

Notice of Schedule 1, Clause 16(2) Amendments

Dated: 20 July 2026

Status: Final

Introduction

Clause 16(2) of Schedule 1 of the Resource Management Act 1991 states:

A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

This notice records alterations and corrections that have been made to the proposed Timaru District Plan under Clause 16(2) and the reasons for these.

Corrections Made

The correction is to delete the word “**Note**” from the start of the “**Rules**” section in each chapter of the Plan that contains rules. An example from the GRUZ and EI Chapter is shown below:

General Rural Zone example:

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works - General Approach.

Energy and Infrastructure example:

Rules

Note: Activities not listed in the rules of this chapter are classified as permitted under this chapter but may still require resource consent under other chapters.

With the exception of the rules in the Port Zone applying to port activities, rules in Sections A - Section F of this chapter apply instead of rules in any zone chapter of Part 3 – Area-Specific Matters - Zone Chapters and the zone chapter rules do not apply. The provisions of the Development Area Chapter and chapters in Part 2 - District-Wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2.

Rules in Section G of this chapter apply as well as rules in the zone chapters. Consent may be required by rules the Part 2 - District-Wide Matters Chapters and Part 3 – Area-Specific Matters - Zone Chapters. Unless expressly stated otherwise by a rule, resource consent is required under each of those rules.

Large infrastructure may have multiple components covered by more than one section of these rules.

The steps plan users should take to determine which rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works - General Approach.

Reason

In the Panel's decision (Part 1, at paragraphs [93] – [96]), they discussed the use of "*explanatory and advice notes*". In considering the use of such notes in situations where they have a 'quasi regulatory' effect, they found that for rules and provisions in a plan, advice notes should be explanatory only and for information purposes, and that beyond this, where such notes create obligations or give directions, they should be incorporated into the rule framework. Because of this, when issuing the draft decision, the Panel directed (in Minute 53, Appendix 1) that the Council undertake a systematic review of notes within rules across the Plan, and provide drafting changes to ensure that notes intended to apply as a regulation are embedded within the relevant rule.

When undertaking this exercise in response to Minute 53, the Council did not recommend any changes with respect to the 'Note' included at the start of the Rules sections. This reflects that in many instances, what follows in the Note is explanatory in nature, and simply advises plan users that rules in other chapter of the District Plan may also apply to an activity. However, there are some instances (for example, the Energy and Infrastructure, Transport, Natural Hazards, Future Development Area, Temporary Activities and Māori Purpose Zone chapters), where the substance of the note includes direction that is intended to be applied as a regulation. Specifically, the notes in these chapters sets out instances where rules in other chapters are not to be applied to some specified activities. In relation to the 'Notes' at the start of the Rules sections, the Panel decision (Part 1, at paragraphs [81] – [92]) included making edits to some of these, to make the direction that they contained clearer. It is clear from their discussion that the Panel intended for these to form part of the implementation of the rules, rather than be explanatory only.

Removal of the 'Note' from the start of the Rules section will therefore correct an error, where these were not updated as part of the Minute 53 response (and therefore not included in the final Panel decision) to remove 'notes' which were intended to identify where rules apply and where they do not. Although the majority of the start to the Rules sections include text that is explanatory only, for consistency, the 'Note' is to be removed from all chapters. This change ensures that the Panel's findings in relation to the use of explanatory and guidance notes, as well as the changes that they made to the start of various Rules sections, are correctly applied across the Plan.

Decision

It was deemed appropriate to use Clause 16 of Schedule 1 of the Resource Management Act 1991 to amend the above provisions of the proposed Timaru District Plan for the following reasons:

- The errors to be corrected are consequential changes arising from the Hearing Panel's substantive decisions, and ensure alignment between what the Panel decided, and the drafting of the provisions.
- The changes are necessary to provide clarity and certainty in the administration of the Plan.
- None of the amendments alter the content of the provisions, or the intended activity status of the rules.

Accordingly, the above changes are approved as an alteration of minor effect or minor correction under Clause 16, and a copy of this notice and the amended text is displayed on the Timaru District Council Website.

Delegated Authority: **AARON HAKKART**
PLANNING MANAGER

Signature:

A handwritten signature in blue ink, appearing to read 'A Hakkart', is positioned to the right of the 'Signature:' label.