

Before the Hearing Panel  
Appointed by the Timaru District  
Council

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

In the matter of the Proposed Timaru District Plan

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**Memorandum of Counsel on behalf of Timaru District Council**

**Late submission**

**6 August 2024**

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**Council's solicitors:**

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## **May it please the Hearing Panel:**

### **Introduction**

- 1 This memorandum is filed by counsel for the Timaru District Council (Council) in relation to a letter received by the Council from Daniel and Marja Stack (the Stacks) in respect of the submission made by Canterbury Woodchip Supplies (CWS) (submitter #52).
- 2 The letter sets out the Stacks' position in relation to the CWS submission and seeks that the Panel consider the letter in making its decision on that submission. That letter is attached at **Appendix A**. The Stacks are not submitters or further submitters on the PDP.

### **Background**

- 3 CWS submission sought that the land at 2-8 Arowhenua Street and 61 Bridge Street, Arundel be zoned from General Rural (GRUZ) to General Industrial Zone (GIZ).<sup>1</sup>
- 4 The submitter considers that the GIZ zoning would better reflect the site's consented and existing use as a wood processing facility for woodchip production and ancillary transport and storage of woodchip and ancillary wood/timber materials.
- 5 The CWS submission was addressed in the section 42A report on the General Industrial Zones and Port Zone. The section 42A officer recommended that the site remain GRUZ on the basis that a GIZ zoning would be contrary to various provisions of the PDP, spot zoning the site GIZ would be inconsistent with the overall approach to zoning applied in the PDP, and the existing activity is "rural industry" and therefore anticipated within the GRUZ.<sup>2</sup>
- 6 The Stacks live and farm at 60 Arowhenua Street, Arundel, and have staff accommodation in proximity to the CWS site. The Stacks oppose the proposal to re-zone CWS' land from GRUZ to GIZ.

### **Relevant law**

- 7 The Panel has the power to waive the period of time for filing late submissions. Section 37 of the Resource Management Act 1991 (RMA) allows a consent authority or a local authority to extend a time period

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<sup>1</sup> Canterbury Woodchip Supplies submission, page 2.

<sup>2</sup> Section 42A report: Hearings B2 – Urban Zones: General Industrial Zone (GIZ) and Port Zone (PORTZ), at paragraphs 7.2.4 – 7.2.7.

specified in the Act, whether or not the time period has expired.<sup>3</sup> Section 37A(2)(b) allows the Panel to extend a time period exceeding twice the maximum time period if the Council (as initiator of the proposed plan)<sup>4</sup> agrees.

- 8 In doing so, the Panel must consider the following matters in section 37A(1):
- (a) The interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
  - (b) The interests of the community in achieving an adequate assessment of effects of the proposed plan;
  - (c) The duty under section 21 to avoid unreasonable delay.

### **Council position**

- 9 The Council does not take a position in relation to whether the Stacks letter should be accepted as a late further submission to be considered by the Panel, but agrees to an extension of time if the Panel considers that appropriate.
- 10 The Council makes the following observations:
- (a) The summary of submissions was notified on 24 July 2023 with further submissions due by 18 March 2024. The further submission was received four months after the further submission period.
  - (b) The summary of submissions clearly stated that the submitter sought that the land at 2-8 Arowhenua St and 61 Bridge Street, Arundel be rezoned from General Rural Zone to General Industrial Zone.
  - (c) The Stacks letter was filed after the section 42A report had already been completed and issued. However, if the Stacks' letter were to be accepted as a late further submission, this would not alter the section 42A officer's recommendation.

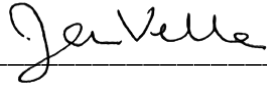
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<sup>3</sup> Section 37(1)(a) of the RMA.

<sup>4</sup> The definition of "applicant" (section 2, RMA) for the purposes of section 37A includes, in relation to matters described in section 39(1), "the person who initiates the matter". Section 39(1) provides for a local authority or person given authority to conduct hearings in relation to a proposed plan, including via delegation under section 34A, to establish a procedure that is appropriate and fair in the circumstances.

- (d) CWS did not file evidence or make oral submissions to the Hearing Panel despite the section 42A officers' recommendation to reject the submission.

11 The Council is grateful for the Panel's attention to these matters.



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Jen Vella  
Counsel for Timaru District Council

**Appendix A**  
**Letter to hearing panel from Daniel and Marja Stack**

Daniel and Marja Stack  
Stack Farming Ltd  
60 Arowhenua Street  
Arundel  
RD22  
Geraldine 7992

Re: Submission Reference Number #:52, Canterbury Woodchip Supplies, Arundel

To the hearing panel,

We wish to make you aware of our position on the proposal by Canterbury Woodchip Supplies (CWS) for a zone change for his business area in Arundel from General Rural (GRUZ) to General Industrial Zone (GIZ).

We believe a zone change will have an adverse effect on the environment and the rural character of Arundel, as well as on the people living here.

It has only recently come to our attention that CWS's submission was made. We understand that we are too late to make a submission on the proposed District Plan, but hope that this email can be considered.

We live and farm at Arundel, neighbouring CWS, including a staff accommodation 12 Acland Street, 185m from CWS's bund. We live at 60 Arowhenua Street, Arundel.

We oppose the zone change for the following reasons:

- We oppose any change that allows CWS to operate outside its current consent conditions. We note that CWS often operates outside these conditions. A change in zoning would allow a change from a non-complying activity to a less restricted category, which would result in further creep of its effect on local residents and businesses.
- We do not want any increased effect from potential longer operating hours, and increased noise, light and traffic, on the surrounding area/residences.
- Though the site has operated as a sawmill for 75 years, this was at a much smaller scale and had a lower level of effect than the current business. An existing use right should not justify any zone change.
- Current effects under CWS's existing resource consent and rural zoning mean that our tenant/staff member at 12 Acland Street is often woken by a strong light shining into his house and is also often woken early with the starting of machinery. More intensive industry allowed by a zone change will exacerbate this, and increase the area affected. We believe that these effects are more than minor.
- We believe that Arundel, as a farming community, is not suited to industrial zoning. We do not wish the character of Arundel to change with more intensive industry.

Therefore, we do not feel it appropriate to change this rural area into an industrial area.

We welcome any discussion. Please contact us on the numbers below.

Kind regards,  
Daniel and Marja Stack

Daniel: 027 369 5301  
Marja: 027 407 1156