

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
F – Clarification of direction and extension of time for part of interim reply**

19 June 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 F. The purpose of this memorandum is to seek clarification of the Panel's directions to Mr Willis in Minute 34 and to seek an extension to provide a response to directions to Mr Willis and Mr Kemp.

Panel directions – extension of time and clarification sought

- 2 The Council respectfully requests an extension of time for filing responses to the following directions of the Panel for the reasons set out below:

- (a) Mr Willis and Mr Walsh (PrimePort) to:¹

Provide a joint statement regarding whether it is recommended to merge the provisions relating to PrimePort within the Natural Character Chapter and Coastal Environment Chapter, and a recommended set of provisions.

- (b) Mr Kemp and Mr Throssel (Harvey Norman) to:²

Provide a joint statement to address the discrepancy / potential error with the Flood Assessment Area Overlay within the Harvey Norman Site.

Mr Throssell to provide photographs of the site following recent rain event.

- 3 The Council also seeks clarification of the direction to Mr Willis and Mr Walsh, as set out below.
- 4 An interim reply by Mr Willis will be filed on 23 June 2025, in accordance with the Panel's directions, relating to:
 - (a) South Rangitata Reserve Inc;³
 - (b) The provisions for natural hazard mitigation works;⁴ and

¹ Minute 34, at [7].

² Minute 34, at [7].

³ See Minute 34, at [10].

⁴ Minute 34, at [7]

- (c) advice from Mr Kemp in relation to the Flood Assessment Area Overlay on the Harvey Norman site.⁵

Natural Character/ Coastal Environment joint witness statement

- 5 The Panel's direction requires Mr Willis and Mr Walsh to provide a joint witness statement on merging the natural character and coastal environment provisions relating to PrimePort.
- 6 Mr Willis has advised counsel that he, Mr Walsh and Ms Seaton all read this direction as referring to merging the natural hazards provisions from the Coastal Environment chapter into the Natural Hazards chapter, rather than merging the coastal environment provisions with the natural character provisions. Mr Willis had suggested this in his s42A report at 1.2.6, as follows:

In my opinion, all the natural hazards provisions should be contained within the NH Chapter only, with the CE chapter retaining non-natural hazards provisions. However, for the purposes of this s42A report I have kept the chapters separate at this time to match the PDP and the submissions. It is my intention to combine all natural hazards provisions in my Reply Report (as was proposed for the WDP). For clarity, as part of this, the separate Sea Water Inundation Overlay would be replaced by an expanded Flood Assessment Overlay that incorporates the sea water flooding. I have commented specifically on the Flood Assessment Overlay later in this report in response to the Memo from Mr Griffiths (attached as Appendix 8).

- 7 Mr Walsh supported this proposal at paragraph 50 of his evidence as follows:

The officer recommends inserting the same natural hazard related provisions in the Coastal Environment chapter as were inserted into the Natural Hazard chapter. I agree with the officer that it would be more sensible for all natural hazard provisions to sit in one chapter rather than two, albeit the National Planning Standards specify that coastal hazards should be addressed in the Coastal Environment Chapter. However, so long as coastal hazards are addressed separately then there is a need for the Port Zone natural hazard provisions to be replicated in the Coastal Environment chapter.

- 8 In terms of the natural character provisions, natural character of the coastal environment is already contained in the Coastal Environment

⁵ See Minute 34, at [11].

chapter. The Natural Character chapter only addresses natural character of the margins of waterbodies.

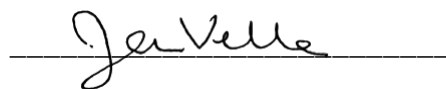
- 9 TDC therefore respectfully requests clarification from the Panel as to whether the reference to "natural character" in the direction is intended to be a reference to "natural hazards". If the reference to "natural character" is correct, Mr Willis has advised that further clarification from the Panel as to the outcome sought would be helpful. Counsel notes that any alterations to the Natural Character chapter would need to involve Ms White, the section 42A officer for that chapter, who is on leave until 27 June 2025.
- 10 If the intention is to merge the natural hazard provisions with the coastal environment provisions, Mr Willis has requested further time to complete the re-drafting task. While the Panel has only requested that the Port-related provisions be merged, Mr Willis intends to move all coastal environment-related natural hazards provisions into the Natural Hazards chapter. This re-drafting task is more significant than originally anticipated. Further time is therefore respectfully requested to enable Mr Willis to undertake that re-drafting exercise and to consult with Mr Walsh on the draft provisions relating to the Port and prepare a joint witness statement. If the Panel does not wish Mr Willis to move all coastal environment-related natural hazards provisions into the Natural Hazards chapter, further direction on this point would be helpful.
- 11 In light of the above, the Council respectfully requests an extension of time to provide the joint witness statement and revised Natural Hazard Chapter to **30 June 2025**.

Interim Reply – Mr Kemp

- 12 The Panel's direction requires Mr Kemp and Mr Throssell to prepare a joint witness statement. Mr Kemp has prepared a draft statement following discussions with Mr Throssell, however he has been unable to contact Mr Throssell this week to finalise the statement.
- 13 The Council therefore respectfully requests an extension of time to file the joint witness statement to **30 June 2025**, alongside the remainder of Mr Willis's interim reply.

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

Dated 19 June 2025

A handwritten signature in black ink, appearing to read 'Jen Vella', is written over a horizontal line.

Jen Vella

Counsel for Timaru District Council