

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

Late further submission – Historic Heritage chapter

16 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 a late further submission on the Proposed District Plan (PDP) received by the Council on 1 October 2024 from Mr Anyos Gonczy on behalf of Inspire Residential Ltd (attached at **Appendix A**).
- 2 The further submission relates to a submission by Mr Christopher Terence Templeton (#78.1) which seeks that 32 Bidwill Street be added to SCHED3 – Schedule of Historic Heritage Items as a heritage building. The property at 32 Bidwill Street is owned by Inspire Residential Ltd.

Background

- 3 SCHED3 contains a list of Category A and B Historic Heritage Items (HHI), which have been identified as contributing to an understanding of Timaru District's history, identity and cultural and historic themes. Category A HHIs are those considered to be highly significant and Category B HHIs are considered to be significant.
- 4 Submissions were received from two submitters suggesting that four properties not owned by the submitters be listed in SCHED3.¹ The properties affected (and relevant submission numbers) are:
 - (a) 136 and 138 Talbot St, Geraldine (submission #72.2);
 - (b) 124 Orari Station Rd, Geraldine (submission #72.3);
 - (c) 32 Bidwill St, Timaru (submission #78.1); and
 - (d) 16 Sefton St/ 9 Sarah St, Timaru (submission #78.2).
- 5 No further submissions were received in relation to the original submissions relating to any of these properties.
- 6 The Historic Heritage chapter of the PDP, and the associated scheduled of HHIs and Historical Heritage Areas (SCHED3-4), are scheduled to be heard in Hearing E2 – Cultural Values (10 – 14 February 2025). The section 42A report for Hearing E is due to be published on 10 December 2024.

¹ Other submissions seeking that properties owned by the submitter be listed were also received. This memorandum only addresses those properties not owned by the submitter requesting their listing.

- 7 During preparation of the section 42A report, the Council's section 42A officer contacted the relevant property owners to advise them of the submissions and to seek access to enable an assessment by a heritage expert.
- 8 On 21 and 22 August 2024, the section 42A officer and heritage expert undertook an assessment of those properties. The owners of 32 Bidwill St and 16 Sefton St/9 Sarah St raised concerns with the section 42A officer about not having received notice of the submission, and therefore being deprived of the opportunity to respond to the submissions.
- 9 The section 42A officer advised the property owners that:
 - (a) the officer would record any feedback from the property owner in the section 42A report; and
 - (b) the Council would not oppose an application for a waiver of time to the Panel for lodging a late further submission, but that the Panel determined whether late further submissions were to be accepted.
- 10 The only further submission received to date is that from Mr Gonczy/Inspire Residential Ltd. Mr Gonczy has also forwarded the s42A officer a letter setting out his position, which will be attached to the s42A report.
- 11 Copies of the reports prepared by the heritage expert have now been provided to the owners.

Waiver of time

- 12 The Panel may waive the period of time for filing late submissions, whether or not the time period has expired,² for a period exceeding twice the maximum time period if the Council (as initiator of the proposed plan)³ agrees. It must consider the following matters:⁴
 - (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and

² Section 37(1)(a) of the RMA.

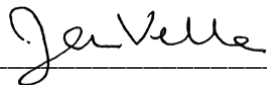
³ The definition of "applicant" (section 2, RMA) for the purposes of section 37A includes, in relation to matters described in section 39(1), "the person who initiates the matter". Section 39(1) provides for a local authority or person given authority to conduct hearings in relation to a proposed plan, including via delegation under section 34A, to establish a procedure that is appropriate and fair in the circumstances.

⁴ Section 37A(1) of the RMA.

- (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

- 13 The Council does not oppose the late further submission and agrees to an extension of time if the Panel considers that appropriate, for the following reasons:
- (a) Inspire Residential Ltd is directly affected by the proposal to include 32 Bidwill Street in SCHED3;
 - (b) the Council understands that Mr Gonczy lives in Auckland and was not aware of the submission relating to the property;
 - (c) the section 42A officer is aware of Mr Gonczy's views on the submission and will take those views into account in making recommendations to the Panel; and
 - (d) accepting the further submission is not likely to result in any delay because the section 42A report will be published on 10 December 2024 and Hearing E is scheduled for 10 – 14 February 2025.
- 14 The Council has been advised to expect one other late further submission relating to one of the properties (16 Sefton St/ 9 Sarah St) identified at paragraph 4, above. It does not intend to oppose any late further submissions in relation to those properties.
- 15 The Council is grateful for the Panel's attention to these matters.



Jen Vella
Counsel for Timaru District Council

Appendix A
Further submission

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:	
Organisation name and contact (if representing a group or organisation):	
Email:	
Telephone:	
Postal address (or alternative method of service under section 352 of the Act):	
Contact person: <i>[name and designation, if applicable]</i> :	

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:

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 type="checkbox"/> I have filled in the table in Section 6 on the next page with details of my further submission
<input type="checkbox"/> I have added _____ Further pages/sheets that form part of my further submission.
<input 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 - <i>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.</i>	
Signature:	Date:

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.