

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

Andrew Willis – Hearing F - s42A summary statement

**Natural Hazards, Coastal Environment, Drinking Water Protection
chapters**

Date 23 April 2025

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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 Natural Hazards, Coastal Environment and Drinking Water Protection 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:¹
 - (a) Some Māori Reserves are located in areas subject to natural hazards, for example the Waipopo Huts. These areas have been expressly set aside for kaika nohaka and for mahinga kai purposes, yet also have proposed restrictions for dwellings due to natural hazards. The two outcomes are potentially mutually exclusive;
 - (b) The Port of Timaru is required to be located in an area that interfaces with the sea, however, this location exposes the Port to natural hazard risk (e.g. sea water inundation). There are also industrial activities that are not part of the Port, but are co-located for efficiency

¹ Contained in section 3 of my s421A report.

purposes (e.g. storage facilities and fish processing). The natural hazards provisions need to be cognisant of the Port's operational requirements and those of associated industrial activities;

- (c) The definition of “natural hazard sensitivity activity” seeks to distinguish between activities that are sensitive to natural hazards from those that are not and uses some potentially arbitrary thresholds as a way to distinguish activities on the basis of significance;
 - (d) The extent of the Flood Assessment Area Overlay;
 - (e) The provisions expressly provide for natural hazards mitigation works when undertaken by the Council, Regional Council or the Crown, as required by their functions and responsibilities, but requires consent for other parties. The PDP includes restrictions on these activities in other district wide chapters (e.g. the ECO, NFL, and NATC chapters);
 - (f) Buildings and structures in the coastal environment can cause adverse effects, especially within areas of High Natural Character (HNC), but these are often required in these locations, especially RSI;
 - (g) ECan also regulates activities within drinking water protection areas and therefore there is potential for duplication to occur between the Land and Water Regional Plan (LWRP) and the PDP;
 - (h) Whether to manage private drinking water bores; and
 - (i) How to take into account existing industrial activities within drinking water protection areas.
- 4 Of the above, I note that those that appear to remain outstanding, with respect to evidence lodged are:
- (a) The definition of “natural hazard sensitivity activity”;²
 - (b) Excluding all telecommunications infrastructure from the application of the natural hazards provisions;³

² Evidence of Ms Tait for Fonterra [165] dated 9th April, paragraphs 6.1 to 6.5 and Mr Walsh for PrimePort [175] and Timaru District Holdings [186] dated 9th April 2025, paragraphs 25 to 27

³ Evidence of Mr Anderson for the Telcos [176.60, 176.61, 176.62, 176.63, 176.64, 176.65 208.60, 208.61, 208.62, 208.63, 208.64, 208.65 209.60, 209.61, 209.62, 209.63, 209.64, 209.65 210.60, 210.61, 210.62, 210.63, 210.64, 210.65] dated 9th April 2025, paragraphs 7 to 20

- (c) The references to and provisions for the Port of Timaru and PORTZ in the NH and CE chapters;⁴
 - (d) Amendments to the Coastal Erosion Overlay in the vicinity of Caroline Bay and the Port of Timaru;⁵
 - (e) The extent of the Flood Assessment Overlay;⁶
 - (f) The provisions for natural hazards mitigation works;⁷
 - (g) Clarifying the jurisdiction of the Councils and the applicable plan provisions in the beds of lakes and rivers;⁸
- 5 In addition to the key issues that were identified in the s42A report, I note that the following matters raised in submissions are further addressed in hearing evidence / statements:
- (a) Deletion of the definition and references to overland flowpaths;⁹
 - (b) Drafting of the matters of discretion in relation to diversion and displacement;¹⁰
 - (c) Changes to the Flood Assessment Certificate wording;¹¹
 - (d) Reducing the extent of the Flood Assessment Area Overlay on the Harvey Norman site;¹²

⁴ Evidence of Mr Walsh for PrimePort [175] and Timaru District Holdings [186] dated 9th April 2025, paragraphs 36 to 37, 38, 40, 41, 44, 45, 51, 54, 62, 64, 71, 73, 74, 75 and Mr Cooper (for the same submitters) dated 9th April 2025, paragraphs 24 to 35 and Mr Morgan (for the same submitters) dated 9th April 2025

⁵ Evidence of Mr Walsh for PrimePort [175] and Timaru District Holdings [186] dated 9th April 2025, paragraph 81 and Mr Morgan, dated 9th April 2025, paragraphs 59 to 62

⁶ Evidence of Ms Francis for ECan [183.28] dated 9th April 2025, paragraphs 38 to 47 and evidence of Mr Griffiths for ECan [183.28] dated 9th April 2025, paragraphs 23 to 33

⁷ Evidence of Ms Irvine for ECan [183.24, 183.5, 183.77, 183.76, 183.85, 183.86, 183.90, 183.91, 183.128, 183.130] dated 9th April 2025, paragraphs 34 to 50

⁸ Evidence of Ms Irvine for ECan [183.142, 183.131] dated 9th April 2025, paragraphs 52 to 61

⁹ Evidence of Mr Griffiths for ECan [183.6] dated 9th April 2025, paragraphs 12 to 14 and 19

¹⁰ Evidence of Mr Griffiths for ECan [183.6] dated 9th April 2025, paragraphs 17 and 18

¹¹ Evidence of Mr Griffiths for ECan [183.50] dated 9th April 2025, paragraphs 20 to 22

¹² Evidence of Mr Throssell for Harvey Norman [192.3] dated 8th April 2025.

- (e) Removing two bores on the Clandeboye site are not used for drinking water;¹³
- (f) The use of a 0.2% AEP being conservative and potentially representing a barrier to development (a 0.5% or 1% AEP is best practice);¹⁴
- (g) The use of site-by-site flood assessments for development in a Flood Assessment Overlay (as opposed to modelling and mapping high hazard areas) being not the most efficient approach and creating uncertainty for landowners;¹⁵
- (h) The amendment to the liquefaction overlay for the Barkers Fruit site in response to the Barkers [7.39.9] submission;¹⁶
- (i) Giving regionally significant infrastructure (RSI) providers the same status as the Crown, Council and Regional Council in relation to natural hazard mitigation (NH-P8 and NH-R3);¹⁷
- (j) Providing for RSI as a controlled activity where this cannot comply with NH-R6 PER-2 and PER-3, but where the infrastructure is designed to maintain its integrity and function during and after a natural hazard event.¹⁸

Corrections to my s42A report

- 6 I note that the High Hazard Overlay is recommended to be deleted and shown as strikethrough in the revised provisions. However, there remains one reference to the High Hazard Overlay (in NH-RX Buildings within the Port). This reference should also be shown in strikethrough.
- 7 “Flood Risk Certificate” is recommended to be replaced with “Flood Assessment Certificate” in the revised provisions. However, there remain references to “Flood Risk Certificates” (e.g. NH-R4.2 PER-3) and also references to “Flood Risk Assessment Certificates” (e.g. NH-R1 Note 1) in

¹³ Evidence of Ms Tait for Fonterra [165] dated 9th April, paragraph 10.1.2

¹⁴ Statement of Mr Richardson for Alliance [173] dated 4th April 2025, paragraph 4

¹⁵ Statement of Mr Richardson for Alliance [173] dated 4th April 2025, paragraph 5

¹⁶ Evidence of Ms Francis for ECan [183] dated 9th April 2025, paragraphs 32 to 34

¹⁷ Evidence of Ms Crossman for OWL [181] dated 15th April 2025, paragraphs 4.8 to 4.15

¹⁸ Evidence of Ms Crossman for OWL [181] dated 15th April 2025, paragraphs 4.18 to 4.23

the revised provisions. These should all be replaced to “Flood Assessment Certificate” as recommended in the s42A report.

- 8 “Flowpath” is also variously identified as “flow path” in the NH and CE provisions. These should all be “flowpath”.
- 9 All references to the “Port Zone” (e.g. in CE-S3) should be to the “PORTZ”.
- 10 Rule DWP-RX “Buildings that require septic/sewage facilities” should be “Buildings that require onsite septic/sewage facilities”.
- 11 There are also other corrections identified in evidence (for example, the rule references in the Rules note for the PORT¹⁹).

List of resolved and outstanding issues

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

Updates to recommendations

- 13 I have not provided a preliminary view on all outstanding matters at this time, as I wish to hear the evidence, the Panel questions, consider the detailed wording options, 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.
- 14 However, at this stage, based on the evidence lodged and technical advice, I consider the following to be appropriate:
 - (a) Replace the Flood Assessment Overlay with the overlay provided in Mr Griffith’s Memo included with my s42A report at Appendix 8.
 - (b) Remove the references to the Sea Water Inundation Overlay in the CE chapter as this is now combined with the Flood Assessment Overlay on the basis of Mr Griffith’s evidence supporting his memo included with my s42A report at Appendix 8;

¹⁹ Evidence of Mr Walsh for PrimePort [175] and Timaru District Holdings [186], dated 9th April 2025, paragraph 40

- (c) Amend the wording of NH-S1 Flood Assessment Certificate to align with ECan's evidence;
- (d) Remove matters of discretion references to diversion and displacement where these are no longer relevant, consistent with the evidence provided by ECan;
- (e) Further clarify how gravel extraction in the beds of lakes and rivers is managed, in response to ECan's evidence;
- (f) Make further amendments to the PORTZ provisions to more clearly identify which provisions apply and do not apply to the PORTZ;
- (g) Remove the two bores on the Clandeboye site that are not used for drinking water;²⁰
- (h) Revert the liquefaction overlay for Barkers Fruit site to the notified overlay, due to the evidence provided by ECan.

Andrew Willis
23 April 2025

²⁰ Evidence of Ms Tait for Fonterra [165] dated 9th April, paragraph 10.1.2

APPENDIX A

Status of issues raised in evidence – Natural Hazards, Coastal Environment, Drinking Water Protection Chapters – Hearing Stream F

Notes:

- 15 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing F. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing F.*
- 16 *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.*
- 17 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing F. 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.*
- 18 *Orange shading identifies matters still outstanding.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
The definition of natural hazard sensitivity activity	NH and CE chapters	Outstanding	Fonterra [165] - evidence of Ms Tait at paragraphs 6.1 to 6.5
Excluding all telecommunications infrastructure from the application of the natural hazards provisions	NH and CE chapters	Outstanding	The Telcos [176.60, 176.61, 176.62, 176.63, 176.64, 176.65 208.60, 208.61, 208.62, 208.63, 208.64, 208.65 209.60, 209.61, 209.62, 209.63, 209.64, 209.65 210.60, 210.61, 210.62, 210.63, 210.64, 210.65] - evidence of Mr Anderson at paragraphs 7 to 20
The references to and provisions for the Port of Timaru and PORTZ in the NH and CE chapters	NH and CE chapters	Resolved for the approach to managing hazards generally	PrimePort [175] and Timaru District Holdings [186] - evidence of Mr Walsh at paragraphs 36 to 37, 38, 40, 41, 44, 45, 51, 54, 62, 64, 71, 73, 74, 75
		Outstanding in relation to matters of detail	Mr Cooper (for the same submitters) at paragraphs 24 to 35

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
			Mr Morgan (for the same submitters)
The provisions for natural hazards mitigation works		Resolved for combining the related multiple rules across various chapters into one rule	ECan [183.24, 183.5, 183.77, 183.76, 183.85, 183.86, 183.90, 183.91, 183.128, 183.130] - evidence of Ms Irvine at paragraphs 34 to 50
		Outstanding in relation to the extent to which the revised rule sufficiently provides for ECan's flood control schemes	
Clarifying the jurisdiction of the Councils and the applicable plan provisions in the beds of lakes and rivers		Resolved in relation to jurisdiction	ECan [183.142, 183.131] - evidence of Ms Irvine at paragraphs 52 to 61
		Outstanding in relation to which plan provisions apply	