

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 48

**HEARING H – PANEL REQUEST FOR INFORMATION AND CLARIFICATION FROM
S42A AUTHORS**

DATED 24th September 2025

INTRODUCTION

[1] Hearing H – Across-Plan Submissions and Further Matters took place on 2 September 2025. During, and following the conclusion of the hearing, the Hearing Panel¹ indicated to s42A Reply Report Authors that they required further information and clarification on certain matters.

[2] The purpose of this Minute is to confirm our request for and timing of requests for clarification and a reply from Council s42A Reply Report Authors.

SECTION 42A REPLY REPORT AUTHOR QUESTIONS OF CLARIFICATION

[3] The Council provided one report prepared under s42A of the RMA to provide the Panel and submitters with an overview of the issues in Hearing H and to provide recommendations to the Panel as to whether the submissions and further submissions should be accepted or rejected in whole or in part.

¹ The Timaru District Council ("the Council") appointed Cindy Robinson (Chairperson), Ros Day-Cleavin, Councillor Stacey Scott, Jane Whyte, Megan 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.

[4] The Council also provided the final reply reports from the s42A Report Authors in response to the previous directions from the Panel in Minute 38.

[5] We received the following reports:

- (a) Section 42A Report: Hearing H - Cross-Plan Submissions (Sweep Up), Liz White, 4 August 2025²;
- (b) Andrew Willis - Final Reply, Strategic Directions, Contaminated Land, Hazardous Substances, Stormwater, Energy and Infrastructure, Transport, Drinking Water, Protection, Natural Hazards, Coastal Environment, 4 August 2025;
- (c) Rachael Williams (Wilcox) – Final Reply, Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities Chapters, 4 August 2025;
- (d) Rachael Williams – Hearing G – Final Reply, Designations, 11 August 2025;
- (e) Andrew Cameron Maclellan – Final Reply, Rural Zones, VS, PA, ASW, Heritage and Trees, 4 August 2025;
- (f) Nick Boyes - Final Reply, Open Space and Recreation Zones, Subdivision and Development Areas, 4 August 2025; and
- (g) Liz White - Final Reply, Residential and Commercial and Mixed Use Zones, Ecosystems and Indigenous Biodiversity; Natural Character; and Natural, Features and Landscapes, Sites and Areas of Significance to Māori and Māori Purpose Zone, Light and Noise, 4 August 2025.

[6] The Panel have additional questions of clarification to Final Reply s42A Report Authors. We direct that Final Reply s42A Report Authors provide their replies no later than **3pm Wednesday 8 October 2025**.

Questions for s42A Reply Report authors and experts:

² Prior to the hearing the s42 Report Author for the Cross-Plan Submissions provided a summary statement, noting this was brief as no submitter evidence to this hearing was received: Liz White – Hearing H - s42A summary statement, Cross-plan submissions (Sweep Up), 28 August 2025.

[7] During the hearing the Panel have noted errors in the final reply provisions relating to GRUZ-R16, Intensive Primary Production, Blandwood references in the OSZ and PREC 4, and SUB-S9 and in NOISE-O2. All s42A Reply Report authors to advise of any further changes to correct errors, inconsistencies or integration issues, and provide updated final reply chapters that reflect these changes in a way that differentiates the changes from the previous version.

[8] For Mr Bonis:

- (a) Please provide drafting for an advice note to FDA-P6 pathway for rural lifestyle that cross references HPL-P4 which seeks to avoid rural lifestyle activity on Highly Productive Land.

[9] For Mr Willis:

- (a) Please undertake a review of all references to Regionally Significant Infrastructure in Part 1 Introduction and General Provisions, and specifically the Description of the District Section, and advise any further recommended changes as a result of changes to the definition.

[10] For Ms Williams:

- (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 off and pickups, in addition to the recommended conditions on the Notices of Requirement for existing schools.

[11] For Ms White:

- (a) In regard to changes to LIGHT-R1.4 agreed between Ms White and Ms Williams for the Director General of Conservation (and taking into consideration your recommended clarification to the definition of Outdoor Lighting to only apply to fixed lighting sources, not moveable sources in response to submissions concerned about other light sources), are pivot irrigators fixed or moveable? Please clarify the drafting of the rule. Please also consider if any scope, or fairness issues arise with extending the outdoor lighting requirements to pivot irrigators.

- (b) In collaboration with s42A author Ms Williams,
- (i) Undertake a cross check of the consistency of the use of the terms 'practicable' and 'possible' across the Proposed Plan and advise if any further recommended changes are necessary.
 - (ii) Review Table 2 in the General Approach Chapter and advise if any further changes are necessary.
- (c) The SASM category descriptions in MW2.1.7 and MW2.1.9 do not mention the glossary terms for 'wai taoka' and 'wai tapu', however these terms in the glossary refer to MW2.1.7 and MW2.1.9. Does MW2.1.7 and MW2.1.9 require updating to address this inconsistency, and if so, advise of any further recommended changes.
- (d) In your final reply you evaluated the efficiency and effectiveness of earthworks provisions within the wāhi tapu overlay SASM 8 and 9. Your supplementary evidence records your view as:³
- For rock art sites, there are controls on earthworks within areas also identified as SNAs, and I do not consider there to be a need to effectively replicate the earthworks rule within these wāhi tapu sites. Outside of the mapped SNA areas (but otherwise within the mapped extent of the rock art sites) and taking into account the zoning is GRUZ, I consider that it is inefficient to require a resource consent for earthworks, provided that an ADP is applied. This reflects my understanding that a key issue in the area surrounding rock art sites relates to activities that change the freshwater environment, and the technical reporting⁴ in relation to this does not identify a concern with earthworks in this respect.⁵
- (e) The Panel wishes to better understand your s32AA evaluation of the appropriateness, efficiency and effectiveness of your recommended changes to SASM-R1.3, as it applies to the GRUZ within wāhi tapu overlay SASM 8 and 9, outside of an SNA.
- (f) We note that you have used different terminology when describing your evaluation of areas within and outside an SNA. You refer to 'wāhi tapu sites' when referring

³ Supplementary Evidence of Liz White, 4 August 2025, Table 1 page 7 and 8

⁴ Guideline for implementing a land-based taonga risk and vulnerability assessment in the context of freshwater environments: Māori Rock Art. (November 2018). Gyopari, M. & Tipa, G. With contributions from Symon, A. & Scott, J. Refer to Appendix 5.

⁵ Section 42A Report, para 8.9.27

to 'rock art sites' within an SNA, but then use 'rock art sites' to describe areas that are within the mapped extent of the SASM but outside of an SNA.

- (g) When asking the following questions we have referred to 'rock art sites' as being areas of rock outcrop that are known to include rock art on the one hand, and 'rock art overlays' as the mapped extent of the wāhi tapu overlay identified as SASM 8 and 9. The rock art overlays contain a number of known rock art sites, and include areas where there is a high probability of other archaeological finds.⁶ The whole of the SASM 8 and 9 overlays are described in Schedule 6 as being 'wāhi tapu'.
- (i) Are there any known rock art sites within the wāhi tapu overlay SASM 8 and 9, that are not also within an SNA?
- (ii) If the answer to (g)(i) is **yes**, please clarify whether your evaluation in your supplementary evidence, Table 1, was intended to apply to 'rock art sites' outside of an SNA as distinct from the broader 'rock art overlay' outside of SNAs? Or, do your conclusions apply to both.
- (iii) If the answer to (g)(i) is **no**, or you **do not know**, have we understood your evidence recorded in Table 1 correctly to mean that you are of the opinion that for those parts of the rock art overlays identified as wāhi tapu overlay SASM 8 and 9 that are outside of the SNA overlay, SASM-R1.3⁷ is more efficient and effective to protect the identified wāhi tapu cultural values than the notified rule SASM-R1.3?

The Panel is still unclear on why you have recommended a more stringent 2000m² area limit for SASM-R1.1 (wāhi tūpuna overlay) for all earthworks, including primary production activities and ancillary rural earthworks⁸, where as, for SASM 8 and 9 wāhi tapu overlays, SASM - R1.3, has no limit for primary production activities and ancillary rural earthworks.⁹ Please clarify your opinion, with reference to the cultural values that are recognised and provided for in the wāhi tūpuna and wāhi tapu overlays.¹⁰ Why do wāhi tūpuna overlays warrant an area

⁶ See MW 2.1.9

⁷ Liz White Interim Reply, Appendix C, line (p). EW rules also apply in addition to SASM rule in the GRUZ and EW S1 only provides an area limit on 'other activities' ie no limit is provided in the GRUZ for primary productive uses and ancillary rural activities.

⁸ Liz White, s42A Report, paragraph 8.9.18

⁹ Ibid, compare paragraphs 8.9.26 -8.9.27, the Panel understands that for 'other activities' EW S1 specifies a limit of 2000m² in the GRUZ.

¹⁰ As described in MW 2.1.9 and in SASM Chapter Introduction.

cap on primary productive activity and ancillary rural activity earthworks but wāhi tapu overlays SASM 8 and 9 do not warrant the same cap outside of SNA overlays? Does the outcome you have recommended achieve, RMA, s6(e), SASM O1, O3 and SASM-P5 and P6 (final reply version)?

- (h) **If the answer to (g)(i) above is yes**, are there, in your opinion, any gaps or risks under SASM-R4 (Temporary Events) for rock art sites within wāhi tapu overlay SASM-8 and SASM-9 that are not located within an SNA?
- (i) Provide any further drafting improvements to simplify the architecture of SASM-R2 for plan users, i.e. SASM-R2.2 applies to wāhi tapu overlays and lists exclusions. Please consider whether the drafting would improve if the rule stated which SASMs it applies to.
- (j) The SASM rules refer to wāhi tūpuna, wāhi taoka, wāhi tapu, and wai taoka overlays, whereas Schedule 6 uses the term “areas.” Please clarify which nomenclature is correct.

[12] For Mr Boyes:

- (a) Regarding the activity status for Recreation Activities, Community Activities and Cultural Activities, and Buildings:
 - (i) Please clarify why these activities are treated differently in the rules? Is there an evidential basis for this distinction in the s32 Report?
 - (ii) With input from Ms Vella, if necessary, advise if there is scope to address any inconsistency between these rules; and if there is scope to address the issue, provide recommended drafting to resolve it.

Dated this 24th day of September 2025



C E ROBINSON - CHAIR ON BEHALF OF THE HEARINGS PANEL