

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

Memorandum of Counsel on behalf of Timaru District Council

Hearings B and E – Procedural matters

25 October 2024

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 the following procedural matters in respect of hearings on the Proposed Timaru District Plan (**PDP**):
 - (a) A late further submission received in relation to the Historic Heritage chapter; and
 - (b) Progress on discussions with submitters on rules for non-commercial small fixed-wing aircraft.

Late further submission

- 2 The memorandum of counsel of 16 October 2024 addressed a late further submission by Mr Anyos Gonczy on behalf of Inspire Residential Ltd. It further advised the Panel that the Council:
 - (a) had been advised to expect another late further submission in relation to 16 Sefton St/ 9 Sarah St; and
 - (b) did not intend to oppose any late further submissions in relation to the properties addressed at paragraph 4 of that memorandum.
- 3 The Panel issued a minute¹ on 18 October directing that:
 - (a) The Council serve a copy of Minute 16 together with the Council's memorandum on originating submitter 78;
 - (b) Confirm that Mr Gonczy has served a copy of the late further submission on submitter 78;
 - (c) If submitter 78 wished to comment on the waiver of time to receive the late further submission, he may do so by the close of business on Wednesday 23 October 2024; and
 - (d) Council follow up with the other person who had indicated an intention to file a late further submission and forward any requests for a waiver of time to receive a late further submission to the Panel as soon as possible, and serve that request/further submission on the originating submitter.

¹ Minute 16 – Directions regarding late further submission – 18 October 2024.

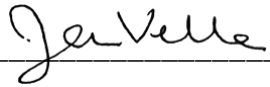
- 4 Counsel has been advised that:
 - (a) Minute 16 and the associated memorandum of counsel (which attached Mr Gonczy's further submission) were served on submitter 78 on 21 October 2024;
 - (b) Mr Gonczy advised the Council on 21 October 2024 that he had also served submitter 78 with a copy of his further submission.
- 5 The Council has now received a late further submission from Chris and Zella Leech on behalf of Prison Securities Ltd, in relation to 9A-B Sarah St/ 16 Sefton St, Timaru. That is attached at **Appendix A**. The Leeches have advised that the further submission would be served on originating submitter 78.
- 6 As indicated in the memorandum of 16 October 2024, the Council does not oppose a waiver of the time period for accepting this further submission for the reasons set out in that memorandum. The Council understands that the Leeches were unaware of the submission, potentially due in part to a recent change in circumstances regarding the management of this property.
- 7 For the Panel's information, the heritage reports prepared in relation to both 32 Bidwill Street and 9A-B Sarah St/ 16 Sefton St have been shared with the property owners and submitter 78. Both recommend that the buildings at these properties are not included in SCHED 3 – Historic Heritage Items, as they do not meet the criteria set out in the PDP.
- 8 This memorandum will be forwarded to both submitter 78 and the further submitter.

Fixed-wing aircraft rules

- 9 Mr MacLennan's Hearing B Interim Reply noted that proposed drafting to implement his recommendations had been sent to the submitters for their consideration, and proposed that the Council report back on 25 October 2024.
- 10 Discussions with those submitters are ongoing. A further proposal, based on recommendations by the Council's noise expert, is expected to be presented to the submitters on Tuesday, 29 October 2024. The Council is hopeful that that proposal will resolve those concerns but, if not, will explore the option of expert caucusing with the submitters.

11 It is proposed that the parties provide a further progress report on Friday, 6 December 2024.

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



Jen Vella
Counsel for Timaru District Council

APPENDIX A

Further submission of Chris and Zella Leech on behalf of Precision Securities Ltd

Further Submission Form

Clause 8 of Schedule 1, Resource Management Act 1991

Further submissions close on Monday 18 March 2024 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the **Proposed Timaru District Plan**.

1. Further Submitter Details

Full name of person making further submission:	Chris and Zella Leech
Organisation name and contact (if representing a group or organisation):	Precision Securities Ltd
Email:	rzleech@xtra.co.nz, leech.chrisj@gmail.com
Telephone:	027 502 8209
Postal address (or alternative method of service under section 352 of the Act):	PO Box 243 Timaru 7940
Contact person: <i>[name and designation, if applicable]</i> :	David Harford (Planner) As agent

2. Eligibility to make a further submission

Only certain persons can make a further submission. Please select the option that applies. I am:

a person representing a relevant aspect of the public interest;

a person who has an interest in the proposal that is greater than the interest the general public has;

the local authority for the relevant area.

Please explain why you come within the category selected above:

We are the owners of the property at 9A-B Sarah Street and 16 Sefton St Timaru. We were not aware of this submission being lodged on our property.

3. Hearing options

I wish to be heard in support of my further submission? Yes No

If others make a similar further submission, I will consider presenting a joint case with them at a hearing.

Yes No

4. Checklist for further submissions being made

<input checked="" type="checkbox"/>	I have filled in the table in Section 6 on the next page with details of my further submission
<input checked="" type="checkbox"/>	I have added <u>2</u> Further pages/sheets that form part of my further submission.
<input checked="" type="checkbox"/>	I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council

5. Signature of further submitter

Signature of further submitter (or person authorised to sign on their behalf)

PLEASE NOTE - A signature is not required if you submit this form electronically. By entering your name and the date in the box above you are giving your authority for this application to proceed.

Signature: D. J. P. (as agent) Date: 24.10.2024.

6. Detail of Further Submission

Name of person making further submission: Precision Securites Ltd- C and Z Leech
 Please add additional pages if there isn't sufficient space to complete your further submission.

This further submission is in relation to the original submission of: <i>Enter the name of the original submitter as per the SoDR. E.g. Timaru District Council</i>	This further submission is in relation to the original submission Number: <i>E.g. 42.45</i>	The particular part(s) of the original submission I/we support /oppose are:	My/our position on the original submission is: <i>Support or oppose</i>	The reasons for my/our support/ opposition to the original submission are:	Allow or disallow the original submission (in full or in part)	Give precise details (which can include tracked changes) of the decision you want the Council to make in relation to the original submission point
Mr Christopher T Templeton	78	The requested heritage listing for the property. We do not agree that this property is worthy or indeed meets the key criteria to become a heritage listed building	Oppose	Please see attached form	Disallow the original submission in full.	We wish the Council to not include the former Alton House Girls boarding school building as a category B heritage Building within Sections 3 and 4 of the Proposed Timaru District Plan.

This further submission is in relation to the original submission of: Enter the name of the original submitter as per the SoDR. E.g. Timaru District Council	This further submission is in relation to the original submission Number: E.g. 42.45	The particular part(s) of the original submission I/we support /oppose are:	My/our position on the original submission is: Support or oppose	The reasons for my/our support/ opposition to the original submission are:	Allow or disallow the original submission (in full or in part)	Give precise details (which can include tracked changes) of the decision you want the Council to make in relation to the original submission point

7. Note to person making further submission:

Serve of further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the Timaru District Council, you can find contact details for the original submitters within the Submitter Index at www.timaru.govt.nz/pdpfs.

Strike out of submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious;
- It discloses no reasonable or relevant case;
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- It contains offensive language;
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Completion of Further Submission

The above form is in the format and information required by Form 6 of the Resource Management (Forms, Fees and Procedure) Regulations 2003. Please make sure all information required in the form are provided to complete the further submission.

Returning this form

You can:

- Email it to: pdp@timdc.govt.nz - **Subject line: Further Submission + name of further submitter**
- Post it to: Timaru District Council, PO Box 522, Timaru, 7940 – **Address to: District Plan Review Team**
- Deliver it to a Council Service Centre in Timaru, Temuka or Geraldine.

Further submissions close on 18 March 2024 at 5pm.

Privacy Act 2020

Please note information on this form and the content of your submission will be made publicly available as part of the decision-making process.

Further Submission by Precision Securities Ltd to the Proposed Timaru District Plan regarding 9A-9B Sarah Street and 16 Sefton St Timaru

Firstly, thank you to the hearings panel for enabling us to file this late further submission to Submission No.78 Mr. Christopher Terence Templeton, in accordance with the Hearing Commissioners (CE Robinson) Minute 16 dated 18th October 2024.

This submission came as a surprise to us as we were completely unaware of it.

Our property affairs were undertaken by our father Russell Leech (to Chris Leech) and husband (to Zella Leech) and unfortunately Russell passed within the last year.

Comment on the Submission 78-CT Templeton

From the outset, we do not agree with the submitters request to have this property heritage listed. The submitter has provided some of its history however the details in the submission refer to its significance based on the criteria for heritage being its,

Historical and Social

Cultural and spiritual

Architectural and Aesthetic

Technological and Craftsmanship

Contextual

Archaeological and Scientific

The building has been modified and altered over time, which is not unusual for some heritage buildings, but we would argue that this building did not have the heritage significance to a level that the submitter is stating, e.g. the interior staircase of the building no longer exists, the front door/entry area does not exist and the front façade of 16 Sefton St is different to name some changes. The changes to the building over time are not in accordance with the original building materials or architecture.

Indeed, if the building did have heritage significance, this would have been included under previous or current statutory document including the Operative Timaru District Plan (and its predecessor plans or schemes) and/or under the NZ Historic Places Trust (now Heritage NZ).

Although the building has been modified and added to, it can be said that at the time the building use started as a school, it did not endure. In terms of a school use this only continued for a short number of years, being May 1895 through to 1904. The building, since ceasing to operate as a school, has been used for various accommodation uses up until the present day.

It may have been a school building with some significance at the time to Timaru and South Canterbury as an example of a purpose built private boarding school, the submitter comments that ... *but in the greater New Zealand context as possibly the earliest remaining example of a privately built boarding school.*

That maybe so, we have no evidence of that however we understand there was a similar private school in Temuka that started but did not endure. That aside, the buildings character and value as a heritage item does not, meet the key heritage criteria.

Heritage Report - Dr Ann McEwan – Heritage Consultancy Services

We concur with the findings of Dr McEwan in her assessment of the building.

Other than our view that the building held no heritage significance regardless of this submission, the building has been substantially modified and it is agreed, does not hold a prominent level of authenticity.

Granted, there is some historic interest based on what it was built for and its subsequent use, but does not hold any significant architectural, craftsmanship or contextual values. All key criteria in determining a heritage building.

Dr McEwan assesses the heritage criteria, and the findings are there is either limited or some heritage criteria that are met, but the extent of the modifications to the building over the years does not render the building reaching a heritage level that could be considered as significant.

Her recommendation that this building is not added to SCHED-3 of the Proposed Timaru District Plan, is supported.

Chris and Zella Leech

Precision Securities Ltd

9A-B Sarah St and 16 Sefton St Timaru