

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

Andrew Cameron MacLennan - s42A summary statement – Hearing E
Historic Heritage and Notable Trees

4 February 2025

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Introduction

- 1 My name is Andrew Maclellan. I am an Associate at the firm Incite. I prepared the s42A report on the Historic Heritage and Notable Trees. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my section 42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this summary is to provide the Panel and submitters with the following:
 - (a) Brief summary of key issues raised in submissions;
 - (b) Corrections I wish to make to my s42A report;
 - (c) A list of issues raised in evidence prior to the hearing, including identifying (where possible):
 - (i) issues that are resolved on the basis of the pre-circulated evidence; or
 - (ii) issues that remain outstanding pending the hearing of evidence; and
 - (d) Updates to the recommendations contained in my s42A report.

Summary of key issues

HH - Historic Heritage Chapter

- 3 Te Rūnanga o Ngāi Tahu (Te Rūnanga) seek further amendments to the explanation within the HH chapter setting out the relationship between the HH and the SASM chapters of the PDP.
- 4 Heritage New Zealand Pouhere Taonga (HNZPT) seek:
 - (a) the removal of the term 'compatibility' from Rules R3, R13 and R14;
 - (b) a hyperlink to the Building Record Form directly from SCHED3 and SCHED4: and
 - (c) Amendments to the Accidental Discovery Protocol (ADP) in Appendix 4.
- 5 Several submitters seek the removal or reduction of specific Historic Heritage Items.

- 6 Fonterra Limited (Fonterra) seeks to amend the activity status of several rules¹ within the HH chapter, as they consider the activity status of rules included within the HH Chapter are too restrictive and seek more flexibility within the rule framework.
- 7 Connexa, Spark, Chorus and Vodafone (the telecommunication companies) seek the recommended permitted activity rule HH-RX enabling customer connections to Historic Heritage Items be amended to default to controlled activity rather than a restricted discretionary activity.

TREES - Notable Trees Chapter

- 8 The telecommunication companies seek that the recommended permitted activity rule TREES-R3A which enables new customer connections within the root protection area of a notable tree, be amended from a controlled activity to a permitted activity, with the default activity status being a controlled activity.

Corrections to my s42A report

- 9 Within page 8 and 9 of my s42A report I included a list of submitters and further submitters on the HH and TREES chapters of the PDP. Missing from this list were the following further submitters:
 - (a) Inspire Residential Ltd (Anyos Gonczy) #281 FS
 - (b) Precision Securities Ltd (Chris and Zella Leech) #282 FS
- 10 These late further submissions were accepted by the Hearing Panel within Minute 18², and should have been included within the list of further submitters.
- 11 Within paragraph 6.11.12 of my s42A report, I have recommended an amendment to HH-P8(2) removing the word “not” from the policy. However, this recommended amendment is not reflected in the tracked change version of the HH Chapter included within Appendix 1.
- 12 Within paragraph 6.26 of my s42A report I have recommended amendments to HHI-26, HHI-207 and HHI-209 within SCHED3. Since publishing this report I have been advised by TDC staff that it is much easier from an administrative perspective to update the maps label within the

¹ Rules: HH-R3, HH-R4, HH-R5, HH-R6, HH-R7, HH-R8, HH-R10

² https://www.timaru.govt.nz/_data/assets/pdf_file/0005/948389/Minute-18-Hearings-Panel-Decision-on-late-further-submissions-Final.pdf

planning maps rather than making changes to SCHED3. Given this, I recommend:

- (a) Map label HHI-26 be renamed HHI-207;
- (b) Map label HHI-207 be renamed HHI-208;
- (c) Map label HHI-208 be renamed HHI-209;
- (d) For completeness, I recommend HHI-209 be included within SCHED3 as recommended within paragraph 6.26.11 of my s42A report.

List of resolved and outstanding issues

- 13 A list of issues that are either resolved on the basis of pre-circulated evidence, or that remain outstanding pending the hearing of evidence, is attached at **Appendix A** in order to assist the Panel.

Updates to recommendations

- 14 Other than as reflected in **Appendix A**, I have not provided a preliminary view on all outstanding matters at this time, as I wish to hear the evidence and the Panel questions before I provide updated recommendations. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.

Andrew MacLennan

4 February 2025

APPENDIX A

Status of issues raised in evidence – Rural Zones – Hearing E

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing E. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing E.*
- 2 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing E. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*

HH - Historic Heritage Chapter

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
<u>Relationship between the HH and the SASM chapters</u> Ms Pull supports the submission from Te Rūnanga seeking additional explanation within the HH chapter as to the relationship between the HH and the SASM chapters of the PDP (Pull evidence, at para [83 - 85])	Introduction	Outstanding	Te Rūnanga (185.88)
<u>Understanding archaeological</u> Ms Baird supports the S42A author's recommendation to include a hyperlink to the "archaeology site" definition and amendments to provisions regarding Archaeological Authorities. (Baird evidence, at para [7.1 – 7.3])	Introduction and HH-R4	Resolved	Heritage NZ [114.3, 114.14, 114.23, 114.33, 114.34 and 114.35]
<u>Use of the term 'site'</u>	Introduction	Resolved	Heritage NZ [114.14]

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Ms Barid supports the S42A author's recommendation to delete the hyperlinks to the definition of 'site' with the HH chapter. (Baird evidence, at para [8.1 – 8.2])			
<u>Use of the term 'compatibility'</u> Ms Barid seeks the removal of the word 'compatibility' from rules HH-R3, HH-R13 and HH-R14 (Baird evidence, at para [8.3 – 8.6])	HH-R3, HH-R13 and HH-R14	Outstanding	Heritage NZ [114.22, 114.28]
<u>Relocation of a heritage item</u> Ms Barid supports the S42A author's recommendation to retain the discretionary activity status for the relocation of a heritage item. (Baird evidence, at para [9.1 – 9.8])	HH-R8	Resolved	Heritage NZ [114.19, 114.24]
<u>Demolition of Category B heritage item</u> Ms Barid supports the S42A author's recommendation amendment to HH-P8. (Baird evidence, at para [10.1 – 10.6])	HH-P8	Resolved	Heritage NZ [114.20]
<u>Official signs attached to a heritage item</u> Ms Barid supports the S42A author's recommendation to create a new controlled activity rule HH-RX. (Baird evidence, at para [11.1 – 11.4])	HH-RX - Official signs attached to a Historic Heritage Item	Resolved	Heritage NZ [114.8FS]

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
<u>Hyperlinks to Heritage Record Forms</u> Ms Barid states that including a hyperlink to the Building Record Form directly from SCHED3 and SCHED4 would be beneficial for plan users. (Baird evidence, at para [12.1 – 12.9])	SCHED3 and SCHED4	Outstanding	Heritage NZ [114.47]
<u>Amendments to SCHED3 and SCHED4</u> Ms Barid supports the S42A author's recommendation to SCHED3 or SCHED4 related to: <ul style="list-style-type: none"> - Caroline Bay Memorial Wall - Cob Stable - Finch House - Otumarama - Te Kāmaka o Arowhenua - Tekapo Buildings (Baird evidence, at para [12.10 – 12.21])	SCHED3 and SCHED4	Resolved	Heritage NZ [114.18, 114.39, 114.40]
<u>Accidental Discovery Protocol (ADP) APP4</u> Ms Barid recommends amendments to APP4 to ensure alignment with the HNZPT ADP. (Baird evidence, at para [13.1 – 13.3])	APP4	Outstanding	Heritage NZ [114.48]
<u>Amendments to SCHED3</u> Mr Gray opposes HHI-79 Hampton House being listed within SCHED3	SCHED 3	Outstanding	Gray, P [124.1]

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
South Canterbury Club opposes HHI-73 South Canterbury Club being listed within SCHED3	SCHED 3	Outstanding	The South Cant. Club [150.2]
Ms Seaton supports the submission from TDHL to remove item HHI-75 Sailors Rest/South Canterbury Seafarers' Centre from Schedule 3 (Seaton evidence, at para [76 – 78])	SCHED 3	Outstanding	TDHL [186.70]
Ms Harford supports the S42A author's rational for rejecting a submission point seeking that the site at 16 Sefton St/9 Sarah St (ex- Alton House) be added to Schedule 3. (Harford evidence, at para [3.1 - 3.2])	SCHED 3	Resolved	Precision Securities Ltd [282 FS]
<u>Policy HH-P7(4)</u> Ms Grinlinton-Hancock accepts the S42A author's recommendation that an additional clause be added to HH-P7, providing a link between the HH chapter and the EI-P2 chapter. (Grinlinton-Hancock evidence, at page 8)	Policy HH-P7(4)	Resolved	KiwiRail [187.49]
<u>Activity status of rules</u> Ms Tait supports the submission from Fonterra and recommends that the activity status associated with activities in the HH chapter be more lenient. (Tait evidence, at paras [8.1 – 8.5])	HH-R3, HH-R4, HH-R5, HH-R6, HH-R7, HH-R8, HH-R10	Outstanding	Fonterra [165.23, 165.64, 165.66, 165.68, 165.69, 165.70, 165.71, 165.72, 165.73, 165.74, 165.75, 165.78]
<u>Customer connections to Historic Heritage Items</u>	HH-RX - Customer connections to Historic Heritage Items	Outstanding	Connexa [176.67], Spark [208.67], Chorus [209.67] and Vodafone [210.67]

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
<p>Mr Anderson supports the submission from the telecommunication companies seeking a new rule for customer connections that defaults to a controlled activity.</p> <p>(Andreson evidence, at para [55])</p>			

TREES- Notable Trees Chapter

<p><u>New customer connections within the root protection area of a notable tree</u></p> <p>Mr Anderson supports the submission from the telecommunication companies seeking a new permitted activity rule for customer connections within the root protection area of a notable tree.</p> <p>(Andreson evidence, at para [62])</p>	TREE-R3A – New customer connections within the root protection area of a notable tree	Outstanding	Connexa [176.69], Spark [208.69], Chorus [209.69] and Vodafone [210.69]
<p><u>Minor pruning of notable trees</u></p> <p>Ms Grinlinton-Hancock accepts the S42A author's rational retaining the direction within TREE-P2(2).</p> <p>(Grinlinton-Hancock evidence, at page 7)</p>	TREE-P2(2)	Resolved	KiwiRail [187.50]
<p><u>SCHED5B – Schedule of Notable Group of Trees</u></p> <p>Ms Grinlinton-Hancock accepts the S42A author's rational retaining TREESG-11 within SCHED5B.</p>	TREESG-11 within SCHED5B.	Resolved	KiwiRail [187.87]

(Grinlinton-Hancock evidence, at page 7)			
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