

Before the Timaru District Council

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*under:* Resource Management Act 1991

*in the matter of:* Submissions and further submissions in relation to the  
proposed Timaru District Plan

*and:* **Fonterra Limited**  
*Submitter #165*

Application for waiver of time limit

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Dated: 22 August 2023

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## **APPLICATION FOR WAIVER OF TIME LIMIT**

May it please the Hearings Panel:

- 1 This memorandum is filed on behalf of Fonterra Limited (submitter #165) in relation to further submissions on the Proposed Timaru District Plan (*Proposed Plan*).
- 2 Fonterra is a submitter and further submitter on the Proposed Plan. Fonterra lodged a further submission on 4 August 2023. The closing date for further submissions was extended to 5pm on Friday 11 August 2023.
- 3 Fonterra applies for a waiver under ss 37 and 37A of the Resource Management Act 1991 (*RMA*) in respect of the time limit for the lodgement of further submissions, to lodge one further submission point on the submission of Canterbury Regional Council on the definition of 'High Hazard Area' (submission point 183.14).
- 4 Whilst further submissions have been lodged, no other steps have occurred in the process.
- 5 The waiver is sought on the grounds that:
  - 5.1 no party will be unduly prejudiced by granting the waiver;
  - 5.2 further submissions do not appear to have been uploaded to the Council's website yet;
  - 5.3 the community will ultimately be better served a Proposed Plan that considers the matters raised in the further submission point; and
  - 5.4 it is appropriate for and that the Hearings Panel should exercise its discretion to grant the waiver.

### **Directions sought**

- 6 Fonterra respectfully seeks that the Hearing Panel grant a waiver in respect of the late lodgement of one further submission by Fonterra Limited, as set out in the **enclosed** Addendum.

Dated 22 August 2023



Ben Williams / Kirsty Jacomb  
Counsel for Fonterra Limited

**ADDENDUM TO FURTHER SUBMISSION OF FONTERRA LIMITED**

Submitter name	Sub Number	Proposed Plan Provision	Submission	Support/Oppose	Reasons	Relief Sought
Canterbury Regional Council (Environment Canterbury)	183.14	Definition of High Hazard Area	Seeks to amend the definition of High Hazard Area so as to include coastal flooding.	Oppose	<p>The High Hazard Area within the notified District Plan was limited to a relatively small number of areas where there is a high risk of flooding and contained restrictive rules as a consequence.</p> <p>The amendment would expand the High Hazard Areas significantly encompassing the Sea Water Inundation Overlay and thus include the Port Zone (along with Industrial and Residential zones).</p> <p>Most development and subdivision in these areas would be subject to non-complying rules (NH-R4.2 and NH-R8.4) and associated avoid policies.</p>	Reject; or provide such alternative relief, which ensures that the Port Zone is not captured by these provisions.