

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 34

**HEARING F – PANEL REQUEST FOR INFORMATION AND CLARIFICATION FROM
S42A AUTHORS AND SUBMITTERS**

DATED 13 May 2025

INTRODUCTION

[1] Hearing F - Hazards and Risks (Natural Hazards only) - Other District-wide Matters took place on 30 April - 1 May 2025. During, and following the conclusion of the hearing, the Hearing Panel¹ indicated to participants that they required further information and clarification on certain matters.

[2] The purpose of this Minute is to:

- (a) Confirm our request for and timing of requests for clarification, expert conferencing, and an interim reply from Council s42A Report Authors; and
- (b) Confirm our request for and timing of requests to submitters during Hearing F.

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

SECTION 42A REPORT AUTHOR INTERIM REPLIES, AND QUESTIONS OF CLARIFICATION

[3] The Council provided four reports prepared under s42A of the RMA (s42A Report) to provide the Panel and submitters with an overview of the issues in Hearing F and to provide recommendations to the Panel as to whether various submissions and further submissions should be accepted or rejected in whole or in part.

[4] We received the following reports:

- (a) Section 42A Report: Public Access, Activities on the Surface of Water, and Versatile Soil, Andrew Maclellan, 24 March 2025;
- (b) Section 42A Report: Light and Noise Report on submissions and further submissions, Liz White, 24 March 2025;
- (c) Section 42A Report: Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities, Rachael Willox, 24 March 2025; and
- (d) Proposed Timaru District Plan Section 42A Report: Natural Hazards, Coastal Environment and Drinking Water Protection, Andrew Willis, 25 March 2025.

[5] Prior to the hearing the s42 Report authors each provided a summary statement, which included updates following the receipt of submitter evidence.² The summary statements identified matters that they considered to be resolved with submitters and those issues which remained outstanding, with the authors having reserved their position until after hearing evidence of submitters and Panel questions. As per the interim reply process³ each s42A Report author will record any changes to their recommendations as part of their interim reply.

[6] We direct that s42A Report authors provide their interim reply no later than 3pm on Friday 6 June 2025 for Mr Maclellan, Ms White and Ms Williams; and 23 June for Mr Willis.

² Andrew Cameron Maclellan - s42A summary statement – Hearing F Public Access, Activities on the Surface of Water, and Versatile Soil 23 April 2025; Liz White – Hearing F - s42A summary statement Light and Noise 23 April 2025, Rachael Williams (Willox) – Hearing F – s42A summary statement Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities Chapters 23 April 2025, and Andrew Willis – Hearing F - s42A summary statement Natural Hazards, Coastal Environment, Drinking Water Protection chapters Date 23 April 2025.

³ Minute 14, Paragraphs 6-7.

[7] The Panel requests that further discussion occurs between the relevant s42A Report author or expert and submitters' expert witnesses or representatives, as detailed below, to see if further common ground can be reached and recorded in the interim replies.

Submitter	Submitter Expert / Legal Counsel	S42A Officer / Expert	Directions
Harvey Norman (192)	Ben Throssell	Kevin Kemp	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.
PrimePort (175)	Tim Walsh	Liz White	Provide a revision of LIGHT-O1.
Fonterra (165) PrimePort (175) NZTA (143)	Susannah Tait Tim Walsh Stuart Pearson	Rachael Williams	Provide recommend amendments through an agreed set of provisions that responds to the issues raised so the package of sign rules and related definitions are fit for purpose and do not inadvertently capture 'non-advertising' business site identification and wayfinding related signage.
PrimePort (175)	Tim Walsh	Andrew Willis	Provide a joint statement regarding whether it is recommended to merge the provisions relating to PrimePort within the Natural Character Chapter

			and the Coastal Environment Chapter, and a recommended set of provisions.
ECan (183)	Jolene Irvine	Andrew Willis	Provide a joint statement in relation to the provisions for natural hazard mitigation works, in particular addressing the extent to which the revised rules sufficiently provide for ECan's flood control schemes.
Director General of Conservation (166)	Liz Willaims	Liz While	<p>Provide a joint statement in relation to the Light provisions, responding to the lighting sought in the Evidence of Ms Williams, which considers s32AA and in particular the practicalities of complying with the lux limits sought in that evidence, and any recommended changes to the Light rules as a result.</p> <p>Ms White indicated that she would likely need to seek technical advice from a lighting expert. If this occurs, the advice is to be shared with Ms Williams to inform the s32AA analysis and joint statement.</p>

Questions of clarification for s42A Report authors and experts to be addressed in interim reply

[8] For Mr MacLennan:

- (a) Undertake a consistency check of the use of the terms 'water' and 'river' within the Activities on Surface Water Bodies (ASW) Chapter, and identify where changes are required.

[9] For Ms White:

- (a) Provide information about complaints received by Council regarding:
 - (i) frost fans, and
 - (ii) bird scaring devices,which includes information about where these complaints have been received.
- (b) Provide recommendations regarding Ms Pulls request⁴ regarding the deletion of marae and papakāinga from the definition of Noise Sensitive Activity.

[10] For Mr Willis:

- (a) In relation to the evidence heard from South Rangitata Reserve Inc (206), provide:
 - (i) A statement from Mr Todd that provides an analysis in response to the evidence (including their statement, photographs, and oral evidence), which considers the existing environment, long-term observed trends, and natural hazard risk for the specific area; and
 - (ii) An assessment of the options for a consenting pathway which would allow mitigation of risk if appropriate, and recommended amendments to provisions if the recommended option/s necessitates a change.

[11] For Mr Kemp:

- (a) Provide advice regarding whether the Flood Assessment Area Overlay discrepancy at the Harvey Norman site is an anomaly in the Flood Assessment

⁴ Memorandum on behalf of Te Rūnanga o Ngāi Tahu, 31 May 2024.

Area Overlay mapping or if there is the potential for other errors, and a process and timeframes for providing a revised Overlay if this is necessary; and

- (b) Liaise with Mr Willis and Ms Vella regarding how these recommendations fit into Council's upcoming response to Minute 33.

Questions of clarification for submitters

[12] During the hearing we requested clarification or provided an opportunity for submitters to provide additional information or responses to panel questions. We direct that the information is made available by 6 June 2025. We record these as follows:

Submitter	Representative/ witness	Request from Panel
Director General of Conservation (166)	Clement Lagrue	Provide a joint statement setting out whether there is agreement regarding a temporal restriction for motorised craft under ASW-R4-6, and where agreement is not reached, records the differences and reasons.
Jet Boat New Zealand Limited (48)	James Jolly	
PrimePort (175)	Tim Walsh	The Panel has reviewed the TDC s32 Noise Report and the technical reports prepared by AES and Mr Malcom Hunt, available on the Council website and attached to evidence. The Panel observes that despite the detailed technical reports which support the use of the Noise Control Boundary (NCB), the s32 Noise evaluation is high level and covers a range of noise topics. The technical reports and the s32 evaluation do not expressly consider the costs of the proposal to owners of properties within the NCB. ⁵ The Panel asked Mr Walsh if he

⁵ Malcom Hunts 24 February 2022 review of the "PrimePort Timaru - Port noise contours" report number: AC18314 – 05 – R11 by Acoustic Engineering Services (AES), 11 February 2022 notes that "This review only considers the basis of the predicted port noise contours and conformance with the recommendations of NZS6809:1999 in this regard. It does not cover the wording of noise rules or land use planning requirements for use in the Proposed District Plan." Further Malcom Hunt and Associates note in their Summary and Recommendations "This review has not considered the wording of port noise rules or policies or examined any specific noise emission limits for port activities, nor has this review considered the type of land use planning rules that may be applied within the contour areas to address reverse sensitivity noise effects on the operation of the port. Wording of these rules and policies covering these matters will be fully reviewed as part of the Proposed District Plan planning process."

		<p>adopted the TDC s32 evaluation for the purposes of his evidence. Mr Walsh advised he had reviewed the reports but would like an opportunity to reconsider them before confirming he adopts the reports in support of his recommendations. The Panel invites Mr Walsh to do so and provide any further comment or s32AA analysis he considers necessary to support his recommendations.</p>
<p>New Zealand Transport Agency – Waka Kotahi (143)</p>	<p>Stuart Pearson</p>	<p>Provide a s32AA assessment of the submission to extend the noise standard from 80m to 100m in NOISE-R9, and maps that illustrate the modelled noise contours in Timaru to support the requested change.</p>

Dated this 13th day of May 2025



C E ROBINSON - CHAIR ON BEHALF OF THE HEARINGS PANEL