

Before the Independent Hearing Panel
Appointed by the Timaru District Council

Under	Schedule 1 of the Resource Management Act 1991 (RMA)
In the matter of	Submissions on the Proposed Timaru District Plan
Between	Various
	Submitters
And	Timaru District Council
	Respondent

Rachael Williams – Response to Minute 48

Designations

10 October 2025

Council's solicitors:

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**anderson
lloyd.**

Introduction

- 1 My name is Rachael Williams. I am a Senior Policy Planner at the Timaru District Council. I prepared the s42A report on the Designations. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this statement is to:
 - a) respond to direction contained in Hearing Panel Minute 48.

Panel directions – Minute 48

- 3 The Panel made the following directions or asked me to address the following specific question:
 - a) *Provide clarification regarding whether there are any local government powers the Council has to address roading improvements to provide for safe and efficient school drop-offs and pickups, in addition to the recommended conditions on the Notices of Requirement for existing schools.*
- 4 To assist the Panel, Council's Land and Transport Manager, Ms. Suzy Ratahi has prepared a memorandum that sets out Council's powers under the Local Government Act 1974 (the LGA) to address roading improvements to provide for safe and efficient school drop offs and pickups, specifically in relation to the proposed Notices and of Requirement by the Ministry for the Environment. This memorandum is attached in **Appendix 1**.
- 5 Most notably, the LGA gives Council powers to:
 - a. *construct, upgrade and repair roads (s319(a));*
 - b. *require owners of land or buildings abutting private roads to construct or repair the private road (348(4)(b));*
 - c. *construct and enclose any part of a road as a pedestrian safety area (s334(1)(a)); and*
 - d. *provide road facilities for the health and safety of the public or for the control of traffic (s334(1)(d)).*
- 6 The LGA therefore gives Council the power to undertake upgrades to provide for safe and efficient school drop of and picks ups in relation to any future activities within the road corridor. Any upgrades, however, would be the Council's responsibility and at the Council's expense. The LGA does not enable Council to require landowners to upgrade roads in response to a specific land use activity or allow

Council to recuperate the cost associated with upgrades in relation to a specific land use activity.

Rachael Williams

10 October 2025

Appendix 1



TIMARU DISTRICT COUNCIL MEMORANDUM

To: Rachael Williams – Senior Planner
From: Suzy Ratahi – General Manager Land and Transport
Date: 10 October 2025
Subject: Proposed Timaru District Plan – Response to Minute 48

You have requested clarification of the powers that Council has to address roading improvements to provide for safe and efficient school drop offs and pick ups, specifically in relation to the proposed notices of requirement by the Ministry for the Environment (MEDU-24 to MEDU-MEDU-28 in the notified version of the PDP).

The Local Government Act 1974 (LGA) gives Council powers to:

- construct, upgrade and repair roads (s319(a));
- require owners of land or buildings abutting private roads to construct or repair the private road (348(4)(b));
- construct and enclose any part of a road as a pedestrian safety area (s334(1)(a)); and
- provide road facilities for the health and safety of the public or for the control of traffic (s334(1)(d)).

Councils' authority under the LGA only applies to the public road corridor and private roads. The Council cannot require upgrades to private land unless it is through a resource consent or designation process under the Resource Management Act 1991 or acquisition under the Public Works Act 1981.

In addition, the LGA does not enable Council to require landowners to upgrade roads in response to a specific land use activity or allow Council to recuperate the cost associated with upgrades in relation to a specific land use activity, with any upgrades being at the Council's expense.

If the Ministry of Education undertakes new development that generates traffic movements that meet or exceed the thresholds in TRAN-S20 it would therefore be desirable for a basic of full transport assessment to be completed to enable Council to recommend changes to the Outline Plan (if necessary) to ensure any upgrades (if required) are undertaken by MEDU and at their expense.

Prepared by:

A handwritten signature in black ink, appearing to read 'Suzy Ratahi', is centered within a light gray rectangular box.

Suzy Ratahi
General Manager Land and Transport