

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 53

ISSUE OF DRAFT DECISION REPORT AND DIRECTIONS FOR TECHNICAL REVIEW

[1] In Minute 38 (as modified by Minute 52) the Panel¹ stated our intention to provide the Draft Decision Report and Provisions for technical review. We do so now. The purpose of this Minute is to clarify directions for Council and submitter review.

Council Review

[2] In addition to a general technical review of the Decision Reports and Provisions we have identified a number of technical drafting inconsistencies across the Plan as a whole. Appendix 1 and the associated Appendix 2 to this Minute, sets out specific matters that the Panel requires attention to.

Submitter Review

[3] Notwithstanding that submitters have the general opportunity to separately identify any technical corrections after the Council provides its response, the Panel strongly encourages submitters to review the Draft documents at the same time as they are available to Council and where ever possible discuss any matters they identify directly with Council, with a view to

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

reaching agreement on the correction required with Council so that these can be incorporated into the Council's response.

[4] In Minute 38 we indicated that we did not wish to have parties comment on other parties' suggested corrections, and that the Panel would determine whether any corrections met the threshold of minor technical matters. For the sake of clarity, in the event a submitter identifies an error in the Council's response, please try and resolve with Council, but submitters can of course also draw these matters to the Panel's attention in their response.

[5] The timetable for responses is as follows:

- (a) Council technical feedback – **3pm Tuesday 24 February 2026.**
- (b) Submitter technical feedback – **3pm Tuesday 3 March 2026.**

Dated this 3rd day of February 2026.



C E ROBINSON - CHAIR ON BEHALF OF THE HEARINGS PANEL

Appendix 1: Matters to be addressed by s42A during Technical Review

Table 1: Technical review questions for s42A Officers

| Component | Directions |
|---|---|
| Activity Statuses and the notation of corresponding standards | <p>Throughout the Plan rules we note that for Permitted Activity Status the standard is consistently labelled as PER-1, PER-2, PER-3....</p> <p>However, in some instances for controlled/restricted discretionary/discretionary status the standards are also expressed as PER-1. We consider this may be a drafting error because in our review the majority are expressed as CON-1, RDIS-1 or DIS-1...</p> <p>For some examples see GRZ-R12 (formerly R11), GRZ-R13 (formerly R12), MRZ-14, GRUZ-R23.</p> <p>We direct that the Council review all standards in the plan rules across all chapters to check consistency in expression. The Panel seeks the technical review to standardise terminology to improve clarity, consistency, and ease of implementation across the plan.</p> |
| Chapter 12 - NPS and NZCPS | Check and update references as required in accordance with recent Government changes to national direction. |
| Chapter 13 - NES | |
| SD-05 Mana Whenua | Check SD-05(ii) - should this be 'waterbodies' (Sch 1 cl 16) |
| Plan-wide use of Notes | <p>We have noted that throughout the Area Specific and District-wide chapters the provisions include "Notes" in the Activity Status columns.</p> <p>These notes sometimes appear to be guidance to direct a plan user to a relevant rule (for example: <i>GRZ-R2 Note: For residential unit(s) within PREC1 Old North General Precinct, see PREC1-R1.</i>)</p> <p>However, the majority of cases appear to be more akin to a regulation that <u>must</u> be applied (for example: <i>GRZ-R4 Note: Any associated building and structure must be constructed in accordance with GRZ-R9.</i>)</p> <p>In at least one place, a Note has been used to preclude public notification, for example (<i>GRZ-R12 Note: Any application for this activity is precluded from being limited or publicly notified.</i>)</p> <p>Other notes are included to exclude the application of the associated rule from applying, for example (<i>MRZ-R11 Note: This rule does not apply if the fence is required under the Health and Safety at Work Act 2015.</i>)</p> <p>Some are used to direct what material must be provided in a consent application, for example (<i>GRZ-R26 Note: Pursuant to section 88 of the RMA, any application made under this provision must contain a rehabilitation plan and an accidental discovery protocol.</i>)</p> <p>The Panel has determined that if the content of a note is intended to act as a regulation, it should be embedded within the rule rather than as a note.</p> <p>The Panel directs Council to undertake a systematic review of notes within rules across the Plan and provide drafting changes to</p> |

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| | <p>ensure that notes that are intended to apply as a regulation are embedded within the relevant rule.</p> |
| Chapter 56 GIZ | <p>GIZ-S2.4 Figure X. Scale is difficult to read. Can this please be cross referenced to an appendix at larger scale.</p> <p>GIZ-S6.2 Figure 20. Scale is difficult to read. Can this please be cross referenced to an appendix at larger scale.</p> |
| Chapter 62 DEV1 | <p>Figure 21 - Plan to be updated to remove stormwater management area located west of Road 1.</p> |
| Chapter 27 SASM | <p>The Panel notes that SASM-R1.3 PER-2 specifically provides for <u>rock weirs</u> (relating to Wāhi tapu overlays) as distinct from SASM-R1.1. PER-1 (relating to Wāhi tūpuna, wāhi taoka and wai taoka overlays).</p> <p>The Panel directs the Council to review these rules and advise the following:</p> <ol style="list-style-type: none"> 1. Is the inclusion/exclusion of rock weirs a deliberate drafting approach? 2. Will the rules work as intended? <p>Provide reasons as appropriate.</p> |

Table 2 Technical Review questions as a result of Panel Decisions

| Component | Directions |
|--|---|
| Part 2 General Approach Section | <p>Figure 1 – Example of Rule Note is to be amended to remove references to 'precedence' or 'prevail' and replace with 'applies instead of'. Refer Panel Decision Report Part 1 Section 4.3</p> |
| Part 2 General Approach Section | <p>Figure 2, Step 2 is to be amended to read "Locate relevant District-wide matters chapters (e.g. Infrastructure and Energy) <u>features</u> and overlays (e.g. National Grid Lines) Refer Panel Decision Report Part 2 Section 3.2.1</p> |
| SCHED-8 & SCHED-9 | <p>The Option 2 drafting promoted by Ms Pull is to be given effect by inserting cross references to SASM in SCHED8 (ONL) and SCHED9 (ONF) as detailed in Ms White's Interim s42A Reply. Refer Panel Decision Report Part 4 Section 2.2.1</p> |
| EI Application of Provisions | <p>The Panel has determined a new administrative policy is required in the EI Chapter (EI-P6) that sets up a direction as to weighting in the event of conflicting provisions between the EI Chapter and the zone chapters.</p> <p>The Panel directs the Council to review this Policy to check whether any technical inconsistency may arise in the implementation of this new policy with other provisions. Refer Panel Decision Report Part 5 Section 2.16</p> |
| Height reference points for measuring height | <p>The Panel has determined through its decision on ECAN [183.4], that for all height related provisions, the reference point from which height is measured is to be stated within the rule text itself, rather than in a note to the rule. As part of the technical review please ensure that all height references points are addressed within the relevant rules, rather than notes.</p> <p>The Panel has identified that the District Plan contains multiple formulations of the reference point for height, including but not limited to:</p> <ul style="list-style-type: none"> • "ground level" • "existing ground level" • "existing ground level prior to any works commencing" |

Accordingly, the Panel directs Council to undertake a systematic review of height reference points within the Plan to confirm that any variation is intentional, meaningful, and necessary.

Where different terminology conveys a distinct and purposeful outcome distinctions are appropriate. However, where no such purpose exists, the Panel seeks the technical review standardise terminology to improve clarity, consistency, and ease of implementation across the plan.

For illustrative purposes Appendix 2 identifies a non-comprehensive list of rules illustrating differences in how height is treated.

[Refer Panel Decision Report Part 2 Section 4.11](#)

Appendix 2: Example provisions relating to height in the District Plan.

Below is an example of provisions that address height in the District Plan focussing on how they describe the reference point for determining where height is to be measured from

| Provision | Summary of technique and reference point |
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| Rules | Height from ground level |
| GIZ-S2 | <ul style="list-style-type: none"> • Rule • Height is from ground level • Clandeboye has a specific map that includes the measurement points |
| SIGN-S3 | <ul style="list-style-type: none"> • Rule • Height is from ground level • Height on a building is from the façade height |
| CCZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| TCZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| MUZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| EW-S2 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| EW-S3 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| MRZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| GRZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| OSZ-S3 | <ul style="list-style-type: none"> • Rule • Height is from the ground level |
| SARZ-S3 | <ul style="list-style-type: none"> • Rule • Height is from ground level |
| Rules | Height from ground level prior to works commencing |
| GRUZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from ground level prior to any works commencing |
| | Height from existing ground level |
| LFRZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from existing ground level |
| NOSZ-S1 | <ul style="list-style-type: none"> • Rule • Height is from the existing ground level |
| | Height from 'other' reference point |
| GRUZ-R1 PER 4 | <ul style="list-style-type: none"> • Rule • Height is of a building |
| EI-R15 Per6 | <ul style="list-style-type: none"> • Rule • Height is from the point of attachment from the building |
| CCZ-S3 | <ul style="list-style-type: none"> • Rule • Height is from the footpath |

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| TCZ-S5 | <ul style="list-style-type: none"> • Rule • Height is from the footpath |
| SUB-S9 Brookfield specific | <ul style="list-style-type: none"> • Rule • Height is of the tree |
| LFRZ-S6 | <ul style="list-style-type: none"> • Rule • Height is of the fence along the boundary |
| LIGHT-S1(4) | <ul style="list-style-type: none"> • Rule • Height is at the boundary |
| LIGHT- S1(3) | <ul style="list-style-type: none"> • Rule • Height is from a vertical plane from points at ground level |
| OSZ-S1 | <ul style="list-style-type: none"> • Rule • Height of fence is from the average ground level |
| SARZ-S1 | <ul style="list-style-type: none"> • Rule • Height of fence is from the average ground level |
| CCZ-S2 | <ul style="list-style-type: none"> • Rule • Height is of the landscaping |
| LCZ-S4 | <ul style="list-style-type: none"> • Note • Height is of the landscaping |
| Notes | Height from ground level prior to any works commencing |
| Rlz-S1(2) | <ul style="list-style-type: none"> • Note • Height is from ground level prior to any works commencing |
| EI-R7 | <ul style="list-style-type: none"> • Note • Height is from existing ground level |
| SASM-R2 Per 1 (1) | <ul style="list-style-type: none"> • Note • Height is from ground level |
| Notes | Height from existing ground level prior to any works commencing |
| LCZ-S1 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| NCZ-S1 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| SETZ-S1 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| EI-R 25 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| EI-R 29 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| EI-R 31 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| EI-R14 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| EI-R15 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| CE-S1 | <ul style="list-style-type: none"> • Note • Height is from existing ground level prior to any works commencing |
| Rlz-S1(1) | <ul style="list-style-type: none"> • Note • Height is from ground level prior to any works commencing |
| Notes | Height from 'Other' |
| NCZ-S5 | <ul style="list-style-type: none"> • Note • Height is of the landscaping |
| TCZ-S4 | <ul style="list-style-type: none"> • Note • Height is of the landscaping |
| MPZ-S3 | <ul style="list-style-type: none"> • Note • Height is of the landscaping |

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| SETZ-S8 | <ul style="list-style-type: none"> • Note • Height is of the landscaping |
| Rules and Notes | Height in rule is from ground level; Height in note is from existing ground level prior to any works commencing |
| MPZ-S2 | <ul style="list-style-type: none"> • Rule and Note • Height in rule is from ground level • Height in the note is from existing ground level prior to any works commencing |
| PORTZ-S1 | <ul style="list-style-type: none"> • Rule and Note • Height in rule is from ground level • Height in the note is from existing ground level prior to any works commencing |