

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

4 August 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 response to Minutes 38 and 43 in relation to the Council's final replies, following Hearings A – F of submissions on the Proposed District Plan (PDP).

Minute 38 – section 42A author replies

- 2 Minute 38 requires:¹
 - (a) A s42A author final reply be provided at the same time as the s42A author report on across-plan submissions
 - (b) the s42A author final reply shall:
 - (i) Not repeat but confirm interim replies where no further changes are recommended.
 - (ii) Address any further amendments to the definitions, Strategic Objectives Chapter, any consequential amendments, and any errors.
 - (iii) Confirm collective agreement between s42A officers on integration matters.
 - (iv) Illustrate any further recommended amendments to the provisions in double underline and strikethrough.
- 3 Minute 38 also sought that section 42A authors address the specific questions set out in paragraph [4].
- 4 The following section 42A replies, which address the above requirements, have been filed contemporaneously with this memorandum:
 - (a) **Mr Andrew Maclellan** – Rural Zones chapters (Hearing B), Heritage and Trees Versatile Soils chapters (Hearing E) and Public Access and Activities on the Surface of Water chapters (Hearing F);
 - (b) **Mr Andrew Willis** – Strategic Directions and Urban Form and Development chapters (Hearing A), Contaminated Land and

¹ Minute 38, at [4].

Hazardous Substances chapters (Hearing B), Stormwater, Energy and Infrastructure, and Transport chapters (Hearing E), Natural Hazards, Drinking Water Protection and Coastal Environment chapters (Hearing F), and the Financial Contributions chapter (Hearing G);

- (c) **Ms Liz White** – Residential and Commercial and Mixed Use Zones (Hearing B), Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes chapters (Hearing D), Sites and Areas of Significance to Māori and Māori Purpose Zone (Hearing E) and Light and Noise (Hearing F);
 - (d) **Mr Nick Boyes** – Open Space and Recreation Zones chapters (Hearing D) and Subdivision and Development Areas chapters (Hearing E);
 - (e) **Ms Rachael Williams** – Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities chapters (Hearing F).
- 5 Ms Alanna Hollier prepared section 42A reports for the Hearing A (Introduction and General Provisions, including general Definitions) and Hearing B (Urban Zones, General Industrial Zone, Port Zone) prior to taking maternity leave. Ms White has addressed outstanding definition issues relating to Ms Hollier's section 42A reports in her final reply. In addition, Counsel requested all section 42A authors to identify whether Ms Hollier made any recommendations that might be inconsistent or require further integration with other plan provisions relevant to other topics. No such issues have been identified.
- 6 No final reply has been filed in relation to Hearing G. Hearing G replies will be filed on 11 August (Willis/ Williams) and 18 August (Bonis) in accordance with Panel directions.
- 7 Ms White was also directed to file a supplementary statement addressing the Sites of Significance to Māori chapter,² which is filed contemporaneously with this memorandum.

Minute 43 - Definitions

- 8 Minute 43 directed as follows:³

² Minute 38, at [7].

³ Minute 43, at [9].

[9] The Panel requests that Counsel for the Council please confirm when filing the final reply version of provisions that all definitions that have been amended have incorporated any changes recommended in the final replies from all s42A authors, and that any drafting inconsistencies have been resolved between those authors and the necessary changes have been made. When doing so please also confirm that all changes recommended to definitions are either, within scope of the submissions, or are subject to RMA, Schedule 1 cl 10(2)(b) and 16(2).

- 9 Counsel has confirmed with section 42A authors that:
- (a) all changes to definitions recommended in the section 42A replies have been included in the final version of the Definitions chapter;
 - (b) any drafting inconsistencies have been resolved between the section 42A authors; and
 - (c) recommended changes to definitions are within the scope of submissions, other than where changes are recommended pursuant to Schedule 1, clause 16(2) or clause 10(2)(b).
- 10 Changes recommended to definitions pursuant to Schedule 1, clause 16(2) are shown in red font, with double underline and double strikethrough. Counsel has reviewed these recommended changes and confirms that they fall within the scope of 16(2) or clause 10(2)(b).

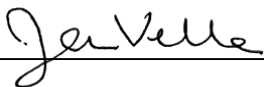
Consolidated provisions

- 11 In preparing their final replies, the section 42A officers have jointly prepared a final consolidated set of provisions, addressing any remaining integration matters, further amendments to definitions and Strategic Objectives, consequential amendments and errors. The s42A Officers Final Reply Consolidated Set of Provisions is attached to this memorandum at **Appendix A**.
- 12 Counsel notes the Panel's directions in relation to its intention to share a draft final decision report and draft final provisions with submitters for technical feedback prior to releasing the final decision on the plan.⁴ The technical review is intended to address minor technical defects such as typographical errors, linkages, consistent terminology, etc.

⁴ Minte 38, at [10].

- 13 In order to assist the Panel, and in light of the timeframes for undertaking this task in January 2026, Ms Williams has undertaken an initial consistency check of all chapters, including:
- (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 areas and overlays;
 - (d) the consistent use of numbers and measurements;
 - (e) the consistent use of conjunctions; and
 - (f) the identification of minor errors.
- 14 The amendments 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.
- 15 The Council is grateful for the Panel's attention to these matters.

Dated this 4^h day of August 2025



Jen Vella
Counsel for the Timaru District Council

Appendix A

s42A Officers Final Reply Consolidated Set of Provisions