

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
TIMARU DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA or
the Act**)

AND

IN THE MATTER OF

Of Hearing of Submissions and Further
Submissions on the Proposed Timaru District
Plan (**Proposed Plan**)

AND

IN THE MATTER OF

Submissions and Further Submissions on the
Proposed Timaru District Plan by Waipopo
Huts Trust (**Waipopo Trust**)

AND

IN THE MATTER OF

Hearing of submissions on the Proposed
Timaru District Plan

**MEMORANDUM OF COUNSEL FOR
WAIPOPO HUTS TRUST IN RESPONSE TO THE SECTION 42A REPORT: NATURAL
OPEN SPACE ZONE, OPEN SPACE ZONE, AND SPORT AND ACTIVE RECREATION
ZONE**

Dated: 16 October 2024

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TO: The Hearings Panel

Introduction

- 1 This memorandum is filed on behalf of Waipopo Huts Trust (**Waipopo Trust**) in response to the Section 42A Report: Natural Open Space Zone, Open Space Zone, and Sport and Active Recreation Zone (**s42A Report**).
- 2 The s42A Report was filed in relation to Hearing D which is scheduled to commence on 12 November 2024.
- 3 Hearing D will hear submissions in relation to the Open Space Zone and addresses (among other matters) Waipopo Trust's submission to remove the Precinct 4 Holiday Hut overlay from their land at the Waipopo Huts Settlement.

Section 42A Report

- 4 The reporting officer recommends that the Waipopo Trust's submission seeking to remove Precinct 4 Holidays Huts from the Waipopo Trust Settlement is deferred to be considered alongside the submission seeking to re-zone this land from OSZ to MPZ within Hearing E.¹
- 5 The reasons for the reporting officer's recommendation is set out in paragraphs 8.6.6 and 8.6.7 below:

8.6.6 The removal of PREC4 Holiday Hut over the submitter's properties at the Waipopo Huts Settlement is just one aspect of the various submission points made by the Waipopo Huts Trust [189.8]. In my view consideration of the removal of the Precinct should be undertaken in conjunction with the proposed re-zoning of the submitter's properties from OSZ to Māori Purpose Zone (MPZ). Removal of the Precinct in the absence of a potential re-zoning as sought would leave the sites with an Open Space zoning, but without being subject to the Standards recognising the special character of the Holiday Hut Precinct.

8.6.7 Therefore, I consider it is not appropriate to make a recommendation on the removal of the precinct over the submitter's properties as part of this Topic. In my view that matter should be considered alongside the submitter's request to re-zone the land MPZ, which is to be heard in Hearing E. On that basis, I recommend that this submission point be re-

¹ s42A Report at [8.6.20]

allocated and no further recommendation regarding the merits of this submission point is made at this time.

- 6 The Waipopo Trust supports the reporting officer's recommendation for the reasons explained by the reporting officer at paragraph 5 above and also because it will provide for a more efficient hearing of the matters raised by the Waipopo Trust's submission on the Proposed District Plan.

Request to the Hearings Panel

- 7 If the Hearings Panel is minded to adopt the reporting officer's recommendation, then we respectfully request that legal counsel and witnesses for the Waipopo Trust be excused from appearing at Hearing D.

Dated 16 October 2024



Chris Fowler / Shona Walter
On behalf of Waipopo Huts Trust