

Before the Hearing Panel
Appointed by the Timaru District Council

Under the Resource Management Act 1991 (**RMA**)

In the matter of the Proposed Timaru District Plan

**Memorandum of Counsel on behalf of Timaru District Council – Hearing
G (Growth) – Submitter requests for extensions of time**

19 February 2025

Council's solicitors:

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May it please the Hearing Panel:

Introduction

- 1 This memorandum is filed by counsel for the Timaru District Council (**Council**) in relation to Hearing G – Growth. The purpose of this memorandum is to provide the Panel with two requests by submitters (submitter numbers #160 and #227) for extensions of time for filing information, and to set out the Council's response to these requests.

Background

- 2 The preliminary section 42A report for Hearing G, which relates to rezoning requests to accommodate growth in the district (**preliminary s42A report**), was filed on 29 October 2024 in accordance with the Panel's directions in Minute 13 dated 5 August 2024.¹ The preliminary s42A report set out the information required to be provided by submitters to enable the section 42A officer to assess rezoning requests for the purposes of the final section 42A report (which is to be released on 21 May 2025).
- 3 The section 42A officer provided a further memorandum on 27 January 2025 (**supplementary memorandum**) setting out his 'without prejudice' preliminary analysis of the application of the National Policy Statement for Highly Productive Land (NPS-HPL) to each property. This was provided to assist submitters to understand his proposed approach to that assessment, following various questions asked by submitters during site visits in late 2024. It did not request any further information from submitters. Rather, it clarified the potential pathways for re-zoning under the NPS-HPL because it was evident from site visits that some submitters had not considered the relevance of the NPS-HPL, despite the advice contained in the preliminary s42A report.
- 4 Information from submitters in support of re-zoning requests are due to be filed on 20 February 2025.²

Requests for extensions of time

- 5 The Council has received two requests for extensions of time, which are attached at **Appendix A** for the Panel's consideration. They are from:
 - (a) D & S Payne (submitter # 160); and

¹ Minute 13, at [5(f)].

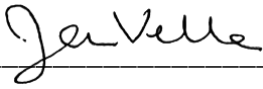
² Minute 13, at [5(f)]

(b) Rosa Westgarth & Jan Gibson (submitter #227).

- 6 D & S Payne seeks an extension of time for filing information to 28 February 2025. The basis for the request is that the supplementary memorandum sought additional information in relation to the NPS-HPL which has been commissioned, but not yet received, by the submitter.
- 7 As noted above at [3], the supplementary memorandum did not seek additional information beyond the information requirements set out in the preliminary section 42A report.
- 8 Westgarth & Gibson seek an extension for filing information on the basis that the submitter has requested information from the Council in relation to a draft Development Area Plan (DAP) for Future Development Areas (FDAs) 1, 2 and 4. Development of background work to a draft DAP has been commenced by Council's Infrastructure Group in anticipation of FDAs 1, 2 and 4 being confirmed through the PDP process. It has not been adopted by the Council. Depending upon the outcome of the PDP process, and whether the Council adopts the DAP, it may be used to inform future planning work and a potential variation or plan change.
- 9 While it is not clear to the Council that the information it holds will assist the submitters, the Council's Infrastructure Group has advised that relevant information held by the Council will be released to the submitters imminently.
- 10 Westgarth & Gibson request an extension to no more than two weeks after receiving the DAP. The submitter also notes that further information is being sought from experts in relation to the NPS-HPL and implies a further extension of time may be sought to provide that information. The Council notes that the need for consideration of the NPS-HPL was signalled in both the preliminary section 42A report (November 2024), and again in the supplementary memorandum (January 2025).
- 11 The Council does not oppose either request for extensions of time to 28 February 2025 (Payne) and two weeks following receipt of DAP-related information (Westgarth & Gibson). The section 42A officer is able to accommodate delayed receipt of that information in his preparation timetable. It is likely to become more difficult for the section 42A officer to consider information if there are any further delays. The Council will advise the Panel once the DAP information has been provided to the submitter.

12 The Council is grateful for the Panel's attention to these matters.

Dated this 19th of February 2025



Jen Vella
Counsel for Timaru District Council

Appendix A

**Requests for extensions of time from submitters - Payne (#160) and
Westgarth & Gibson (#227)**

17 February 2025

Hearing Panel
Timaru District Plan
pdp@timdc.govt.nz

PO Box 127
Waikanae 5250

Phone: 027 620 6379

Dear Panel

Re: Additional information for submitters seeking changes to zonings in response to Section 42A Report for Hearing G - Rezoning to accommodate Growth: Preliminary Report – Information to assist in assessment

I am currently preparing information for Submitter 160 D & S Payne for Hearing G – Growth in response to the Preliminary Section 42A Report.

The Panel set a date of 20 February 2025 for material to be provided to Council.

On 27 January 2025 an additional memo regarding Highly Productive Land (HPL) was provided to submitters. This included request for additional information on HPL to be provided by some submitters.

The Paynes have engaged an expert to provide this information but at this stage the material is not available so I am unable to complete the necessary information and report by 20 February 2025.

Therefore I respectfully request an extension of time to file the material by Friday 28 February 2025.

I do not consider any party would be prejudiced by such an extension.

Yours sincerely

Lynette Wharfe
Consultant

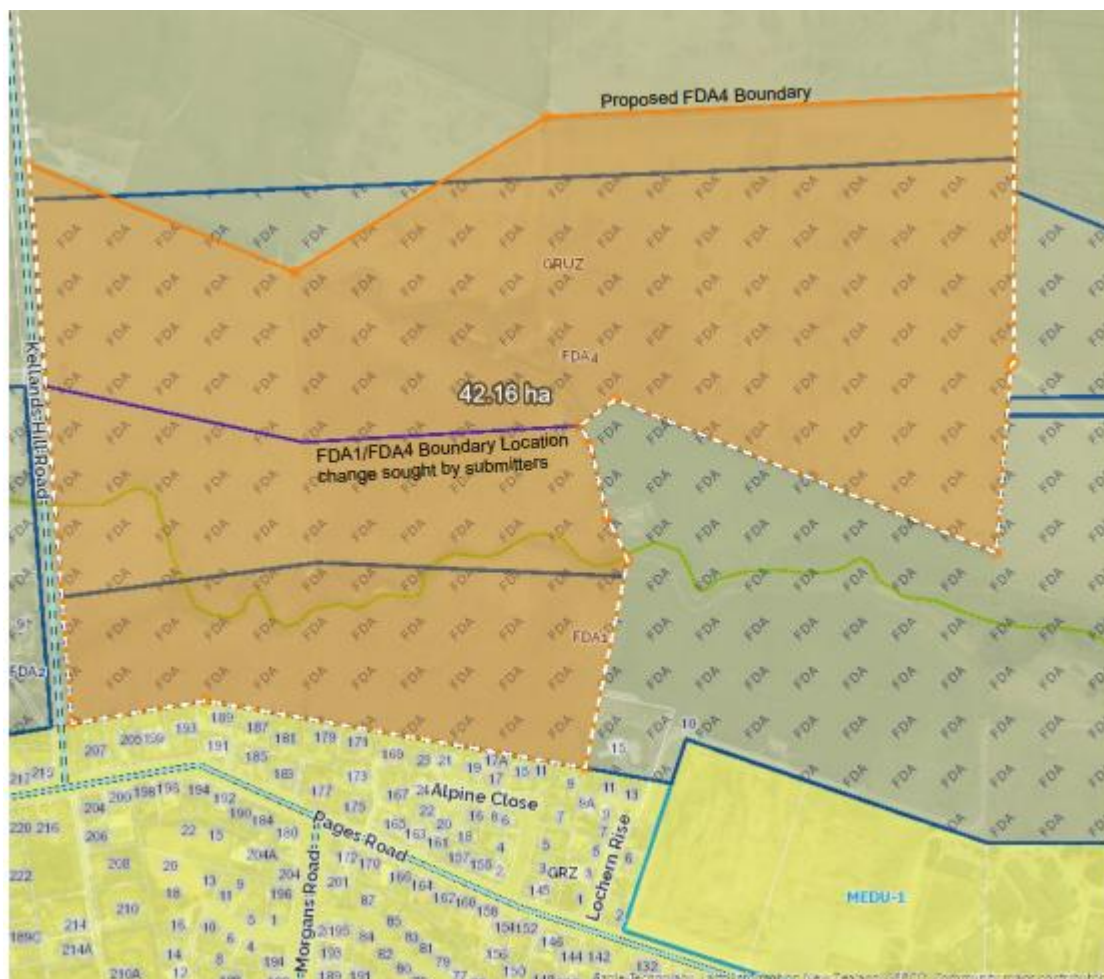
From: Lauren Roycroft <lauren@do.nz>
Sent: Monday, 17 February 2025 3:56 pm
To: PDP <pdp@timdc.govt.nz>
Cc: Aaron Hakkaart <aaron.hakkaart@timdc.govt.nz>; Glen McLachlan <glen@do.nz>
Subject: Request for Extension - Further Information Hearing G

Kia ora

We are respectfully seeking an extension of time to supply further information to Council, in response to the preliminary s42A report prepared by Matt Bonis.

The submission the extension relates to is *Rosa Westgarth and Jan Gibson* (Gibson, 227.1) which seeks to:

- a) Amend FDA1 and GRUZ boundary lines
- b) Rezone FDA1 to General Residential (now)
- c) Amend boundary of FDA1 and FDA4 to follow topography



The reason for the extension is detailed below:

- FDA1 is subject to a Development Area Plan (DAP) initiated by Council.
- The DAP is a key piece of information that informs servicing and suitability of this site and surrounding land for development purposes. In this instance it also includes engineering testing such as Geotech, infiltration, servicing modelling etc.
- The DAP may also influence the proposed boundaries along with consideration of timing associated with the FDA's and our submission.
- We do not know if the DAP includes FDA4 in either form (current proposal or reflection of our submission).
- The DAP was originally proposed to be supplied to the submitter by early this year but is yet to have been received (see correspondence attached).
- FDA4 has only recently been confirmed to be subject to NPS-HPL. The land is classified as LUC3 which we are aware is subject to review under the RMA reforms. As such, we are unsure if an assessment against the NPS-HPL is required at this point in time and seek clarification from our experts on this.

We therefore request we supply our further information response no more than two weeks after obtaining the DAP. It is hoped that this response will also address HPL considerations subject to expert availability. We ask Council to confirm this is acceptable in a timely manner, and thank you for the consideration of such a request.

Kind regards | Ngā mihi

Lauren Roycroft

Principal Surveyor (Timaru Lead) | Licensed Cadastral Surveyor, BSurv(Credit),
MS+SNZ

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