

Before the Independent Hearings Panel
at Timaru

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to
Timaru Proposed District Plan – Hearing A

and: **Fonterra Limited**
Submitter 165

Statement of evidence of Susannah Vrena Tait

Dated: 23 April 2024

REFERENCE: B G Williams (ben.williams@chapmantripp.com)
R E Robilliard (rachel.robilliard@chapmantripp.com)

chapmantripp.com
T +64 3 353 4130
F +64 3 365 4587

PO Box 2510
Christchurch 8140
New Zealand

Auckland
Wellington
Christchurch



STATEMENT OF EVIDENCE OF SUSANNAH VRENA TAIT

1. INTRODUCTION

1.1 My name is Susannah Vrena Tait. I am a Partner at Planz Consultants Limited. I hold Bachelor of Science and Master of Applied Science degrees. I am a full Member of the New Zealand Planning Institute. I have been employed in the practice of planning and resource management for over 20 years, both in New Zealand and Australia. A summary of my qualifications and relevant experience is contained in **Appendix A**.

1.2 I assisted with the preparation of the submissions and further submissions made by Fonterra Limited ("**Fonterra**") (Submitter 165) on the Timaru Proposed District Plan ("**PDP**"). I have been authorised by Fonterra to provide evidence on their behalf.

2. CODE OF CONDUCT

2.1. In preparing my evidence I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Panel. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. SCOPE OF EVIDENCE

3.1 In preparing my evidence I have read:

- i. the relevant s32 Evaluation Reports.
- ii. the 'Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions s42A Hearing Report' prepared on behalf of the Timaru District Council ("**Council**") by Ms Alanna Hollier.
- iii. the 'Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development) s42A Hearing Report' prepared on behalf of the Council by Mr Andrew Willis.

3.2 In my evidence, I will refer to the s42A Hearing Reports as "**the s42A report**", and Ms Hollier and Mr Willis as "**the reporting officer**".

3.3 I have also read, and I am reliant on, the evidence of Ms Suzanne O'Rourke.

3.4 In my evidence, I set out:

- a. A summary of my conclusions (**Section 4**).
- b. Commentary on the overarching planning position behind Fonterra's submissions (**Section 5**).

- c. A submission point that I will not be addressing further in evidence (although I note that it is not being withdrawn by Fonterra) (**Section 6**).
- d. Fonterra’s individual submission points on:
 - i. Part 1: Foreword or Mihi (**Section 7**).
 - ii. Part 1: Description of the District (**Section 8**).
 - iii. Part 1: Definitions (**Section 9**).
 - iv. Part 1: National Direction Instruments (**Section 10**).
 - v. Part 2: Strategic Direction (**Section 11**).
 - vi. Part 2: Urban Form and Development (**Section 12**).

3.5 For ease of reference, the reporting officer’s recommended amendments are shown in purple underline and ~~purple strikethrough~~, and my recommended amendments to provisions are shown in red underline and ~~red strikethrough~~.

4 EXECUTIVE SUMMARY

- 4.1 I have recommended a small, but important change to the Mihi to better reflect the purpose of the PDP, being to manage effects on the environment (rather than ensuring activities do not affect the environment).
- 4.2 I consider that recognition of rural industry in the Description of the District is appropriate given that it is an existing and anticipated part of the rural environment. I also consider that it is appropriate and necessary to recognise that residential development and rural activities are, in most cases, incompatible. I consider rural lifestyle development should be restricted (both in number and location) to enable rural based activities to continue to operate and establish.
- 4.3 I consider amendments are required to the definitions of *height*, *reverse sensitivity* and *sensitive activity*.
- 4.4 I consider that the National Policy Statement for Highly Productive Land (“**NPS-HPL**”) and Canterbury Regional Policy Statement (“**CRPS**”) both seek to avoid, at least in the first instance, reverse sensitivity effects arising from locating rural lifestyle development in rural areas. I consider that SD-O1 should be amended to reflect this higher order policy.
- 4.5 I consider that SD-O2 should be amended to reflect the language in s6(f) of the RMA, with regards to historic heritage. I also consider a small amendment to SD-O8 (infrastructure) is required.
- 4.6 I support the amendments recommended by the reporting officer to SD-O3 (Climate Change), SD-O4 (Natural Hazards) and UFD-O1(x) (Urban Form and Development).

- 4.7 I consider that SD-O6 requires amendment to ensure that the objective provides clear direction on the different issues facing the business areas, specifically availability of suitable land, retail distribution and reverse sensitivity. With regards to reverse sensitivity, I consider that commercial and industrial zones should be differentiated reflecting the difference in zone purpose and the types of effects generated.
- 4.8 Lastly, I have recommended amendments to SD-O9 to align this Strategic Direction with the NPS-HPL and CRPS with respect to reverse sensitivity effects.

5 FONTERRA POSITION

- 5.1 As set out in the evidence of Ms O'Rourke, Fonterra are ultimately seeking for a rezoning (through the District Plan Review process) of their Clandeboye site from General Industry Zone ("GIZ") to Special Purpose Zone: Strategic Rural Industry Zone ("SRIZ"). The details of, and provisions for, this zone will be more fully laid out in Hearing E, but generally speaking the purpose of the zone is to provide for strategic rural industrial activities that support or are dependent on, primary production and that have significant operations in primarily rural areas (compared to activities that might locate in the GIZ).
- 5.2 As the outcome of that rezoning request is unknown, my evidence (and the evidence of other Fonterra witnesses that may be called), will address all relevant chapters of the PDP as though either outcome – retention of the proposed GIZ (with modification) or a rezoning of the site to SRIZ – were to occur.

6 SUBMISSION POINTS NOT BEING EXAMINED

- 6.1 I will not be addressing the submission point 165.29 (SD-O5 Mana Whenua) in my evidence.

7 FOREWORD OR MIHI

- 7.1 Fonterra¹ sought an amendment to the Foreword or Mihi to better articulate the PDP's role in managing effects on the environment. The reporting officer² has recommended that the submission be rejected.
- 7.2 I support the amendment sought by Fonterra as I do not consider that it is the role of the PDP to manage activities, *'so they do not affect the environment'*. Rather, the role of the PDP is to manage the effects of activities on the environment. The PDP proposed words suggest that no effects should occur, while the wording proposed by Fonterra confirms that activities will have effects, and these must be managed (relative to the underlying zoning, overlays etc).
- 7.3 Considering the opening paragraph of the Foreword or Mihi in full, in my opinion the preceding part of the sentence is sufficient, and the last sentence (the one in

¹ Submission 165.9

² s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 56

contention) could simply be deleted. I therefore recommend the following amendment:

The District Plan is a statutory document that manages land use and subdivision activities in the district. It plays an important role in guiding the sustainable development of the district, indicating what type of development is anticipated in particular locations. ~~It provides a framework that enables expected activities and manages other activities so they do not affect the environment.~~

8 DESCRIPTION OF THE DISTRICT

- 8.1 Fonterra³ made several submissions on the Description of the District section of the PDP, largely in support, but also sought changes to the Rural section of the PDP. The reporting officer⁴ has recommended that the submissions in support be accepted in part.
- 8.2 The reporting officer has recommended that any changes to the Description of the District that relate to highly productive land (or versatile soil) should be considered as part of Versatile Soils chapter. I support this recommendation.
- 8.3 With regards to the changes Fonterra has sought to the Rural section (of the district description), the reporting officer⁵ has recommended that this submission be accepted in part⁶. I generally support the reporting officer's recommendation to include *rural industry* in the description and agree that it is an activity that should be acknowledged as part of the rural environment (as both an existing and anticipated activity). However, I consider that reference to *rural industry* should be more explicit with acknowledgement of its key supporting role.
- 8.4 The reporting officer has recommended that Fonterra's submission, seeking recognition that residential uses may be 'incompatible with' rural activities, be rejected and that the proposed phrase 'impacted by' be retained. I consider that the phrase 'incompatible with' is more appropriate as it captures both environmental effects on sensitive activities and reverse sensitivity effects on rural based activities; whereas 'impacted by' only considers effects on sensitive activities. I note that both the NPS-HPL and the CRPS direct that reverse sensitivity effects should be recognised (which I discuss further in paragraphs 11.3 – 11.6 below).
- 8.5 I agree with the reporting officer that rural lifestyle development is anticipated in (zoned) rural areas; however, I also consider that it should be restricted (both in number and location), as directed by regional and national policy. The majority of the lowlands in the district comprise 'highly productive land'⁷. The NPS-HPL seeks

³ Submissions 165.10 – 12

⁴ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, Table B4

⁵ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 71

⁶ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraphs 96 – 103

⁷ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_hpl

to avoid rural lifestyle development (Policy 6 and Clause 3.7) unless a very specific set of 'hurdles' is overcome (Clause 3.9). The CRPS also states that rural lifestyle (residential) development should be limited⁸. This language does not, in my opinion, support a 'balancing' of activities in the rural areas and accordingly, I consider that the description should 'restrict' rural lifestyle development.

- 8.6 I recommend the following changes to the Rural section of the Description of the District:

Rural areas are dominated by agricultural land use, with some areas of horticulture and viticulture. Farming is largely pastoral, with sheep and beef farms dominating in the steeper or higher altitude areas and dairy farms occupying much of the plains, particularly at Rangitata Island. Rural industry and strategic rural industry are also key components of the rural environment and exist to support primary production.

...New residential land uses may be incompatible with impacted-by existing and anticipated farming activities and rural industry occurring in the working rural environment. Rural lifestyle development should be restricted ~~A balance is needed between these activities~~ to maintain the ability of farming activities and rural industry to continue in a rural environment.

...

9 DEFINITIONS

Height

- 9.1 Fonterra⁹ sought to amend the definition of *height* to exempt any structures that naturally sit above the bulk of a building, such as aerials, chimneys and lift towers. The reporting officer¹⁰ has recommended that this submission be rejected as *height* is defined by the National Planning Standards 2019 ("**NPS**"). While I acknowledge that *height* is defined in the NPS, and there is a directive¹¹ that local authorities must use the definition as defined in the Definitions List (of the NPS), I do not agree that the PDP should have such a rigid definition of height that makes no exemption for minor structures that do not add to the overall bulk of the building (and therefore the dominance or overshadowing effects typically associated with height). The requirement to use definitions from the NPS will be addressed in legal submissions.

⁸ Canterbury Regional Policy Statement, Policy 5.3.1

⁹ Submission 165.14

¹⁰ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 167

¹¹ National Planning Standards 2019, Clause 14.1

Wastewater

- 9.2 Fonterra¹² sought to retain the definition of *wastewater* as notified. As this is a NPS definition, the reporting officer¹³ has recommended that this submission be accepted. I support this recommendation.

Reverse sensitivity

- 9.3 Through further submissions¹⁴, Fonterra supported an amendment to the definition of *reverse sensitivity* by KiwiRail. The reporting officer¹⁵ has recommended that this submission and further submission be accepted in part. I support the amendments recommended by the reporting officer¹⁶ to the definition of reverse sensitivity.

Sensitive activity

- 9.4 Fonterra¹⁷ sought amendments to the definition of *sensitive activity*. The reporting officer¹⁸ has recommended that this submission is largely rejected.
- 9.5 The reporting officer has recommended that Fonterra's key concern with the definition, the exclusion of community facilities, be rejected. However, I consider there are clear differences between the definitions for *community facility* and *places of assembly* and accordingly, I consider both need to be included in the definition of *sensitive activity*.
- 9.6 *Community facility* is defined in the NPS as:

means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

- 9.7 While *places of assembly* is defined in the PDP as:

means land and buildings used for gathering of people, including cinemas, theatres, concert venues, conference and private function facilities, arts and cultural centres, places of worship, community centres and halls.

¹² Submission 165.23

¹³ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 167

¹⁴ Further submission to KiwiRail submission 187.13

¹⁵ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 199 - 205

¹⁶ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 200-206

¹⁷ Submission 165.21

¹⁸ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 213

- 9.8 I consider *places of assembly* is insufficient to cover highly sensitive community facilities, such as health and welfare facilities, which are clearly activities that are sensitive to effects arising from other activities.
- 9.9 With respect to the exceptions set out in the definition, I do not consider that noise needs to be addressed in the definition for *sensitive activity* given that there is already a definition for *noise sensitive activity*.
- 9.10 I therefore consider the following amendments should be made to the definition of *sensitive activity*:

means:

1. Residential activities;
2. Education facilities and preschools;
3. Guest & visitor accommodation;
4. Health care facilities which include accommodation for overnight care;
5. Hospitals;
6. Marae (building only); ~~or~~
7. Place of assembly; ~~or~~
8. Community facility.

except that:

- a. subclause ~~f. 6 and 7~~ above is not applicable in relation to *electronic electricity* transmission.
- ~~b. subclause g. 7 above is not applicable in relation to noise or electronic electricity transmission~~

- 9.11 While outside the scope of the Fonterra submission, I consider it would be prudent for the Council to revisit the definitions of *community facility* and *place of assembly* to remove any cross over and confusion between the definitions. Given that *community facility* is a NPS definition, I suggest that *place of assembly* could be used to capture other buildings / activities for commercial gain where people congregate that sit outside the definition of *community facility*.

10 NATIONAL DIRECTION INSTRUMENTS

- 10.1 Fonterra¹⁹ sought amendments to the table of relevant National Policy Statements. The reporting officer²⁰ has recommended that this submission be accepted. I support the recommendation of the reporting officer.

11 STRATEGIC DIRECTION

SD-O1 Residential Areas and Activities

- 11.1 Fonterra²¹ sought to amend SD-O1 to ensure that reverse sensitivity effects from rural lifestyle developments are avoided. A similar submission was made by Silver

¹⁹ Submission 165.24

²⁰ s42A report, Overarching Matters and Proposed Timaru District Plan: Part 1 - Introduction and General Provisions, paragraph 270

²¹ Submission 165.xx

Fern Farms²². The reporting officer²³ has recommended that these submissions be accepted in part and recommended that significant reverse sensitivity effects be avoided as this is consistent with UFD-O1 and GRUZ-P5.

11.2 Firstly, I acknowledge the evidence of Ms O'Rourke which highlights the business implications of managing complaints. In Fonterra's case, and specifically in relation to Clandeboye, Ms O'Rourke has advised that responding to complaints on permitted or consented operations require a substantial time commitment that places a significant burden on the business.

11.3 I acknowledge the reporting officer's reflections on GRUZ-P5 and UFD-O1(x) but consider that the Strategic Direction should be guided by higher order documents, rather than lower order policy. To this end, the NPS-HPL and the CRPS are applicable.

11.4 Clause 3.13(1) of the NPS-HPL directs that:

Territorial authorities must include objectives, policies, and rules in their district plans that:

(a) identify typical activities and effects associated with land-based primary production on highly productive land that should be anticipated and tolerated in a productive rural environment; and

(b) require the avoidance if possible, or otherwise the mitigation, of any potential reverse sensitivity effects from urban rezoning or rural lifestyle development that could affect land-based primary production on highly productive land (where mitigation might involve, for instance, the use of setbacks and buffers); ...

11.5 The relevant CRPS policies include [emphasis added]:

5.3.2 Development conditions (Wider Region)

To enable development including regionally significant infrastructure which:

2. avoid or mitigate:

b. reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;

and

5.3.12 Rural production (Wider Region)

²² Submission 172.12

²³ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraph 58

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

1. *avoiding development, and/or fragmentation which;*

...

b. results in reverse sensitivity effects that limit or precludes primary production.

- 11.6 While I acknowledge that Objective 5.3.2 is an 'avoid or mitigate' directive, the more specific rural objective (5.3.12) contains an 'avoid' directive. Further to this, I consider that the related CRPS issues and explanation place more weight on avoiding reverse sensitivity effects, or certainly a preference for avoiding reverse sensitivity effects, ahead of mitigating. Specifically:

Issue 5.1.2 INAPPROPRIATE DESIGN, LOCATION AND FUNCTION OF DEVELOPMENT (WIDER REGION)

'Unless the design, location and function of development is carefully managed, it will not necessarily be able to:

...

9. *recognise and avoid reverse sensitivity effects*

Principal reasons and explanation

...This includes the need to avoid the encroachment of sensitive activities into rural areas that may result in reverse sensitivity effects on established rural activities...

- 11.7 As such, I consider that SD-O1 should seek to ensure that reverse sensitivity effects are avoided in the first instance. This language does not preclude managing (or mitigating) potential reverse sensitivity effects, but it prioritises avoiding those effects where it is possible / appropriate to do so.
- 11.8 I also note that the explanatory text indicates that reverse sensitivity effects only need to be potential ('may'), rather than actual ('will'). This language indicates to me that there is a low tolerance in the CRPS for sensitive activities in rural locations, and certainly the effects do not need to be 'significant' to warrant avoidance.
- 11.9 For consistency, I consider it appropriate for the same language to be used with respect to subclause 4 of SD-O1 (which was promoted by Silver Fern Farms and supported in part by the reporting officer).

11.10 Fonterra²⁴ also made a further submission supporting the Federated Farmers submission²⁵ seeking that the productive capability of soil also be recognised in clause 2 of SD-O1. The reporting officer²⁶ has recommended that this submission be accepted. I generally support the recommendation of the reporting officer, but I consider that clause 2 of the objective should be strengthened to 'avoid' highly productive land, which is consistent with clause 3.7 of the NPS-HPL.

11.11 Accordingly, I consider that SD-O1 should be amended as follows (this includes a formatting change to improve readability):

1. *There is sufficient residential development capacity in existing and proposed urban areas to meet demand and household choice, provided through:*
 - a. *the use of existing zoned greenfield areas;*
 - b. *a range of densities in existing urban areas; and*
 - c. *higher residential densities in close proximity to the Timaru and Geraldine town centres, and Highfield Village Mall;*
 - d. *the new Future Development Areas identified for the General Residential Zone.*
2. *limited rural lifestyle development opportunities are provided where they:*
 - a. *concentrate and are attached to existing urban areas,*
 - b. *achieve a coordinated pattern of development,*
 - c. *avoid in the first instance significant reverse sensitivity effects on existing and permitted rural activities,*
 - d. *avoid recognises highly the productive capabilities of the soils and location land, and*
 - e. *are capable of efficiently connecting to reticulated sewer and water infrastructure; ~~and~~*
- c. *limited residential opportunities are maintained in existing rural settlements, subject to adequate servicing; and*
- d. *the location of new residential areas and activities avoids, in the first instance, creating significant conflict within compatible zones and activities.*

SD-O2 – The Natural and Historic Environment

11.12 Fonterra²⁷ sought a minor amendment to SD-O2(vii) to ensure that it is historic heritage that is protected. The reporting officer²⁸ has recommended that this submission be accepted in part. I support the deletion of 'significant heritage' in favour of 'historic heritage' as it reflects the wording used in s6(f) of the RMA.

11.13 However, I disagree with the reporting officer that reference to 'values' should be retained in the objective. Firstly, s6(f) does not refer to 'values'; and secondly,

²⁴ Further submission 165.32FS

²⁵ Submission 182.28

²⁶ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraph 61

²⁷ Submission 165.26

²⁸ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraph 83

consideration of 'values' is implied in the first part of the clause by recognising how historic heritage contributes to the District's character and identity.

11.14 I propose the following amendment:

...

viii the important contribution of historic heritage to the District's character and identity is recognised, and ~~significant~~ historic heritage ~~and its values are~~ is protected from inappropriate subdivision, use, and development.

SD-03 – Climate Change

11.15 Fonterra²⁹ supported the wording of SD-03 as notified, and then made a further submission³⁰ in support of HortNZ³¹ to amend clause ii. In response to other submissions (including HortNZ's), the reporting officer³² has recommended amendments to the objective. I support the changes to SD-03, including the enablement of activities to adapt to climate change.

SD-04 – Natural Hazards

11.16 Fonterra³³ supported the wording of SD-04 as notified, and then made further submissions³⁴ in support of Transpower and Silver Fern Farms³⁵ to amend the primary clause and subclauses ii respectively. The reporting officer³⁶ has recommended that the submissions of Transpower and Silver Fern Farms be rejected.

11.17 Having reviewed the reporting officer's commentary, I am comfortable with the clauses as notified.

SD-06 - Business Areas and Activities

11.18 Fonterra³⁷ sought changes to SD-06 to ensure that the operational requirements of business activities are provided for and that reverse sensitivity effects on industrial activities are avoided. Fonterra³⁸ also supported a submission by

²⁹ Submission 165.27

³⁰ Further submission 165.50FS

³¹ Submission 245.38

³² s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), section 3.7.2

³³ Submission 165.28

³⁴ Further submission 165.9FS and 165.15FS

³⁵ Submissions 159.28 and 172.14

³⁶ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraphs 122 and 123

³⁷ Submission 165.30

³⁸ Further submission 165.10FS

Synlait³⁹ seeking a similar outcome. The reporting officer⁴⁰ has recommended that these submissions be accepted in part.

11.19 I agree with the changes to SD-O6(i) recommended by the reporting officer. However, I disagree with the recommended amendments to SD-O6(ii). I consider that, as amended by the reporting officer, the issues of retail distribution, reverse sensitivity and zone purpose are conflated, and the Strategic Direction is weakened.

11.20 In order to succinctly address these issues, I recommend the following amendments to SD-O6:

Business and economic prosperity in the District is enabled in appropriate locations, including by:

i. providing at least sufficient and appropriately located land ~~for~~ to meet the operational requirements of a range of existing and new business activities and other compatible activities and to cater for projected growth; and

ii. providing opportunities for a range of business activities ~~and other compatible activities~~ to establish and prosper, provided that commercial activities outside of commercial areas are limited so they do not detract from the role and function of the City Centre and Town Centre zones, ~~or the industrial zones.~~

iii. Mitigating reverse sensitivity effects within commercial zones, and avoiding reverse sensitivity effects within industrial zones and from zones adjoining industrial zones.

11.21 As notified, SD-O6 refers to 'business activities' and does not distinguish between commercial and industrial activities, but I consider that this distinction is relevant with respect to reverse sensitivity effects. A more lenient 'mitigate' threshold is appropriate in commercial zones to acknowledge that these zones are intended to house both residential and commercial activities (and the effects of co-locating these activities need to be mitigated, for example through NOISE-P5); while a much more stringent 'avoid' threshold is appropriate for the industrial zone, where activities generate more environmental effects and should be afforded the space to do so. The proposed additional clause iii, set out above, addresses this issue.

Objective SD-O8 – Infrastructure

11.22 Fonterra⁴¹ sought an amendment to SD-O8(ii) to acknowledge that new infrastructure also co-ordinates with the growth of existing development. The reporting officer⁴² has recommended that this submission be accepted. I generally support the recommendation of the reporting officer, but upon reflection consider that the Strategic Direction might read better if it referred to both use and

³⁹ Submission 163.2

⁴⁰ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), section 3.10.2

⁴¹ Submission 165.31

⁴² s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraph 197

development, as infrastructure demand could be generated by a change in use (but may not necessitate a change to the existing development (buildings)). I recommend the following amendment to SD-O8(ii):

Across the District:

...

- ii. *the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of **both** new and existing uses and development ~~and the growth of existing development~~;*

...

Objective SD-O9 - Rural Areas

- 11.23 Fonterra⁴³ sought a number of amendments to SD-O9 to better articulate the objectives for rural areas of the district. The reporting officer⁴⁴ has recommended that these submissions be rejected. The reporting officer has recommended amendments (in response to other submissions) to the primary clause and subclauses (i), (ii) and (iii).
- 11.24 The notification of the PDP and the gazetting of the NPS-HPL effectively occurred at the same time (September 2022). It therefore stands to reason that some of the language and logic in the notified version of SD-O9 is inconsistent with that national policy.
- 11.25 With respect to the primary clause of SD-O9, I consider it is appropriate to refer to *land-based primary production*, being the language used in the NPS-HPL and which excludes quarrying and mining (as a discretionary activity, I agree with the reporting officer⁴⁵ that it is not 'enabled' by the zone). I consider it appropriate to include a new definition for *land-based primary production* (as defined in the NPS-HPL).
- 11.26 Fonterra sought to delete the second half of the primary clause, specifically '*to enable the ongoing use of land for primary production for present and future generations*', as it was not considered to add to the strategic purpose of the rural area. I have considered this submission further, and consider that, as highly productive land is to be protected for use by land-based primary production (as per the NPS-HPL), this in of itself, will preserve the land for future generations (as land-based primary production is non-consumptive). Therefore, to enable (or 'prioritise', as recommended by the reporting officer) land-based primary production will ensure that highly productive land is protected for future generations. I therefore consider that the primary clause should be amended as follows:

⁴³ Submission 165.32

⁴⁴ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraphs 230 and 231

⁴⁵ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraph 225

~~A range of primarily productive activities are Land-based primary production is enabled in the rural environment to enable prioritised to protect highly productive land the ongoing use of land for primary production for present and future generations, while:~~

11.27 As a consequence of the amendment I have recommended, I consider that subclause (i) can be deleted. As an aside, protecting 'productive uses' is not anticipated by the NPS-HPL. The national direction is intended to protect the highly productive land so that it accessible for land-based primary production. It does not protect those uses once established (other than from reverse sensitivity effects⁴⁶).

~~i. protecting versatile soils highly productive land or productive uses;~~

11.28 With respect to subclause (ii), I support the amendments recommended by the reporting officer.

11.29 I agree with the amendment that the reporting officer has recommended to subclause (iii). However, I consider that this should be an avoid policy consistent with my discussion in paragraphs 11.1 – 11.11. The NPS-HPL and the CRPS both direct that reverse sensitivity effects should be avoided or avoided in the first instance.

11.30 Furthermore, I consider it appropriate to include *rural industry* in the subclause given that it is enabled (as a restricted discretionary activity) in the GRUZ. In saying this, I note that *primary production* includes mining and quarrying, which is provided for as a discretionary activity (or restricted discretionary if it is an expansion) in the PDP. Arguably *rural industry* should be afforded similar protections from sensitive activities, if it has the same or a lesser activity status than mining and quarrying activities. I therefore recommend that subclause (iii) is amended as follows:

iii avoiding in the first instance managing the adverse effects, including reverse sensitivity effects, of new sensitive activities on primary production and rural industry;

11.31 I support the retention of subclauses (iv) and (v) as notified.

11.32 I am generally comfortable with subclause (vi) as it builds on the purpose set out in the primary clause and recognises that some land is earmarked for future urban growth and those opportunities should not be foreclosed. I would recommend the following minor amendment for improved clarity:

vi. ensuring land within the Future Development Area overlay remains available for future urban or rural lifestyle development.

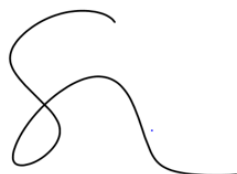
⁴⁶ Policy 9, National Policy Statement for Highly Productive Land

12 URBAN FORM AND DEVELOPMENT

- 12.1 Fonterra⁴⁷ sought amendments to UFD-O1(x) to recognise reverse sensitivity effects. The reporting officer⁴⁸ has recommended that this submission be accepted in part. I agree with the amendment recommended by the reporting officer, acknowledging that reverse sensitivity effects are a result of locating incompatible activities in proximity to each other.

13 CONCLUSION

- 13.1 I consider that amendments are needed to the PDP introduction, definitions and strategic directions, in particular to reflect the position of higher order policy on the issue of reverse sensitivity effects.



Susannah Vrena Tait

23 April 2024

⁴⁷ Submission 165.33

⁴⁸ s42A report, Proposed Timaru District Plan: Part 2 – District Wide Matters (Strategic Direction and Urban Form and Development), paragraph 288

APPENDIX A

1. My name is Susannah Vrena Tait. I am a Consultant Planner and Partner at Planz Consultants Limited.
2. I hold Bachelor of Science and Master of Applied Science degrees. I am a full Member of the New Zealand Planning Institute.
3. I have been employed in the practice of planning and resource management for approximately 20 years both in New Zealand and Australia.
4. I have been involved in a number of Plan Review / Amendment processes throughout the country, including:
 - The preparation of submissions (on behalf of a government client) on the Intensification Planning Instruments prepared by Rotorua Lakes Council (Plan Change 9), Tauranga City Council (Plan Change 33) and Western Bay of Plenty District Council (Plan Change 92).
 - The review (including preparation of submissions and evidence) of the Proposed Otago Regional Policy Statement (non-freshwater and freshwater) on behalf of Fonterra.
 - The formulation of draft District Plan provisions for the Kaipara and Timaru District Councils, including urban growth recommendations for Timaru District.
 - The preparation and review of proposed District Plans for the Selwyn and Waikato District Councils (including s32 and s42A Reports respectively).
 - The review (including preparation of submissions and evidence) of proposed Unitary Plans on behalf of private clients, including the Auckland Plan and the Marlborough Unitary Plan (the latter for Fonterra).
 - The review (including preparation of submissions and evidence) of Proposed District Plans on behalf of Fonterra and other private clients including the Whangarei, Selwyn and Timaru District Plans.
 - The review (including preparation of submissions and evidence) of Proposed Regional Plans, on behalf of Fonterra, including the Southland and Bay of Plenty Regional Air Plans.
 - The review (including preparation of submissions and evidence) of Plan Change 5 to the Hamilton City Plan on behalf of a government client.