

Before the Hearing Panel
Appointed by the Timaru District Council

Under the Resource Management Act 1991 (**RMA**)

In the matter of submissions on the Proposed Timaru District Plan

**Memorandum of Counsel on behalf of Timaru District Council –
Notification of proposed Flood Assessment Area overlay**

9 June 2025

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**anderson
lloyd.**

May it please the Hearing Panel

- 1 This memorandum is filed on behalf of the Timaru District Council (**Council**) in relation to the hearing of submissions on the Natural Hazards chapter of the Proposed Timaru District Plan (**PDP**) (Hearing F). The purpose of this memorandum is to respond to Minute 33.

Context

- 2 Environment Canterbury (ECan) lodged an original submission [183.28] which sought to expand the Flood Assessment Area overlay. However, the submission did not provide an amended overlay map. For the purposes of preparing his section 42A report, which made recommendations on submissions, Mr Willis sought further information from ECan as to the extent of the area it considered should be covered by a flood assessment overlay. ECan provided a proposed overlay map, which relies upon modelling of the Council's stormwater network (which has been updated since notification). The adoption of that map would result in some properties being removed from the overlay and others being included.
- 3 Minute 33 notes that:
 - (a) a possible natural justice issue arose in evidence for Hearing F in relation to the request by ECan to extend the Flood Assessment Area overlay in its originating submission, without any accompanying mapping or other description of the extended areas;¹ and
 - (b) the Panel considers that it is appropriate that the Plan include the updated flooding information, but is concerned about the potential that landowners who may now be in the revised areas would not have reasonably foreseen that they would be impacted.
- 4 The Panel therefore directed as follows:

[7] We direct that the Council publicly notify the updated flooding information for further submissions so those affected by the ECan submission point can have their say. Public notification shall include information illustrating the revised mapping extent, and links to the available relevant information provided in Hearing F so far on the Council website.

[8] The timing of notification will need to ensure that any late further submitters have the opportunity to prepare for, and attend, Hearing H if they wish to do

¹ Minute 33, at [1].

so. The Panel directs that Council provide a memorandum in response to this minute by 9 June 2025 setting out the proposed timeframes associated with the notification and further submission process, and confirm whether the matter can then be heard during Hearing H.

- 5 In addition, Harvey Norman identified a potential error in the mapping in relation to its site. During the hearing, the Council officers agreed there was a potential error. Mr Kemp and Mr Throssell have been directed to produce a joint witness statement that addresses the potential error.²

- 6 Minute 34 further directs that Mr Kemp is to:³

Provide advice regarding whether the Flood Assessment Overlay discrepancy at the Harvey Norman site is an anomaly in the Flood Assessment 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

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

- 7 Work is being undertaken to ascertain the nature and extent of that discrepancy and is briefly addressed below. Mr Kemp's advice and the joint witness statement will be filed alongside Mr Willis' reply, which is due on 23 June 2025.

Updated mapping - progress

- 8 The Council has instructed its stormwater modelling consultants, WSP, to review the evidence of Harvey Norman and confirm whether there is an error in the Flood Assessment Area Overlay with respect to the Harvey Norman site, and whether any discrepancy is isolated to the Harvey Norman site or may occur elsewhere.
- 9 While this work is ongoing, WSP has advised the Council that there may be a number of sites subject to a potential error in the overlay mapping. However, WSP has also advised that the stormwater modelling was undertaken using 2010 LiDAR data, and that updated LiDAR data is now available from 2020. Following some initial testing, WSP considers that

² Minute 34, at [7].

³ Minute 34, at [11].

using the 2020 LiDAR data will address any potential issues. Mr Kemp will address this matter in more detail in his reply statement.

- 10 The Council has therefore instructed WSP to update the Flood Assessment Area overlay using the 2020 LiDAR data prior to notification of the proposed maps. It is anticipated that this exercise will be complete by 27 June 2025.

Proposed notification process and timing

- 11 Following WSP's review of the proposed mapping, the Council proposes to consult with ECan to ensure the proposed map properly addresses its submission point. It is anticipated that ECan's review will take up to a week, however the Council considers it prudent to factor a further week into the timetable to account for any potential delays.
- 12 The Council therefore proposes the following process and timeframes for notification of the Flood Assessment Area overlay:
 - (a) Publish a public notice in the Timaru Herald and on the Council website on **Thursday, 17 July 2025**, notifying the public of ECan's proposed mapping and inviting further submissions in accordance with Sch 1, cl 7 until **1 August 2025**. Two versions of the draft public notice (a full version for the website and an abbreviated version for the newspaper), which identify where the revised Flood Assessment Area overlay can be viewed, are attached for the Panel's information at **Appendix A**.
 - (b) Establish a dedicated webpage containing all information relevant to the Flood Assessment Area overlay (to be available at the time of notification). The following information is proposed to be included:
 - (i) public notice;
 - (ii) ECan's original submission and summary of its submission relating to the Flood Assessment Area overlay;
 - (iii) further submissions on ECan's original submission;
 - (iv) section 42A report for Natural Hazards chapter;
 - (v) ECan evidence for Hearing F (Francis/ Griffiths);
 - (vi) Harvey Norman evidence for Hearing F;
 - (vii) Minutes 33 and 34;
 - (viii) this memorandum of counsel;

- (ix) link to ECan's proposed Flood Assessment Area overlay map;
 - (x) section 42A interim reply for Natural Hazards chapter (due to be filed 23 June 2025).
- (c) Once the further submission period has closed, Mr Willis to provide a short addendum to his section 42A report summarising any further submissions and providing any updated recommendations within 20 working days, i.e., by **2 September 2025**. Further submissions and the addendum section 42A report will be included on the dedicated webpage.
- (d) A hearing to be any time after **2 October 2025**. The Council respectfully submits that this is a discrete hearing which could be held online. The Council can provide access to a hearing room for any submitters who wish to attend in person.
- 13 The above proposal and timelines are set out for ease of reference at **Appendix B**.
- 14 The Council is grateful for the Panel's attention to this matter.

Dated this 9th day of June 2025

Jen Vella
Counsel for Timaru District Council

Appendix A
Draft public notices
(Full version for website and abbreviated version for newspaper)

Notification of the Addendum to the Summary of Decisions Requested (Summary of Submissions) on the Proposed Timaru District Plan and commencement of further submission period

Schedule 1 Clause 7 of the Resource Management Act 1991

Date of public notice: 17 June 2025 [TBC]

Timaru District Council gives public notice that an Addendum to the Summary of Decisions Requested (the Addendum) on the Proposed Timaru District Plan (PDP) is now available and further submissions, in the prescribed form, can now be lodged as provided in Clauses 7 and 8 of the Resource Management Act 1991 (RMA). The District Plan is required by the RMA to manage land use (how we use the land) and subdivision in the District. It contains objectives, policies, rules and standards to address issues and must achieve the RMA's goal of sustainable management.

Addendum to the Summary of Decisions Requested (Summary of Submissions)

On 4 March 2024, the Timaru District Council publicly notified a Summary of Decisions Requested (Summary of Submissions) on the Proposed District Plan (PDP) and invited further submissions. The Summary of Submissions identified that Environment Canterbury [183.28] requested that the PDP planning maps be amended to encompass a wider area potentially subject to flood hazard risk. No proposed revised map was supplied.

A summary of that submission is set out below:

Submitter	Sub No.	Section / Appendix	Sub-section	Provision	Submission Point Summary	Relief/ Decision Sought Summary
Canterbury Regional Council (Environment Canterbury / ECan)	183.28	Planning Maps	Flood Hazard Risk		Considers that the areas identified as potentially subject to flooding are too narrow. Revised mapping is recommended.	Amend the planning maps to encompass a wider area potentially subject to flood hazard risk.

Panel directions

The Timaru District Council has appointed an independent Hearing Panel to hear submissions on the PDP. A number of hearings have been scheduled for the purposes of hearing submissions, commencing in May 2024.

Environment Canterbury provided a proposed updated Flood Assessment Area Overlay map for Hearing F (Natural Hazards), which was held on 30 April – 1 May 2025. That map seeks to expand the extent of the Flood Assessment Area Overlay in some areas and reduce its extent in other

areas. If Environment Canterbury's proposal is accepted by the Hearing Panel, it may affect landowners who were not affected by the notified version. Land in the overlay may be affected by specific rules in the Natural Hazards Chapter of the PDP.

The Hearing Panel has indicated it is appropriate that the Plan include the updated flooding information. However, the Panel is concerned that landowners in the revised areas may not have reasonably foreseen that they would be impacted by Environment Canterbury's proposal. The Panel therefore directed the Timaru District Council to publicly notify the updated flooding information for further submissions, so those affected can have their say.

Updated Flood Assessment Area Overlay map and further information

All relevant information (including Environment Canterbury's original submission, the summary of submissions, relevant section 42A reports, evidence, memoranda of counsel, Hearing Panel minutes and updated Flood Assessment Area Overlay map) can be found at www.timaru.govt.nz/FloodMap. A property search feature is available on the website to help identify affected properties.

Further submissions invited

Timaru District Council invites further submissions relating to the revised Flood Assessment Area Overlay map. A further submission is a submission made in support of, or opposition to, another person's submission (made under clauses 5 and 6). It provides an opportunity to assess the effect an original submission may have on you, and to have your views considered alongside the original submission. The further submission must be in accordance with Form 6 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Who can make further submissions

The following persons may make a further submission in support of or in opposition to a submission:

- Any person representing a relevant aspect of the public interest;
- Any person who has an interest in the plan greater than the interest that the general public has; or
- Timaru District Council.

How to make a further submission:

There are two ways you can make a further submission:

1. By downloading and filling out our further submission form from the Council website www.timaru.govt.nz/pdpfs. Once completed, email to pdp@timdc.govt.nz
2. By collecting a further submission form from one of our offices or libraries, and either:
 - Delivering it to Council offices in Timaru, Geraldine and Temuka; or
 - Posting it to Timaru District Council, PO Box 522, Timaru 7410.

Important Note: A copy of the further submission must also be sent to the original submitter (in this case, Environment Canterbury) no later than 5 working days after lodging the further submission with the Timaru District Council (Clause 8A, Schedule 1).

Written further submissions must be submitted on the Council submission form, or on Form 6 of the Resource Management Act 1991. Your submission must state whether you want to present your views at the Council hearing (Hearing I, currently scheduled for [x] October 2025).

Please note all submissions and further submissions are public information and will be publicly available.

The submission period starts on Thursday 17 July 2025 and closes on Friday 1 August 2025 at 5pm. [TBC]

What happens next?

Once we have received all further submissions, they will be considered at a hearing. The further submissions will be considered in an Officer Report, which will make recommendations on the submissions received.

Anyone who has made a further submission will have the right to attend the hearing and present their submission should they wish to do so. Hearing dates will be notified to those wishing to attend 20 days in advance.

More information

Additional information and guidance on further submissions and the process for public participation with respect to the Addendum is available at www.timaru.govt.nz/pdpfs.

Contact us

If you have any questions about the PDP, please contact us at 03 687 7200 or pdp@timdc.govt.nz.

**Notification of Addendum to the Summary of Decisions Requested
(Summary of Submissions) on the
Proposed Timaru District Plan**

Pursuant to Clause 7, Schedule 1 of the Resource Management Act 1991, Timaru District Council hereby gives notice that an Addendum to the Summary of Decisions Requested (the Addendum) on the Proposed Timaru District Plan is available and further submissions, in the prescribed form, may now be lodged.

The Hearings Panel for the PDP has directed the Timaru District Council to notify the Addendum, due to the potential for landowners to be affected by changes to the Flood Hazard Assessment Overlay proposed by Environment Canterbury which were not adequately detailed in its submission. Environment Canterbury proposes to expand the extent of the Overlay in some areas and reduce its extent in other areas. Land in the overlay may be affected by specific rules in the Natural Hazards Chapter of the PDP.

This notification allows parties affected by Environment Canterbury's proposal to have their say on it by lodging a further submission. Further submissions on this matter will be heard in Hearing 1, scheduled for 2 October 2025. [TBC]

The map and associated documents can be viewed at www.timaru.govt.nz/FloodMap.

Further submissions in support of or in opposition to Environment Canterbury's proposal can be made by the following persons no later than 10 working days after the date of this public notice:

- Any person representing a relevant aspect of the public interest;
- Any person who has an interest in the plan greater than the interest that the general public has; or
- Timaru District Council.

The content and form of a further submission must comply with Form 6 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

The submission period starts on Thursday 17 July 2025 and closes on Friday 1 August 2025 at 5pm. [TBC]

All relevant information, including a map showing the proposed overlay and associated documents, is in a digital format and can be inspected at www.timaru.govt.nz/FloodMap from Thursday 17 July 2025. [TBC] Please note all submissions and further submissions are public information and will be publicly available.

Appendix B

Process and indicative timeframes

Step	Indicative date
Updated Flood Hazard Assessment Overlay complete	By 27 June 2025
ECan review of revised mapping	By 4 July 2025
Notification of proposed Flood Hazard Assessment overlay	17 July 2025
Further submissions due	1 August 2025
Section 42A report published	2 September 2025
Hearing I (online)	From 2 October 2025