

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:

Michael Garbett | Jen Vella
Anderson Lloyd
Level 12, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p: + 64 3 477 3973
michael.garbett@al.nz | jen.vella@al.nz

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.

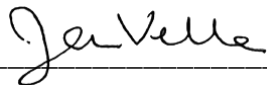
³ The definition of "applicant" (section 2, RMA) for the purposes of section 37A includes, in relation to matters described in section 39(1), "the person who initiates the matter". Section 39(1) provides for a local authority or person given authority to conduct hearings in relation to a proposed plan, 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