

Before the Independent Hearing Panel  
Appointed by the Timaru District Council

Under	Schedule 1 of the Resource Management Act 1991 ( <b>RMA</b> )
In the matter of	Submissions on the Proposed Timaru District Plan
Between	<b>Various</b>
	Submitters
And	<b>Timaru District Council</b>
	Respondent

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**Andrew Willis – Hearing E - s42A summary statement**  
**Energy and Infrastructure, Transport and Stormwater chapters**  
4 February 2025

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**Council's solicitors:**

Michael Garbett | Jen Vella  
Anderson Lloyd  
Level 12, Otago House, 477 Moray Place, Dunedin 9016  
Private Bag 1959, Dunedin 9054  
DX Box YX10107 Dunedin  
p + 64 3 477 3973  
michael.garbett@al.nz | jen.vella@al.nz

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## Introduction

- 1 My name is Andrew Willis. I am the director of Planning Matters Limited (an independent planning consultancy based in Christchurch). I prepared the s42A report on the Energy and Infrastructure, Transport and Stormwater chapters. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this summary is to provide the Panel and submitters with the following:
  - (a) A brief summary of key issues raised in submissions;
  - (b) Corrections I wish to make to my s42A report;
  - (c) A list of issues raised in evidence prior to the hearing, including identifying (where possible):
    - (i) issues that are resolved on the basis of the pre-circulated evidence; or
    - (ii) issues that remain outstanding pending the hearing of evidence and subsequent analysis; and
  - (d) Updates to the recommendations contained in my s42A report.

## Summary of key issues

- 3 In my s42A report, I identified the following matters as the key issues raised in submissions:<sup>1</sup>
  - (a) The relationship of the EI Chapter to zone and other district wide chapters and how best to provide greater clarity around this;
  - (b) The appropriate level of restrictions on activities within the National Grid Corridor / Yard;
  - (c) The need for greater alignment with the National Environmental Standards for Telecommunication Facilities 2016 (NES-TF);

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<sup>1</sup> Contained in section 3 of my s421A report.

- (d) Whether to provide a permitted pathway for large-scale renewable electricity generation activities;
  - (e) Whether to include an effects management hierarchy in the EI chapter;
  - (f) The appropriate level of control for new three-waters infrastructure;
  - (g) Whether to restrict managed and controlled fills within the Bird Strike Management Overlay (BSMO);
  - (h) Whether to retain the stormwater management chapter or replace / amend it;
  - (i) Whether to exclude specific areas / zones from specific provisions in the stormwater management chapter;
  - (j) Whether to exclude specific areas / zones from specific transport provisions.
  - (k) Whether to require indigenous vegetation landscaping in carparking areas.
- 4 Of the above, I note that those that appear to remain outstanding, with respect to evidence lodged are:
- (a) The relationship of the EI Chapter to zone and other district wide chapters, particularly in relation to the PORTZ, MPZ and SASMs;<sup>2</sup>
  - (b) Whether to provide a permitted pathway for large-scale renewable electricity generation activities located on buildings in industrial zones;<sup>3</sup>
  - (c) The wording of the recommended effects management hierarchy (EI-P2) in the EI chapter;<sup>4</sup>

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<sup>2</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraphs 24 to 28 and of Ms Pull for Ngāi Tahu [185] at paragraphs 46 and 51 to 61.

<sup>3</sup> Evidence of Mr Hole for Rooney et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] at paragraphs 9-14.

<sup>4</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraphs 24 to 28 and evidence of Ms McLeod for Transpower [159] at paragraphs 54 to 59.

- (d) Whether to delete the stormwater management chapter in its entirety or amend it in response to identified concerns;<sup>5</sup>
  - (e) Whether to exempt Fonterra's Clandeboyne site from loading requirements (TRAN-S7) and include the site under mixed use-other activities for TRAN-S20 (Trip Generation);<sup>6</sup>
- 5 In addition to the key issues that were identified in the s42A report, I note that the following key matters raised in submissions are further addressed in evidence:
- (a) The provisions for above ground new three-waters infrastructure under EI-R26;<sup>7</sup>
  - (b) Whether to include an operational / functional matter of discretion for waterbodies within the Bird Strike Management Overlay (BSMO);<sup>8</sup>
  - (c) The appropriateness of the recommended new rule for heavy vehicle movements (TRAN-RX) and whether it should apply to the Clandeboyne site;<sup>9</sup>
  - (d) The wording of the recommended amendments to EI-O2, EI-O4, EI-P1, EI-P2 and EI-PX in response to submissions and whether these appropriately provide for the National Grid / Corridor;<sup>10</sup>
  - (e) Matters of drafting detail in relation to telecommunications networks for EI-O2, EI-R14 and EI-R17;<sup>11</sup>

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<sup>5</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraphs 48 to 67.

<sup>6</sup> Evidence of Ms Tait for Fonterra Limited [165] at section 5.3.

<sup>7</sup> Evidence of Ms Crossman for Opuha Water Limited [181] at paragraphs 2.4 and 2.5 and evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 45.

<sup>8</sup> Evidence of Ms Crossman for Opuha Water Limited [181] at paragraphs 3.7 to 3.15.

<sup>9</sup> Evidence of Mr Hole for Rooney et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] at paragraphs 15 to 19 and evidence of Ms Tait for Fonterra Limited [165] at section 5.3.

<sup>10</sup> Evidence of Ms McLeod for Transpower [159] at paragraphs 24 to 59.

<sup>11</sup> Evidence of Tom Anderson for the Telcos [176.40, 208.40, 209.40, 210.40] at paragraphs 30 to 37, 38 to 44 and 45 to 50.

- (f) The need to include a definition of “telecommunication line”, amend the definition of “Regionally Significant Infrastructure” to refer to “telecommunication networks” and amend the definition of “Tower”;<sup>12</sup>
- (g) The need to amend Policy SW-P3 to provide for alternative methods for managing stormwater from regionally significant infrastructure.<sup>13</sup>

### Corrections to my s42A report

- 6 I addressed TDC’s [42.28] submission seeking a new heavy vehicle rule in section 6.95 of my s42A report and recommended including a new rule TRAN-RX at paragraph 6.95.20. Unfortunately, this recommended new rule was not replicated in **Appendix A**. I alerted Ms Tait and Mr Hole about this omission as this relates to their evidence.
- 7 I recommended the deletion of SW-S1 in paragraph 6.64.6 of my s42A report, however I did not update the relevant cross-referenced standards as a result of the deletion of SW-S1. This matter has been identified in evidence by a number of experts.<sup>14</sup>
- 8 In paragraph 6.21.18 of my s42A report I recommended amendments to EI-O2(1) in response to submissions and added the phrase “no practical alternative locations” whereas this should have been “no practicable alternative locations”.<sup>15</sup>
- 9 I recommended amendments to EI-R28 (Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard) in paragraph 6.46.7 in response to submissions. The recommended rule structure is correct in this paragraph. In **Appendix A**, an RDIS rule section is included by mistake as an alternative interim rule structure (in addition to the correct rule structure). This EI-R28 RDIS rule section should be deleted.

### List of resolved and outstanding issues

- 10 A list of the identified issues that are either resolved on the basis of pre-circulated evidence, or that remain outstanding pending the hearing of

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<sup>12</sup> Evidence of Tom Anderson for the Telcos [176.40, 208.40, 209.40, 210.40] at paragraphs 12 to 15, 16 to 20 and 21 to 29.

<sup>13</sup> Evidence of Ms McLeod for Transpower [159] at paragraph 66.

<sup>14</sup> For example Ms Francis for ECan [183] in her evidence at paragraph 75 and Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] in her evidence in the Stormwater Management Section.

<sup>15</sup> This matter was identified by Ms Francis for ECan [183] in her evidence at paragraph 65.

evidence, is attached at **Appendix A** to this report in order to assist the Panel.

### Updates to recommendations

- 11 I have not provided a preliminary view on all outstanding matters at this time, as I wish to hear the evidence, the Panel questions, and in some instances seek further advice from the Council's technical experts before I provide updated recommendations. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.
- 12 However, at this stage, based on the evidence lodged and technical advice, I consider the following to be appropriate:
  - (a) A review of the stormwater provisions to consider and respond to issues of duplication, workability and other technical matters raised.<sup>16</sup> This can involve further dialogue with PrimePort / Timaru District Holdings;
  - (b) Exclusion of Port activities from the EI rules;<sup>17</sup>
  - (c) Amendments to EI-R26 to clarify its intended application for aboveground stormwater infrastructure;<sup>18</sup>
  - (d) Including the Clandeboye site within TRAN-S20 Table 21 as part of the "Mixed Use or other activities not listed";<sup>19</sup>
  - (e) Exempting identified roads leading to the Fonterra Clandeboye site from compliance with proposed TRAN-RX (heavy vehicle rule);<sup>20</sup>
  - (f) Amendments to Policy SW-P3 to provide for alternative methods for managing stormwater from regionally significant infrastructure;<sup>21</sup>

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<sup>16</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] in the Stormwater Management section.

<sup>17</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 44.

<sup>18</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 45 and Ms Crossman for Opuha Water Limited [181] at paragraphs 3.16 to 3.22.

<sup>19</sup> Evidence of Ms Tait for Fonterra [165] at paragraph 5.3.9.

<sup>20</sup> Evidence of Ms Tait for Fonterra [165] at paragraph 5.3.14.

<sup>21</sup> Evidence of Ms McLeod for Transpower [159] at paragraph 66.

- (g) Changing the reference in EI-P2.1 from “Sites of Significance to Māori” to “Sites and areas of Significance to Māori”, which is the name of the relevant chapter and the intended application of the provisions;<sup>22</sup>
- (h) Add definition hyperlinks to EI-P2;<sup>23</sup>
- (i) Include a definition of “telecommunication line”;<sup>24</sup>
- (j) Amend the definition of Regionally Significant Infrastructure to refer to “telecommunication network” instead of “telecommunication facilities”.<sup>25</sup>

**Andrew Willis**  
**4 February 2025**

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<sup>22</sup> As identified by Ms Francis for ECan in her evidence at paragraph 56.

<sup>23</sup> As identified by Ms Francis for ECan in her evidence at paragraph 59.

<sup>24</sup> Evidence of Tom Anderson for the Telcos [176.40, 208.40, 209.40, 210.40] at paragraphs 12 to 15.

<sup>25</sup> Evidence of Tom Anderson for the Telcos [176.40, 208.40, 209.40, 210.40] at paragraphs 16 to 20.

## APPENDIX A

### Status of issues raised in evidence – Energy and Infrastructure, Transport and Stormwater Chapters – Hearing Stream E

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing Stream E. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing Stream E.*
- 2 *Status: An asterisk (\*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing Stream E. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
- 4 *Orange shading identifies matters still outstanding.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
The relationship of the EI Chapter to zone and other district wide chapters, particularly in relation to the PORTZ and SASMs and MPZ.	EI Chapter generally.	Resolved in relation to PrimePort	PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] – evidence of Ms Seaton at paragraphs 24 to 28.
		Outstanding in relation to Ngāi Tahu	Ngāi Tahu [185] – evidence of Ms Pull at paragraphs 46 and 51 to 61.
Whether to provide a permitted pathway for large-scale renewable electricity generation activities located on buildings in industrial zones.	EI Chapter objectives and policies and rules Section E – Rules for Renewable Electricity Generation.	Outstanding	Rooney et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] – evidence of Mr Hole at paragraphs 9 to 14.
The wording of the recommended effects management hierarchy in the EI chapter.	EI-P2 - Managing adverse effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure.	Outstanding	PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] - evidence of Ms Seaton at paragraphs 24 to 28.  Transpower [159] – evidence of Ms McLeod at paragraphs 54 to 59.



Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Whether to delete the stormwater management chapter in its entirety or amend it.	The Stormwater chapter.	Outstanding	PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] - evidence of Ms Seaton at paragraphs 48 to 67.
Whether to exempt Fonterra's Clandeboye site from loading requirements (TRAN-S7) and include the site under Mixed use - other activities for TRAN-S20 (Trip Generation).	TRAN-S7 and TRAN-S20.	Resolved for TRAN-S20	Fonterra Limited [165] - evidence of Ms Tait at section 5.3.
		Outstanding for TRAN-S7	
The coverage of above ground new three-waters infrastructure under EI-R26.	EI-R26 - Construction of new above ground water systems infrastructure.	Resolved*	Opuha Water Limited [181] - evidence of Ms Crossman at paragraphs 2.4 and 2.5.  PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] - evidence of Ms Seaton at paragraph 45.
Whether to include an operational / functional matter of discretion for waterbodies within the Bird Strike Management Overlay (BSMO).	EI-R38- Creation of a new stormwater basin or water body (including wastewater oxidation pond) which exceeds 500m <sup>2</sup> in area.	Outstanding	Opuha Water Limited [181] - evidence of Ms Crossman at paragraphs 2.2 and 2.3.
The appropriateness of the recommended new rule for heavy vehicle movements and whether it should apply to the Clandeboye site.	TRAN-RX Heavy vehicle trip generation activities.	Resolved in relation to the Clandeboye site	Fonterra Limited [165] - evidence of Ms Tait at section 5.3.
		Outstanding generally	Rooney et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] – evidence of Mr Hole at paragraphs 15 to 19.
The wording of the recommended amendments to EI-O2, EI-O4, EI-P1, and EI-PX in response to submissions and whether these appropriately provide for the National Grid.	EI-O2, EI-O4, EI-P1, and EI-PX.	Outstanding	Transpower [159] - evidence of Ms McLeod at paragraphs 24 to 59.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Matters of drafting detail in relation to telecommunications networks.	EI-O2, EI-R14 and EI-R17.	Outstanding	The Telcos [176.40, 208.40, 209.40, 210.40] - evidence of Tom Anderson at paragraphs 30 to 37, 38 to 44 and 45 to 50.
The need to include a definition of “telecommunication line”, amend the definition of “Regionally Significant Infrastructure” to refer to “telecommunication networks” and amend the definition of “Tower”.	Definitions of: “telecommunication line”, “Regionally Significant Infrastructure” and “Tower”.	Resolved for “telecommunication line” & “Regionally Significant Infrastructure	The Telcos [176.40, 208.40, 209.40, 210.40] - evidence of Tom Anderson for at paragraphs 12 to 15, 16 to 20 and 21 to 29.
		Outstanding for “Tower”	