

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

Council S42A Officer's Summary Statement

Part 1 – Introduction and General Definitions

6 May 2024

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Introduction

- 1 My name is Alanna Hollier. I am a Senior Policy Planner for the Timaru District Council and have been involved in the Proposed District Plan Review. I prepared the S42A report on the Part 1 matters to the Proposed District Plan (**PDP**) and general definitions. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives. I have the qualifications and experience as set out in my S42A report.
- 2 My intention with this summary is to provide a brief background to the chapters and definitions considered in my S42A report and identify the key Part 1 matters in contention. I will also identify the outstanding matters covered in evidence by the submitters. I have recommended a couple of amendments to my S42A report below, however, it is not my intention to provide a preliminary view on all outstanding matters at this time as I wish to hear the evidence and the Panel questions. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.

Proposed District Plan

- 3 The PDP follows the structure and format as set out by the National Planning Standards. Part 1 of the PDP includes sections for chapters relating the Introduction, How the Plan Works, Interpretation, National Direction Instruments, Mana Whenua.
- 4 The PDP applies various definitions contained within the National Planning Standards 2019, and includes a number of new definitions including 'reverse sensitivity', 'bank' and 'sensitive activity'.

S42A Report – General themes arising from submissions

- 5 There were 88 submission points raised on matters relating to Part 1 of the Proposed District Plan. There were 175 submission points raised on general definitions considered within my S42A report. The S42A report responded to these submission points.
- 6 The general themes arising from submissions responded to within the S42A report were:
 - (a) Correction of minor errors across the Part 1 chapters of the PDP, and within a few general definitions;
 - (b) Recognition of strategic rural industry within the Description of the District chapter, and how the relationship between rural industry and

rural residential development should be described within this chapter (this is proposed as amendments to the PDP to align with the submitters request for a new Special Purpose Zone);

- (c) Amendments to improve the digital functionality of the ePlan, such as hyperlinks to terms defined in the Plan;
- (d) Amendments to provide further guidance to plan users, such as the approach taken to the definition of terms within the PDP;
- (e) How the relationship of TRONT to Kati Huirapa is expressed within Part 1, largely within the Mana Whenua chapter, and the recognition of iwi planning documents within the Mana Whenua and Statutory Context chapters;
- (f) The extent to which national legislation that came into force after the development of the Proposed Plan provisions should be considered after notification of the Proposed Plan, particularly the NPS-HPL, NPS-IB, National Adaptation Plan and Emissions Reduction Plan.
- (g) Amendments to various definitions, notably to the definitions of 'reverse sensitivity', 'sensitive activity' and 'sensitive environment';
- (h) Requests to delete the definition of 'bank' and 'department of conservation activity';
- (i) Requests for new definitions to be added to the PDP, notably definitions for 'aircraft', 'coastal environment', 'conservation activity', 'infrastructure' and 'risk';
- (j) Support provided to a number of general definitions (particularly those defined in the National Planning Standards 2019) and to various sections and chapters of the PDP. Four chapters within Part 1 only received submissions in support, being the Purpose, Cross Boundary Matters, Regulations and National Environmental Standards chapters.

S42A Report – Corrections and clarifications

- 7 In preparing for the hearing, I have noticed the following errors within my S42A report and I consider that the S42A report, Appendix A and Appendix B should be amended in relation to the following submission points:
 - (a) Transpower [159.7] requested the definition of 'land disturbance' be shaded grey as this is a National Planning Standards definition and that is the formatting used within the Proposed Plan to distinguish

National Planning Standards definition¹. The S42A report recommended to reject this submission point in Appendix B. I agree with the submitter and the definition should be identified as a National Planning Standard Definition. This correction will be made when a new revision of the Plan is published under Schedule 1, Clause 16(2) RMA. In light of this reasoning I instead recommend this submission point is accepted.

- (b) DOC [166.6] requested a new definition for 'conservation activity'. I remain of the opinion that this definition is not required, but in Paragraph 276 of the S42A report, I clarified that if the Panel wanted to insert a definition of 'conservation activity' I prefer that provided by DOC excluding the listed matters. The point to clarify is that the definition provided by DOC, without the listed matters, still limits the scope of the definition beyond that which is provided for in the plan rules, as outlined in Paragraph 268 of the S42A report.
- (c) In relation to the submission points by OWL [181.8 and 181.12], errors with the functionality of hyperlinks will be corrected throughout the plan review, as identified. Once a new version of the PDP is published, the corrected hyperlinks will pull through to the public e-plan viewer. It is worth noting that the submitter has not identified any specific errors where the hyperlink has not been applied, and this specificity would be required to assess whether these are errors and a hyperlink needed to be applied.
- (d) In relation to amendments sought to the exception clauses within the 'Sensitive Activity' definition, in addition to the reasons provided within paragraphs 212 – 213 of the S42A report, the exception clauses are included within the definition of 'Sensitive Activity' to align with the definition of 'Noise Sensitive Activity' which does not include places of assembly as land uses and activities that are sensitive to noise. The definition of 'Noise Sensitive Activity' will be considered in a later hearing.

Submitter Evidence – Resolved matters

- 8 Various matters addressed by the S42A report are not the subject of pre-circulated expert evidence or legal submissions. I am therefore only able to confirm those matters that appear to have been resolved in pre-circulated evidence. However, I have also provided a list of definitions addressed in

¹ Expert Evidence of Ms McLeod, on behalf of Transpower, Page 10-11, Paragraph 37 – 39.

submissions, but which have not been pursued through further evidence following the issue of my S42A report.

- 9 The matters resolved as per pre-circulated evidence² are to:
- (a) Defer any amendments to the Description of the District chapter, Rural Areas section to align with the NPS-HPL until the consideration of submissions on the Versatile Soils chapter;
 - (b) Recognition of Mana Whenua within the Description of the District, Statutory Context and Glossary chapters;
 - (c) Amend sections MW2.1.5, MW2.1.6, MW2.2.3, MW2.2.4, MW2.2.5, MW3.2 and MW4 as recommended in the S42A report;
 - (d) Delete the definition for Department of Conservation Activity;
 - (e) Amend the definition of 'Replacement';
 - (f) Not include the requested definitions of 'Activities sensitive to transmission lines', 'Coastal Environment', 'Greenhouses', Household³, 'Risk' and 'Water Infrastructure'.
 - (g) Retain the notified definition of Shelter Belt⁴ and all National Planning Standards definitions as notified, except 'height'^{5,6,7}
- 10 Those definitions that were addressed in submissions, but have not been the subject of pre-circulated evidence are:
- (a) Access Way/Accessway
 - (b) Aircraft

² There are a number of submissions that support notified definitions where recommendations to amend these definitions have been outlined in the S42A report. As such, their position following the S42A report is unclear.

³ Expert evidence of Mr Neville, on behalf of Kāinga Ora, accepted the S42A recommendation. Note that Dept. Corrections was the primary submitter seeking the insertion of a new definition for 'household'.

⁴ Expert Evidence of Ms Cameron, on behalf of Hort NZ accepted the S42A recommendation.

⁵ Noting that the evidence of Ms McLeod, on behalf of Transpower, raises a functionality error with the definition in the e-plan.

⁶ Expert Evidence of Mr Anderson, on behalf of Chorus, Connexa, Spark as well as, One NZ and FortySouth Limited, (formerly Vodafone) accepted the S42A recommendations on a number of NPS definitions.

⁷ Expert evidence of Mr Tuck, on behalf of Silver Fern Farms, accepted the S42A recommendation for 'industrial activity'.

- (c) Archaeological Site
- (d) Bank
- (e) Camping
- (f) Camping Ground
- (g) Crime Prevention through Environmental Design (CPTED)
- (h) Domestic Garden
- (i) Infrastructure
- (j) Sensitive Environment
- (k) Service Station
- (l) State Highway
- (m) Undermine.

Submitter Evidence – Outstanding matters

- 11 Based on the evidence provided to this hearing, I understand that the remaining outstanding matters in relation to Part 1, and general definitions are:
- (a) Whether the Foreword/Mihi is amended regarding the management of effects of activities on the environment;
 - (b) Whether to include activities or terminology that are not used elsewhere in the PDP⁸, including whether:
 - (i) strategic rural industry is recognised within the Description of the District chapter, Rural Areas section, and
 - (ii) the Description of the District chapter, Rural Areas section is amended to reflect that rural residential development is restricted versus a balance approach is needed;
 - (c) How to refer to the ‘National Grid Lines’ overlay within Figure 1 of the General Approach chapter;

⁸ The inclusion of these terms and provisions may depend upon the outcomes of future hearings.

- (d) The extent to which further guidance is provided to plan users on the approach taken to the definition of terms within the PDP;
- (e) The definition of the following terms:
 - (i) Reverse sensitivity;
 - (ii) Sensitive Activity;
 - (iii) Conservation Activity;
 - (iv) Height.

12 It is unclear from the expert evidence provided from Te Rūnanga o Ngāi Tahu whether recommendations in the S42A relating to the use of the word 'Māori' in the Mana Whenua chapter, and amendments relating to 'ancestral land' and 'Māori land' as they relate to this hearing were acceptable to them or not.

Alanna Hollier

6 May 2024