

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

Rachael Williams (Willox) – Final reply

**Earthworks, Relocated Buildings and Shipping Containers, Signs and
Temporary Activities Chapters**

4 August 2025

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Introduction

- 1 My name is Rachael Williams (Wilcox). I am a Senior Policy Planner at the Timaru District Council. I prepared the s42A report on the Earthworks (EW), Relocated Buildings and Shipping Containers (RELO), Signs (SIGN) and Temporary Activities (TEMP) chapters. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to those chapters. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this statement is to provide my final reply in relation to the chapters in respect of which I prepared section 42A report in accordance with the directions contained in Minute 38.

Panel directions – Minute 38

- 3 Minute 38 directed that I provide a final reply that addresses the following:
 - (a) Not repeat but confirm interim replies where no further changes are recommended;
 - (b) Address any further amendments to the definitions, Strategic Objectives Chapter, any consequential amendments, and any errors;
 - (c) Confirm collective agreement between s42A officers on integration matters; and
 - (d) Illustrate any further recommended amendments to the provisions in double underline and strikethrough.

Confirmation of interim replies/ further amendments to provisions

- 4 I confirm that the recommendations set out in my interim replies still stand, except as identified below. The further amendments I recommend to provisions are as set out below:

Hearing F – Interim reply dated 6 June 2025 – EW Chapter – EW.R1.e

- 5 OWL [181.74], in their original submission, requested amendments to EW-R1.e to exclude network operators of regionally significant infrastructure (RSI) undertaking earthworks required for natural hazard mitigation works in accordance with their submissions to ECO-R2 and NH-R3 and to give recognition to the importance of RSI in the District.
- 6 In my interim reply I maintained that an explicit exclusion for network utility operators is not appropriate in EW-R1.e as network utility operators do not have the same statutory responsibilities and public accountability as the Timaru District Council and Canterbury Regional Council. There are also potential risks from poorly constructed mitigation works. However, I noted that I was willing to update my recommendation to align with the recommendations of Mr. Willis in regard to OWL submission to NH-R3 (Natural hazard mitigation works within a Flood Assessment Area Overlay).
- 7 Mr. Willis in his interim reply dated 23 June 2025 has recommended that the following guidance is provided in the NH Chapter:

The control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the Canterbury Regional Council. The rules in this chapter therefore do not apply within the beds of lakes and rivers.

- 8 To align with this direction, I recommend a clause 10(2)(b) amendment to EW-R1.e as follows:

EW-R1 Earthworks, excluding earthworks:

- e. *for natural hazard mitigation works carried out by Timaru District Council or Canterbury Regional Council that are permitted by the relevant Plan chapter or are within the bed of a lake or a river and are within the jurisdiction of the Canterbury Regional Council;*
- 9 The above recommendation will exclude any earthworks for natural hazard management works that are within the bed of a river and are within the jurisdiction of the Canterbury Regional Council including any works associated with RSI. The submission from OWL [181.74] is therefore recommended to be accepted in part.

Integration matters

- 10 As set out in my interim reply dated 6 June 2025, following the close of Hearing F I have reviewed the relationship between the EW and EI and TRAN provisions (with input and agreement of Mr. Willis) to identify which, specific rules and activities in the EI and TRAN chapter are excluded from EW-R1 and whether any additional matters of direction or matters of control are needed to manage potential earthworks effects.
- 11 I have discussed with Mr. McLennan the relationship between the TEMP Chapter and the ASW Chapter and we agree that the TEMP Chapter does not manage temporary activities occurring on the surface of water with the TEMP Chapter rules only applying to land. Any temporary event occurring on the surface of water will therefore need to meet the requirements in TEMP-R3 for the portion of the event occurring on the surface of water as well as ASW-R3 to ASWR6 and ASW-R10 for the portion of the event occurring on the surface of water.
- 12 Ms. White, in her analysis of the SASM chapter, has recommended that the elements within APP4 that constitute a form are removed. In her opinion, it is administratively inefficient to require a form to be filled out for a large range of earthworks activities, that are otherwise permitted, noting that the form simply formalises a commitment to adhere to the Accidental Discovery Protocol (ADP) and is in effect no different from simply requiring compliance with the protocol. Ms. White also agrees with Heritage NZ that the ADP should only apply where an Archaeological Authority has not already been issued by Heritage NZ. Ms. White, in her analysis of the SASM provisions, has also recommend amendments to EW-S1.2 and EW-S2.2 to include additional matters of discretion for earthworks located within a wāhi tūpuna, wāhi taoka or wāhi tapu overlay. I agree with Ms. White's recommendations.

Amended provisions

- 13 The amendments proposed in this final reply are set out in black double underline and double strikethrough in the updated chapters

contained in the s42A Officers Final Reply Consolidated Set of Provisions.

- 14 In response to the Panel's direction in Minute 38 that it intends to issue draft final provisions for technical feedback, including relating to consistency across the plan, I have also undertaken an initial consistency check of all of the PDP Chapters. Matters covered in this check include (but are not limited to):
- (a) the consistent use of capital letters;
 - (b) the consistent use of terminology and abbreviations including the use of definitions defined in the PDP where appropriate;
 - (c) consistent reference to zones, precincts, specific control area's and overlays;
 - (d) the consistent use of numbers and measurements (e.g., 2 hectares vs 2ha);
 - (e) the consistent use of conjunctions; and
 - (f) the identification of minor errors.
- 15 The amendments proposed as part of this check are set out in red double underline and red double strikethrough in the updated chapters contained in the s42A Officers Final Reply Consolidated Set of Provisions.

Rachael Williams (Willox)
4 August 2025