

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF the hearing of submissions in relation to
the Proposed Timaru District Plan

MINUTE 14

**HEARING B – PANEL REQUEST FOR CLARIFICATION FROM S42A AUTHORS AND
INFORMATION REQUESTS MADE TO SUBMITTERS**

DATED 9 August 2024

1. INTRODUCTION

[2] Hearing streams B1 (Rural) and B2 (Urban Zones) took place on 22-24 July 2024. During the hearing and following the conclusion of the hearing the Hearing Panel¹, indicated to participants that they required further information and clarification on certain matters.

[3] The purpose of this Minute is to:

- (a) Confirm our request for and timing of an interim reply from Council s42A Report Authors.
- (b) Record requests made of submitters during Hearing B and record responses received to date.

¹ The Timaru District Council ("the Council") appointed Cindy Robinson (Chairperson), Ros Day-Cleavin, Councillor Stacey Scott, Jane Whyte, Megen McKay, and Raewyn Solomon ("the panel") to hear submissions and further submissions, and evidence to make decisions on the Timaru Proposed District Plan ("the Proposed Plan") pursuant to Section 34A(1) of the Resource Management Act 1991 ("RMA"). Our delegation includes all related procedural powers to conduct those hearings. Hearing B was conducted by Commissioners Robinson, Solomon, Day-Cleavin and Councillor Scott.

2. SECTION 42A REPORT AUTHOR INTERIM REPLIES AND QUESTIONS OF CLARIFICATION

[4] The Council provided three reports prepared under s42A of the RMA to provide the Panel and submitters with an overview of the issues in Hearing B and to provide recommendations to the Panel as to whether various submissions and further submissions should be accepted or rejected in whole or in part.

[5] We received reports from:

- (a) Mr Andrew McLennan in relation to Rural Zones (General Rural Zone (GRUZ), Rural Lifestyle Zone (RLZ), Settlement Zone and some rezoning requests).
- (b) Ms Alanna Hollier in relation to the General Industrial Zone (GIZ) and Port Zone (PORTZ).
- (c) Ms Liz White in relation to Residential, Commercial and Mixed-Use Zones (MUZ).

[6] As the Panel requested in Minutes 7 and 8, the s42A Report Authors provided a table attached to their summary statement that identified matters that they had resolved between themselves and submitters and those issues which remained outstanding, and the author having reserved their position until after hearing evidence of submitters and Panel questions (summary table).

[7] The Panel found the summary tables very helpful. We asked Ms Vella, Counsel for the Council if the s42A Report Authors could adopt the same reporting as part of their interim reply. After some discussion it was resolved that each s42A Report Author would update their summary tables to include an additional column to record any changes to their recommendations as part of their interim responses.

[8] The Panel recently issued Minute 13 which reallocated hearing topics that had been scheduled for Hearing C in September 2024, to later hearing dates. Therefore, there is now more time to allow the s42A Report Authors an opportunity to undertake further discussions with submitters as we direct below, and for the interim reply to be filed with the Panel. We direct that s42A Report Authors provide their interim reply and update their summary table with their interim position no later than **3pm on Friday 20th September 2024**.

[9] In addition to the updates to the summary tables the Panel have requested that further discussion occur between the relevant s42A Report Author and submitters' expert witnesses or representatives to see if further common ground can be reached, and recorded in the interim replies. These matters are set out below.

Submitter	Submitter expert	S42A	Directions
Redwood Group Limited	<p>Ms Hampson (Economics)</p> <p>Ms Hoogeveen (Planning)</p>	Ms White	<p>Economic Evidence of Ms Hampson to be peer reviewed by an economist engaged by the Council and the peer review report is to be made available to the submitter for further comment. Following the exchange of the Report Ms White and Ms Hoogeveen are to meet informally and discuss whether their differences can be resolved.</p> <p>The Panel does not make any formal directions for expert conferencing at this time, but if there is disagreement between economists' views, then Ms White is to advise the Panel of her position and the Panel will then consider making further directions for a response from Ms Hoogeveen, and Ms Hampson if necessary, or for formal conferencing and the preparation of a Joint Witness Statement.</p>

			Ms Vella is to provide the Panel with an update on progress by 23 August 2024.
Multiple submitters with submissions on the topic of reverse sensitivity in Hearing A and B.	Planning witnesses	Mr Willis and Mr McLennan	Planners to meet and prepare an agreed position on the mapping and hierarchy of reverse sensitivity provisions in the Canterbury Regional Policy Statement (CRPS) and Proposed Plan.
Aitkin Johnston and RSM Trust Limited	Ms Clay (Planner)	Ms White	Ms White and Ms Clay to confer on zoning of properties and report back to Panel position as part of interim reply.
Bidwell Trust	Mr Geddes (Planner)	Ms White	Having now received the legal opinion from Cavell Leitch on behalf of the Bidwell Trust Mr Geddes and Ms White are to confer (on a without prejudice basis if necessary) on whether there are any alternative drafting options for a permitted, controlled or restricted discretionary rule to limit the application of the rule to the residential zone that is adjacent to the existing Bidwell Hospital (i.e. not applying to another location remote from the current site).

			<p>The Panel is not intending to make a ruling on scope issues or issue a direction in response to the Memorandum received on 8 August², before making our decisions, but wishes to have alternative drafting options to consider.</p>
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Questions of clarification for s42A Report Authors to be addressed in interim reply

[10] For Mr McLennan

- (a) In relation to Kiwi Rail and the proposed setback from the rail corridor, clarify whether there is a need to define the rail corridor and provide examples from other District Plans as to how setbacks from the railway via the designated corridor or building and structure set back provisions are applied.
- (b) The Panel is interested to receive Mr McLennan’s view of the proposal from Ms Lucas on behalf of ‘HB’ to include specific provision for indigenous vegetation in shelter belt planting.
- (c) The Panel would like to receive Mr McLennan’s view of the relief sought by NZ Pork that an exclusion be provided in GRUZ-R1 for movable pig shelters, including farrowing huts 10m² in area and less than 2m in height, and provide examples from other District Plans if relevant (e.g Partially Operative Selwyn District Plan).
- (d) Mr McLennan to provide further clarification of the higher order policy approach in the NPS-HPL and the CRPS to weighing the enablement of primary production and protection and avoidance/minimising adverse effects on sensitive activities. Also, please clarify whether the Proposed Plan objectives, polices and rules give effect to higher order documents in relation to primary production and management of the effects of primary production on sensitive land uses.

² Memorandum of Counsel on behalf of Timaru District Council, Bidwill Trust Hospital – Scope of Submission, 7 August 3034.

- (e) In relation to GRUZ R14 Use of Airstrips and Helicopter Landing Sites, please clarify which objective(s) and policies in the PDP that GRUZ R14 seeks to implement.

[11] For Ms White

- (a) Please confer with Ms Hollier regarding the appropriate zoning for the Port Bryson site, including consideration of MUZ or GIZ zoning and reasons for rejecting the MUZ and address this in the interim reply. The Panel is not clear on why the MUZ was not considered to be appropriate in this location.

[12] Further we ask Counsel for the Council Ms Vella to file a memorandum by **23 August 2024** setting out the background to Rule GRUZ R14 Use of Airstrips and Helicopter Landing Sites in relation to non-commercial fixed wing aircraft, including:

- (a) Record of complaints and monitoring undertaken under the Operative District Plan (ODP).
- (b) Evidence that supported proposed change from ODP rules. Please clarify which rules applied in the ODP. In proposing the new rule did the Council have information about the number of private airstrips affected by the rule and percentage of primary production or recreational or other non-commercial flights affected by the rule?

3. REQUESTS FOR FURTHER CLARIFICATION FROM SUBMITTERS ARISING FROM HEARING B

[13] During the hearing we requested clarification or provided an opportunity for submitters to provide additional information or responses to panel questions. Where a submitter has yet to provide the requested information, we direct that the information is made available **by 23 August 2024**. We record these as follows.

Submitter	Representative/witness	Request from Panel	Response received

Kiwi Rail	Counsel Ms Grinlinton (Corporate)	Copy of s32 Report prepared by Kiwi Rail to support requested 5m building setback. Corridor Map for District.	
Bidwell Trust	Mr Geddes (Planner)	To consider Council submissions on scope. Mr Geddes advised he wishes for Bidwell to take legal advice to inform response.	5 August 2024: Legal submission received from Cavell Leitch on behalf of Bidwell.
Payne	Ms Wharfe (Planner)	To provide notes from oral response to CRPS policy framework for reverse sensitivity.	
Fonterra	Suzanne O'Rouke	Resource consent details for the 'DIN' project.	
Horticulture NZ	Mr Hodgson (Planning)	Examples of District Plan rules that require planting of setbacks or shelterbelts as mitigation for reverse sensitivity effects.	
	Ms Cameron	Information regarding indigenous plant varieties suited to shelterbelts that are recommended by Horticulture NZ (if any).	
Federated Farmers	Angela Johnston	Advice or guidance on reverse sensitivity mitigation/avoidance measures adopted by members when subdividing land (if any).	
Milward, Finlay Lobb Limited	Ms McMullan (Planning)	Proposed draft rule to address submitters concerns regarding site coverage.	

Harvey Norman Properties Limited	Ms Rivai (Planner)	Landscape Plan showing Taitarakahi Stream.	
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4. SITE VISITS

[14] The Panel has requested that Mr McLennan work with the Blandwood submitter group to arrange an itinerary for a site visit. The Panel will undertake the site visit prior to the next Scheduled Hearing in November.

Dated this 9th day of August 2024



C E ROBINSON - CHAIR ON BEHALF OF THE HEARINGS PANEL