</i>
<i>4.1 Confirmation of the minutes of the public excluded Council meeting held on Tuesday 17 December 2024.</i>		<i>The public conduct of this part of the meeting would be likely to result in the disclosure of information for which there is good reason for it being withheld. Section 48(1)(a)</i>
<i>5.1 Draft 2025-2034 Long Term Plan Consultation Document</i>	<i>This report is CONFIDENTIAL in accordance with section 46A (8) and 46A (9) of the Local Government Official Information and Meetings Act 1987, being a report that the Chief Executive of the Gore District Council reasonably expects will be discussed with the public excluded.</i> <i>To enable the Council to carry out, without prejudice or disadvantage, commercial activities – Section 7 (2)(h)); and</i> <i>To maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority in the course of their duty – Section 7(2)(f)(i)</i>	<i>The public conduct of this part of the meeting would be likely to result in the disclosure of information for which there is good reason for it being withheld. Section 48(1)(a)</i>

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public.

AND THAT those in attendance be permitted to remain at the meeting.

10. Meeting closed

Council Mission
Ensuring a sustainable environment for future generations
Encouraging participation by the people
Providing efficient quality services and facilities that meet the affordable needs and aspirations of the people