

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 Hearings Schedule

Memorandum of Counsel on behalf of Timaru District Council

Hearings Schedule

31 July 2024

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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 hearings schedule of the Proposed Timaru District Plan.
- 2 The purpose of this memorandum is to:
 - (a) set out proposed amendments to the hearings schedule which would better promote the effective and efficient hearing of submissions; and
 - (b) request amendments to the Panel's directions relating to the hearing of submissions on the Growth topic.
- 3 The current hearing schedule was prepared by Council officers prior to the commencement of the hearings. It allocates topics to six hearing streams, and makes provision for potential variations (by way of two hearings, in July and September 2025) and a final "sweep up" hearing (scheduled for October 2025).
- 4 As the hearings have progressed, it has become evident that amendments to the hearings schedule are required in order to:
 - (a) avoid, where possible, section 42A officers having to report on consecutive hearings to enable sufficient time to prepare section 42A reports and post-hearing replies;
 - (b) enable section 42A officers to address complex issues with submitters where possible prior to a hearing; and
 - (c) provide sufficient time to prepare the preliminary section 42A report for the Growth hearing.
- 5 The Council considers that the proposed amendments set out below will best promote the efficient hearing of submissions, while ensuring that time frames for completing the hearings will not be adversely affected and there will be no unreasonable delay in hearing submissions and issuing a decision on the PDP.

Proposed amendments to hearing schedule

- 6 The following changes to the hearings schedule are proposed:
 - (a) Move the Natural Hazards, Coastal Environment, Surface Water Activities and Public Access topics from Hearing C to Hearing F;
 - (b) Move the Sites of Significance to Māori (SASM) topic from Hearing D to Hearing E; and
 - (c) Move the Growth topic from Hearing E to Hearing G.
- 7 A tracked change version of the hearings schedule incorporating these changes is attached at **Appendix A**. The specific reasons for each change are addressed below.
- 8 In relation to those topics to be moved from Hearing C to Hearing F, it is noted that the section 42A reports and notice of hearing for Hearing C are due to be issued on Monday, 5 August 2024. It is not proposed to address these topics in the section 42A reports or the notice of hearing for Hearing C.
- 9 It is also noted for completeness that the current hearing schedule contains the Notable Trees topic in both Hearing D and Hearing F. That topic is to be heard in Hearing D. That is clarified in the revised hearing schedule attached at Appendix A.

Natural Hazards and Coastal Environment topics

- 10 The Natural Hazards and Coastal Environment topics were due to be heard in Hearing C. It is proposed to move these topics to Hearing F. Significant progress has been made on the section 42A report on those submissions, including discussions with submitters to clarify submission points and seek further information.
- 11 However, additional information is required from some submitters and the Council's technical experts in order to complete the s42A report. Some of that information is significant and it has become apparent that additional time is required in order to obtain it. Given the complexity of the topics, the Council considers it appropriate to delay the hearing of both topics in order to procure the required information and work with submitters to resolve issues where possible.
- 12 Further information is required in relation to the following matters:

- (a) Environment Canterbury (ECan) [183.28] seeks to amend the planning maps (Flood Assessment Overlay) to encompass a wider area that is potentially subject to flood hazard risk. No alternate mapping was provided as part of ECan's submission and it is necessary to work with ECan to determine the extent of this expanded overlay and its implications.
 - (b) ECan [183.133] seeks to amend the overlay by moving the Coastal Erosion overlay landward at Caroline Bay to include short term storm demand and including a Coastal Erosion overlay at South Beach to include short term storm demand. ECan notes that it can assist in determining appropriate positions for the requested mapping change. It is necessary to work with ECan to determine the extent of this amended Overlay and draft appropriate provisions.
 - (c) Prime Port [175.50] [175.52] [175.53] [175.54] seeks to facilitate its activities at the Port. It is necessary to work with both Prime Port and ECan to determine acceptable provisions for Regionally Significant Infrastructure and buildings in the Sea Water Inundation Overlay, and also natural hazard mitigation works in the vicinity of the Port.
 - (d) Other technical matters raised by ECan, or that require input from technical specialists at ECan.
- 13 While the further information sought largely relates to the Natural Hazards chapter, the Coastal Environment chapter is closely linked to the Natural Hazards chapter and the Council considers it appropriate to report on and hear both together to ensure consistency.
- 14 Council's section 42A officer has requested further information in relation to the above matters from ECan and Prime Port by the end of August 2024. It is expected that the report can be completed by early November 2024. Hearing F is the next available hearing following the anticipated completion of the section 42A report.
- 15 The Council has also considered alternatives to amending the hearing schedule. If the Natural Hazards and Coastal Environment topics remain in Hearing C, directions could be sought for expert caucusing after the hearing. This option is not preferred because:
- (a) The section 42A officer is not in a position to make recommendations on a number of fundamental issues without further information;

- (b) The further information being sought may affect recommendations on other submission points;
- (c) The Council prefers to resolve issues via informal discussions with submitters prior to the hearing, where possible.

Surface Water Activities and Public Access topics

- 16 The Surface Water Activities and Public Access topics were due to be heard in Hearing C. It is proposed to move these topics to Hearing F.
- 17 Council officers' experience is that it is very difficult to report on consecutive hearings, given the time involved in both preparing section 42A reports and providing post-hearing replies.
- 18 The section 42A officer reporting on these topics has also reported on Hearing B topics, and will be reporting on one hearing F topic (Versatile Soils). It is therefore proposed to move these two topics to Hearing F, which will improve the efficiency of the reporting process for the Council, by:
 - (a) providing sufficient time for that officer to prepare the Hearing B reply and the section 42A report on these two topics; and
 - (b) enabling that officer to attend one hearing to address all three topics (ie, Surface Water Activities, Public Access and Versatile Soils), rather than spreading those three topics across two hearings.
- 19 These topics affect the entire district and it is appropriate for them to be heard alongside the other District-Wide matters in Hearing F. The Council has considered whether there is sufficient time to hear submissions on all topics proposed for Hearing F. Based on the hearings to date, the Council is confident that there will be sufficient time to hear all matters but proposes that the hearing commence on Monday, 21 February 2025 (rather than Tuesday, 22 February 2025).

Sites of Significance to Māori

- 20 Submissions on the SASM chapter are due to be heard in Hearing D. It is proposed to move that topic to Hearing E.
- 21 A significant number of submissions have been made in relation to the SASM chapter. The Council wishes to ensure that there is sufficient time to work with mana whenua to consider each submission, identify

amendments where appropriate, and work through proposed amendments with submitters prior to the hearing.

- 22 As noted below, the Growth topic is proposed to be moved from Hearing E to Hearing G, which will ensure there is sufficient time in Hearing E for the SASM topic.

Growth areas

- 23 Submissions allocated to the Growth hearing are due to be heard in Hearing E. It is proposed to move that topic to Hearing G.

- 24 Minute 6 sets out specific directions relating to the Growth hearing as follows:¹

- (a) A short, preliminary s42A report identifying information required for the s42A author to make an assessment of each rezoning request by 9 August 2024;
- (b) The Panel will review the preliminary s42A Report and may add a request for further clarification or information from the relevant submitters ahead of the hearing;
- (c) Submitters are to provide the requested information by 8 November 2024;
- (d) All other general timetabling directions relating to the provision of section 42A reports and submitter evidence apply.

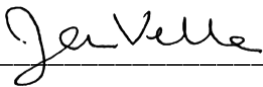
- 25 Council officers have developed a methodology to address the submissions allocated to the Growth hearing. It has become evident that there is insufficient time to prepare a preliminary section 42A report which identifies further information required, and enable submitters to provide that information, prior to Hearing E. The Council considers that it would be fairer to submitters to enable sufficient time for the section 42A officer to prepare a carefully considered preliminary section 42A report and for submitters to respond.

- 26 The Council also respectfully submits that, given the potential scope of evidence that submitters may wish to prepare in response to the final section 42A report, it would be appropriate to provide additional time for submitter evidence to be filed. It is therefore proposed that the normal timeframe for submitting evidence (i.e., 10 working days following the

¹ Minute 6, at [23].

section 42A report) be doubled to 20 working days following the section 42A report.

- 27 On that basis, the Council proposes the following timetable for the Growth topic and respectfully requests that the Panel amend its directions set out in Minute 6 to give effect to the following timetable:
- (a) The Council's preliminary s42A report to be filed by 29 October 2024;
 - (b) Submitters to provide requested information by 20 February 2025;
 - (c) The final section 42A report to be released by 21 May 2025;
 - (d) Submitter evidence to be filed by 19 June 2025;
 - (e) Any legal submissions to be filed by 27 June 2025; and
 - (f) Section 42A author summary of issues to be filed by 2 July 2025.
- 28 Timaru District Council is grateful for the Panel's attention to these matters.



Jen Vella
Counsel for Timaru District Council

Appendix A
Amended Hearing Schedule (tracked changes)

Hearing	Chapters to be considered	Hearing dates
<p>Hearing A</p> <p>Overarching Matters</p> <p>Part 1 - Introduction and General Provisions</p> <p>High level Strategic Directions</p>	<p>Part 1 - Introduction and General Provisions</p> <ul style="list-style-type: none"> • Foreword or mihi • Contents • Purpose • Description of the district • Statutory context • General approach • Cross boundary matters • Relationships between spatial layers • Definitions - General definitions only • Abbreviations • Glossary • National policy statements and New Zealand Coastal Policy Statement • National environmental standards • Regulations • Tangata whenua/mana whenua <p>Strategic Directions</p> <ul style="list-style-type: none"> • SD – Strategic Direction • UFD – Urban form and development 	<p>8 & 9 May 2024</p>
<p>Hearing B</p> <p>B1 Rural Zones</p> <p>B2 Urban Zones</p> <p>Note: submitters who have submitted on both subtopics will be allowed to speak in one of the hearings</p>	<p>B1</p> <ul style="list-style-type: none"> • GRUZ - General Rural Zone • RLZ - Rural Lifestyle Zone • SETZ - Settlement Zone • Special Purpose Zones in Rural environment • Relevant Planning Maps • Relevant definitions <p>B2</p> <ul style="list-style-type: none"> • GRZ - General Residential Zone • MRZ - Medium Density Residential Zone • NCZ - Neighbourhood Centre Zone 	<p>B1 & B2</p> <p>22-26 July 2024</p>

Hearing	Chapters to be considered	Hearing dates
<p>(B1 or B2) on both subtopics.</p> <p>Note: Māori Purpose Zone and Open Space Zones are in Hearing D.</p>	<ul style="list-style-type: none"> • LCZ - Local Centre Zone • LFRZ - Large Format Retail Zone • MUZ - Mixed Use Zone • TCZ - Town Centre Zone • CCZ - City Centre Zone • GIZ - General Industrial Zone • PORTZ - Port Zone • Special Purpose Zones in urban environment <p>Relevant Planning Maps</p> <p>Relevant definitions</p>	
<p>Hearing C</p> <p>Natural Environment</p> <p>Hazards and Risk</p> <p><u>Note: Natural Hazards, Coastal Environment, Public Access and Activities on the Surface of Water are in Hearing E.</u></p>	<p>Hazards and Risks</p> <ul style="list-style-type: none"> • CL - Contaminated Land • NH - Natural Hazards • HS - Hazardous Substances <p>Natural Environment</p> <ul style="list-style-type: none"> • ECO - Ecosystems and Indigenous Biodiversity • NATC - Natural Character • NFL - Natural Features and Landscapes • PA - Public Access • ASW - Activities on the Surface of Water • CE - Coastal Environment <p>Relevant Planning Maps</p> <p>Relevant definitions</p>	<p>3-5 Sep 2024</p>
<p>Hearing D</p> <p>Cultural Values</p> <p>Open Space Zones</p> <p><u>Note: Sites and Areas of Significance to Māori is in Hearing E.</u></p>	<p>Cultural Values</p> <ul style="list-style-type: none"> • HH - Historic Heritage • TREES - Notable Trees • SASM - Sites and Areas of Significance to Māori • MPZ - Māori Purpose Zone <p>Open Space Zones</p> <ul style="list-style-type: none"> • NOSZ - Natural Open Space Zone • OSZ - Open Space Zone 	<p>12-15 November 2024</p>

Hearing	Chapters to be considered	Hearing dates
	<ul style="list-style-type: none"> SARZ - Sport and Active Recreation Zone <p>Relevant Planning Maps</p> <p>Relevant definitions</p>	
<p>Hearing E</p> <p>Infrastructure</p> <p>Subdivision</p> <p><u>Cultural Values (SASM only)</u></p> <p><u>Growth</u></p>	<p>Infrastructure</p> <ul style="list-style-type: none"> EI - Energy and Infrastructure SW - Stormwater Management TRAN - Transport DWP - Drinking Water Protection <p>Subdivision</p> <ul style="list-style-type: none"> SUB - Subdivision FC - Financial Contribution <p><u>Cultural Values</u></p> <ul style="list-style-type: none"> <u>SASM - Sites and Areas of Significance to Māori</u> <p><u>Growth</u></p> <ul style="list-style-type: none"> FDA - Future Development Area DEV1 - Broughs Gully Residential Development Area DEV2 - Gleniti Residential Development Area DEV3 - Washdyke Industrial Development Area DEV4 - Temuka North West Residential Development Area Rezone request for growth <ul style="list-style-type: none"> a short s42A report identifying information required for each rezone request will be released in July 2024; submitters to provide required information by October 2024. <p>Relevant Planning Maps</p> <p>Relevant Definitions</p>	<p>11-14 February 2025</p>

Hearing	Chapters to be considered	Hearing dates
<p>Hearing F</p> <p><u>Hazards and Risks</u> (Natural Hazards only)</p> <p>Other District-wide Matters</p> <p>Designations</p>	<p><u>Hazards and Risks</u></p> <ul style="list-style-type: none"> • <u>NH - Natural Hazards</u> <p>General Matters Other District-Wide</p> <ul style="list-style-type: none"> • <u>ASW - Activities on the Surface of Water</u> • <u>CE – Coastal Environment</u> • EW - Earthworks • LIGHT - Light • NOISE - Noise-SIGN - Signs • TEMP - Temporary activities • RELO - Relocated Buildings and Shipping Containers • SIGN - Signs • TREES - Notable Trees • VS - Versatile Soil • <u>PA - Public Access</u> <p>Designations</p> <ul style="list-style-type: none"> • CNZ - Chorus NZ Ltd • ECAN - Canterbury Regional Council • KRH - KiwiRail Holdings Ltd • MEDU - Minister of Education • MJUS - Minister of Justice • MPOL - Minister of Police / NZ Police • MSNZ - Meteorological Service of New Zealand Limited • NZTA - New Zealand Transport Agency • SPK – Spark New Zealand Trading Limited • TDC - Timaru District Council <p>Relevant Planning Maps</p> <p>Relevant Definitions</p>	<p><u>22-21</u>-24 April 2025</p>

Hearing	Chapters to be considered	Hearing dates
Hearing G Variation 1 Growth	Place holder for mandatory national directions which requires immediate implication. <u>Growth</u> <ul style="list-style-type: none"> • FDA - Future Development Area • Rezone request for growth <ul style="list-style-type: none"> ○ a short s42A report identifying information required for each rezone request will be released by 29 October 2024; ○ submitters to provide required information by 20 February 2025. 	8-10 July 2025
Hearing H Variation 2	Place holder for potential Variation to rezone FDA1 & FDA2	2-4 Sep 2025
Hearing I Sweep Up	TBC	21-23 October 2025