

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:

6. Detail of Further Submission

Name of person making further submission: _____

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.</i> <i>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

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

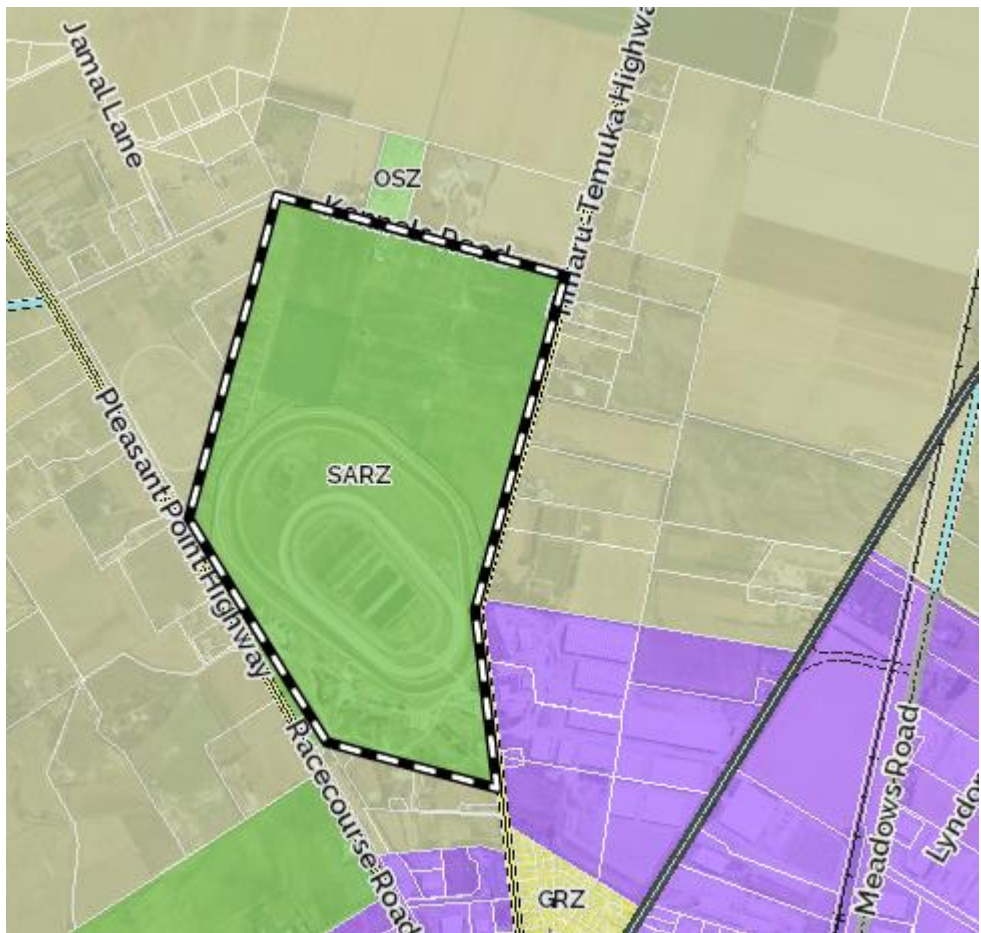
You can:

- 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.



Racecourse Reserve – 330 Hilton Highway.



Proposed FDA 14

9.2.2 Greenfield Timaru sites

Four of the five greenfield sites selected in Timaru extend to the north of the town (north of Pages Road), while the fifth site ('Kennels Road') is located west of Washdyke (north of the Pleasant Point Highway). All of the sites had identified physical and environmental constraints and would require extensions to reticulated infrastructure. While there was little distinguishing the four sites north of Pages Road, preference between the sites was ultimately determined by their proximity to the existing urban boundary and their ability to be readily serviced (i.e., 'Richardsons Farm 1' and Kellands Hill Road sites were preferred over the others due to their location adjoining the existing urban boundary. With respect to the Kennels Road site, this was ultimately considered undesirable for residential growth due to it being furthest from the Timaru residential areas and associated community facilities.

Excerpt from Planz report stating the Kennels Road site is undesirable for residential growth.

Kennels Road

With respect to Kennels Road, there are potential complications associated with the way the land is held in title and, in the case of the racecourse component, how it can be disposed of. This would need to be investigated in detail. Notwithstanding this, the Kennels Road land would be contiguous with the existing Washdyke industrial precinct (following the rezoning of the Seadown Road land) and sits further inland from the coast thus has reduced inundation risk. As such, the land at Kennels Road shown in **Figure 4** is recommended for a future development area overlay.

The question has been raised whether the racecourse should also be subject to the future development area overlay. At this stage, specifically in the absence of any business case or council directive, it is not considered appropriate to foreshadow the closure of the racecourse in favour of a possible future industrial use.

Excerpt from GMS report regarding the racecourse block.



Area of land to be removed from FDA 14 – in pink.

Screen shots of emails from the Department of Conservation

From: Philippa Rutledge <prutledge@doc.govt.nz>
Sent: Tuesday, September 26, 2023 3:20 PM
To: Mary Gazzard <mary.gazzard@timdc.govt.nz>
Subject: RE: Question about a reserve

Yes thanks Mary,

As discussed:

- The portion of the Timaru Racecourse Reserve overlaid by FDA 14 is legally a reserve.
- The Racecourse Reserve is vested in the Board of Trustees.
- Any use of this area for a Future Development Area would require the revocation of the reservation (section 24 Reserve Act).
- Any revocation process would require consideration of reserve values, input from the Board and public notification.

I hope that assists.

It is puzzling how a process designed for private developers (FDA's) came to be applied to public land.

With reference to the planning managers request for proof the racecourse is a reserve – while that is easy to do as you did – it is also puzzling as the Report has several references to the racecourse which indicate the report writer was fully aware of its reserve status. Also aware of the relevance of the Ngai Tahu RFR which applies to crown reserves.

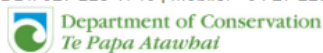
For example:

- para 8 – refers to the Washdyke reserve;
- para 12.i identifies the Ngai Tahu RFR over the reserve;
- para 16 identifies the racecourse is currently zoned open space.

Regards

Philippa Rutledge

Statutory Land Management Advisor | Christchurch Office
Level 3 Grand Central 161 Cashel Street Christchurch 8011
DDI: 027 225 1746 | Mobile: +64 27 225 1746



From: Philippa Rutledge <prutledge@doc.govt.nz>
Sent: Friday, September 29, 2023 10:37 AM
To: Mary Gazzard <mary.gazzard@timdc.govt.nz>
Subject: RE: Question about a reserve

Morning Mary,

As discussed there are 2 separate issues tied up in your question – the legal status of the racecourse reserve and the planning controls.

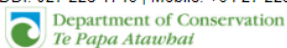
1. The legal status of the racecourse as a reserve vested in the Trustees can only be changed via the provisions of the Reserves Act or by special legislation like the original Timaru Racecourse Acts. The TDC is not the administering body of the reserve and has no ability to alter the status of the racecourse as a reserve.
2. The planning zoning – whether as open space active recreation or FDA – is an overlay not the legal status. Planning rules are determined by the local authority in this case TDC. They do not alter land ownership or legal status – they control development. For example private homes belong to their owners but are subject to the planning rules of the local authority plans.

So the answer to your query is – yes the TDC does not have the authority to change the legal status of the reserve or its vesting in the board. TDC does have the authority to determine the planning zoning via the District plan process. The question would be why they would have included part of the reserve in a zone designed for private development without any consultation with the board? Hardly seems efficient or effective to rezone for private development public reserve.

Hope that helps.

Philippa Rutledge

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Please consider the environment before printing this e-mail

Susannah Tait <susannah@planzconsultants.co.nz>

10/17/2023 10:20 AM

RE: Racecourse Reserve - Timaru District Council - Growth Management Strategy Review

To Mary and Brett <marylg@xtra.co.nz> • Dean Chrystal <dean@planzconsultants.co.nz>

Hi Mary,

Thanks for your email. I was away from the office most of last week, but I've now had a chance to review the report and refresh my memory. Some comments from me:

- This land was suggested by the council for inclusion in the Planz report.
- It did not 'score' well against the metrics that Planz used (which were comprehensive)
- Therefore, it was not a parcel of land that Planz recommended for rezoning / future development (I acknowledge that this doesn't mean that there isn't still interest in the area by others, as per the article you shared).
- Notwithstanding the above, a rezoning of the land (which we wouldn't support based on the current information) does not alter the reserve status. This would stay in place and would continue to dictate the actual use of the land.

I hope that's of some assistance.

Please let me know if you have any other questions.

Best

Susannah

From: Mary and Brett <marylg@xtra.co.nz>

Sent: Wednesday, October 11, 2023 8:13 AM

To: Susannah Tait <susannah@planzconsultants.co.nz>; andrew@planzconsultants.co.nz; Dean Chrystal <dean@planzconsultants.co.nz>

Subject: Racecourse Reserve - Timaru District Council - Growth Management Strategy Review

Good morning

I am writing to you as you are named as the authors of the above report.

I am one of the Timaru Racecourse Trustees and was wondering why your report selected a reserve as a possible site for rezoning? More specifically the Timaru Racecourse Reserve land that borders Kennels Road?

The below is the explanation from the Department of Conservation legal team, regarding some questions I asked around the legalities of changing the reserve status.

'The legal status of the racecourse as a reserve vested in the Trustees can only be changed via the provisions of the Reserves Act or by special legislation like the original Timaru Racecourse Acts. The TDC is not the administering body of the reserve and has no ability to alter the status of the racecourse as a reserve.'

The Racecourse Reserve is vested in the Board of Trustees.

Any use of this area for a Future Development Area would require the revocation of the reservation (section 24 Reserve Act).

Any revocation process would require consideration of reserve values, input from the Board and public notification.

It is puzzling how a process designed for private developers (FDA's) came to be applied to public land.'

<https://www.stuff.co.nz/timaru-herald/300964348/lack-of-housing-timaru-councillors-push-hot-topic-into-open-meeting>

I look forward to your reply.

Kind regards

Mary Gazzard

From: [Mary and Brett](#)
To: [PDP](#); [Richard White](#)
Subject: Fwd: Further Submission - Richard White/Timaru Racecourse Trustees
Date: Wednesday, 20 March 2024 11:48:22 am
Attachments: [Proposed-Timaru-District-Plan-Further-Submission-FORM-6.PDF](#)

Please note the Phar Lap Raceway Trustees and Timaru Racecourse Trustees are the same entity.
Please lodge this submission under the Phar Lap Raceway Trustees name.

Apologies for any confusion caused.

Kind regards

Mary Gazzard

Member of the Trustees.

----- Original Message -----

From: Mary and Brett <marylg@xtra.co.nz>

To: "pdp@timdc.govt.nz" <pdp@timdc.govt.nz>, Richard White <tangible@farmside.co.nz>

Date: 18/03/2024 16:42 NZDT

Subject: Further Submission - Richard White/Timaru Racecourse Trustees

Please find attached the Further Submission - Richard White/Timaru Racecourse Trustees.

Please contact Richard White as per the attached document.