

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF The hearing of submissions in relation to
the Proposed Timaru District Plan

MINUTE 8 FURTHER DIRECTIONS TO COUNCIL S42A AUTHORS

DATED 24 JUNE 2024

1. INTRODUCTION

[1] The Timaru District Council ("the Council") appointed Cindy Robinson (Chairperson), Ros Day-Cleavin, Councillor Stacey Scott, Jane Whyte, Megen McKay, and Raewyn Solomon ("the panel") to hear submissions and further submissions, and evidence to make decisions on the Timaru Proposed District Plan ("the Proposed Plan") pursuant to Section 34A(1) of the Resource Management Act 1991 ("RMA"). Our delegation includes all related procedural powers to conduct those hearings.

[2] The hearings commenced on 8 May 2024 with Hearing A – Introduction, General Definitions, Strategic Directions and Urban Form and Development.

[3] Following Hearing A, the panel issued Minute 7 seeking further clarification from s42A authors and directions regarding our expectations of s42A authors following each hearing stage, and requesting further information for Hearing D.

[4] In response to Minute 7 we received a memorandum from Counsel for the Council¹ suggesting further refinements to our directions at paragraph [7] of Minute 7, and a response to the requested information regarding Sites of Significance to Māori (SASMs) for Hearing D.

[5] The purpose of this Minute is to:

¹ Memorandum of Counsel on behalf of Timaru District Council, 14 June 2024.

- (a) Acknowledge the receipt of the supplementary statements from Mr Willis and Ms Hollier in response to Minute 7.
- (b) Confirm that we accept the suggestions in paragraph 11 of the Memorandum of Counsel for the Council with regard to information to be provided before the hearing and interim reply s42A Reports following each hearing stage,
- (c) Confirm that we agree to the approach regarding Hearing D sensitive information, and
- (d) Confirm that the panel undertook site visits to PrimePort Timaru, Timaru's landfill site at Shaw and Redruth Streets, and Fonterra's Clandeboye plant.

2. PANEL REQUEST FOR FUTURE S42A REPORT AND EXPECTATIONS FROM S42A AUTHORS BEFORE AND AT THE END OF EACH HEARING STAGE

[6] In response to our request in Minute 7 we have now received supplementary reports from:

- (a) Ms Alanna Hollier in relation to the Introduction and General Definitions, and
- (b) Mr Andrew Willis in relation to the Strategic Directions and Urban Form and Development Chapters.

[7] The panel thanks Ms Hollier and Mr Willis for their response to the issues raised.

[8] The panel confirm that for each hearing stage the approach outlined in paragraph 11 of the Council's Memorandum of Counsel is to be followed. S42A authors are directed to:

- (a) prepare a list of issues raised in evidence prior to the hearing that:
 - (i) must be provided with the planners' summary statement 2 working days prior to the hearing;
 - (ii) identifies issues that are resolved (on the basis of the evidence);
 - (iii) identify those issues that are outstanding pending hearing of evidence; but;
 - (iv) not identify reasons or further recommendations at this stage.

- (b) provide a reply at the conclusion of each hearing stage – so as to enable s42A officers to update their recommendations in light of evidence and what has been heard but avoid the need to duplicate efforts by preparing both a reply and an updated issues table.

[9] The panel will issue directions for the reply report in a minute following each hearing, including any follow up questions the panel may have.

[10] We accept that this process would provide an opportunity for an ‘interim reply’ to matters specific to each hearing and will assist submitters to understand where the s42A authors have landed following evidence presented at the hearing, which will assist with future hearing stages. The Council will still have the opportunity for a final ‘sweep up’ reply at the conclusion of all hearings.

3. REQUEST FOR INFORMATION IN S42A REPORTS AND EVIDENCE OF TE RŪNANGA O NGĀI TAHU IN RELATION TO HEARING D

[11] The Memorandum of Counsel responded to the panel’s invitation to receive further information regarding the process for receiving evidence in relation to SASMs for Hearing D at paragraph [16] of Minute 7.

[12] The panel has reviewed the suggested way forward and agrees to the approach outlined in paragraphs 16 and 21-24. We will rely on Mr Henry to advise the panel if there are matters requiring the exercise of our powers to protect sensitive information pursuant to s42(1) and (2), should they arise.

[13] We will ask the hearing administrators to structure Hearing D in a way that allows time for the panel to hear information with public excluded at the conclusion of the hearing should the need arise.

[14] Further, in the event that the panel does wish to view information contained within the Arowhenua Heritage Viewer, we accept the pre conditions outlined in paragraph 25, and will, make the necessary orders in accordance to s42(1) and (2) of the RMA as outlined in paragraphs 28 and 29. We will review whether it is necessary for us to view the information in the Arowhenua Heritage Viewer once we have received pre circulated evidence and/or having heard submissions during the hearing.

4. SITE VISITS

For completeness we confirm that in accordance with the directions we made in Minute 7, following Hearing A, the panel undertook site visits to PrimePort Timaru, Timaru's landfill site at Shaw and Redruth Streets, and Fonterra's Clandeboye plant and their environs, on Thursday 13 June 2024. Dated this 21 June 2024



C E ROBINSON - CHAIR ON BEHALF OF THE HEARINGS PANEL