

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 2 - Strategic Directions and Urban Form and Development

6 May 2024

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lloyd.**

Introduction

- 1 My name is Andrew Willis. I am a consultant planner engaged by the Timaru District Council to support the development of the Strategic Directions and Urban Form and Development Chapters. I prepared the s42A report on these chapters and can confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical and higher order planning documents.
- 2 I have the qualifications and experience as set out in my s42A report. In summary, I have an accredited planning degree, am a full member of the NZPI, am an accredited hearing commissioner and have over 27 years' experience in planning.
- 3 My intention with this summary is to provide a brief background to the chapters and identify the key matters in contention assessed in the s42A report. I will also identify the outstanding matters covered in evidence by the submitters, however it is not my intention to provide a preliminary view on all these 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.

Strategic Directions and Urban Form and Development Chapters – Background

- 4 The Strategic Directions and Urban Form and Development chapters provide the overarching direction for the Proposed Timaru District Plan (**Proposed Plan**). They cover the topics considered significant in the District and important to achieving the overall vision for land use and development within the District. They are also informed by RMA s6, s7 and s8 matters and the direction provided in other key planning documents.
- 5 In accordance with the National Planning Standards (**NPS**), the section is arranged in two chapters: Strategic Directions, and Urban Form and Development. Under the NPS, only the Urban Form and Development Chapter is mandatory (i.e. the Strategic Directions Chapter is voluntary). While high level, these chapters are significant as they set out the key strategic matters for the district that the Proposed Plan must address.
- 6 It is noted that there is nothing in the NPS to suggest that there is either a hierarchy amongst objectives that must or may be included in the Proposed Plan or a requirement to assess them against each other. Chapter 7, cl 1(b) simply stipulates that objectives that address key strategic matters for the district and guide decision making at a strategic level must be located under the strategic heading. The NPS does not suggest that strategic objectives

be any more than to guide decision making at a strategic level. In addition, there is nothing in the NPS preventing a Council from determining how they wish their strategic objectives to be interpreted and applied.

- 7 The following criteria informed the development of the strategic and urban form and development objectives:
 - (a) Whether the topic covered is significant within the district or at a district level that would benefit from coverage in the chapters;
 - (b) Whether the topic covered is a matter of national importance or something to have particular regard to;
 - (c) Whether the strategic direction is required at an overarching level to respond to an NPS or NES;
 - (d) Whether the topic covered is significant by virtue of direction provided in the Canterbury Regional Policy Statement (**CRPS**);
 - (e) Whether the strategic direction is required at an overarching level to respond to District growth strategies or other similar strategies;
 - (f) Whether the topic is strategically important for achieving integrated management and the purpose of the RMA; and
 - (g) Whether the direction helps resolve competing or conflicting provisions with the topic -specific / location-based chapters.
- 8 The option of including policies in the strategic directions and urban form and development chapters was considered. This option was discounted because of the potential overlap between the policies and the provisions contained within the topic-specific / location-based chapters.
- 9 The objectives were developed through an iterative process, having regard to the provisions being developed through each of the chapters that cover the topic in more detail. They were also informed by internal Council consultation and through the use of a Technical Advisory Group. In addition, draft chapter provisions were prepared and notified for public comment as part of consultation on the draft District Plan.

Proposed District Plan Provisions

- 10 The proposed Strategic Directions cover the following topics:
 - (a) Residential areas and activities (SD-O1);
 - (b) The natural and historic environment (SD-O2);

- (c) Climate change (SD-O3);
 - (d) Natural hazards (SD-O4);
 - (e) Mana Whenua (SD-O5);
 - (f) Business areas and activities (SD-O6);
 - (g) Centres (SD-O7);
 - (h) Infrastructure (SD-O8);
 - (i) Rural areas (SD-O9); and
 - (j) Community and open space (SD-O10).
- 11 The urban form and development chapter objective covers settlement patterns (UFD-O1). Collectively, the objectives will help ensure that:
- (a) Urban development is provided for and appropriately located to achieve safe, efficient and good quality urban outcomes that are integrated with infrastructure;
 - (b) Natural hazards are appropriately managed;
 - (c) The qualities and character of the District's natural environment are appropriately managed;
 - (d) Mana Whenua rights and values are provided for; and
 - (e) The District's rural areas continue to remain available for productive rural activities.

S42A Report – Key issues raised in submissions

- 12 There were 143 primary submission points on the Strategic Directions chapter and Urban Form and Development chapter and 103 further submission points. The submissions received were diverse and sought a range of outcomes.
- 13 I consider the following were the key issues raised in the submissions:
- (a) Clarifying how the strategic directions are to be interpreted in relation to the remainder of the Proposed Plan;
 - (b) Making clearer statements on reverse sensitivity;

- (c) Providing greater direction on climate change matters, including references to the Emissions Reduction and National Adaptation plans;
- (d) Providing a positive framework for establishing new business zoned land;
- (e) Providing better integration of mana whenua matters across the strategic directions objectives to provide guidance on how to address issues when the activity impacts more than one strategic objective;
- (f) Covering infrastructure more generally (i.e. more than sewer and water infrastructure) to service rural lifestyle development;
- (g) Promoting the increase of indigenous vegetation cover in the district and clarifying when restoration is required and ensuring that natural hazard risks to native species and habitat are identified and appropriately mitigated;
- (h) Recognising the central role that renewable electricity generation, electricity transmission and distribution play in achieving NZ's decarbonisation requirements;
- (i) Recognising that many sites of significance to mana whenua are on private property and that landowner permission is required to access these;
- (j) Expressly recognising industrial activities and land requirements;
- (k) Recognising that the commercial 'Large Format Retail' zone can function as a complementary hub for retail and commercial activity within the Timaru urban area;
- (l) Recognising community facilities are a common activity within centres;
- (m) Recognising the importance of physical construction materials;
- (n) Supporting the continuance and operational ability of regional infrastructure including the Redruth landfill;
- (o) Better protection of rural areas for their intended purpose;
- (p) Excluding public access along the coastal marine area within the operational area of the Port of Timaru;
- (q) Including a minimum household density for greenfield development;

- (r) Including objectives and policies from the Future Development Area chapter in the Strategic Directions chapter, and/or the Urban Form and Development chapter;
- (s) Adding an additional Urban Form and Development (UFD) chapter objective for business growth; and
- (t) Explicitly referring to education activities in future development areas.

Submitter Evidence – Key outstanding matters

- 14 Based on the evidence provided for this hearing, it appears that the issues raised in submissions have narrowed significantly (although some submitters have not pre-circulated statements).
- 15 My understanding is that the key outstanding matters are:
 - (a) Seeking protection from reverse sensitivity effects rather than management of these (in SD-O8) and reference to additional infrastructure;¹
 - (b) Removing the requirement in SD-O1(ii) for service connections to be to 'reticulated' sewer and water infrastructure;²
 - (c) Not to conflate carbon emissions reduction and mitigation, which are different concepts, and add a reference to carbon emissions mitigation (in SD-O3);³
 - (d) Various changes to the Future Development Areas chapter (which can be considered at the FDA hearing) and the inclusion of a minimum requirement of 12 households per hectare for residential future development areas;⁴
 - (e) Including a new clause in SD-O2 that the appropriate management of national grid assets will recognise and protect significant indigenous vegetation and significant habitats of indigenous fauna and deleting the requirement to avoid significant adverse effects in UFD-O1 in

¹ Evidence of Karen Rosser for Enviro NZ Services Ltd [162]

² Evidence of Lynette Pearl Wharfe for David & Susanne Payne [160]

³ Evidence of Andrew Cooking for Port Blakely [94]

⁴ Evidence of Deidre Francis for ECan [183]

favour of leaving this to the more specific objectives elsewhere in the Proposed Plan, along with their implementing policies and rules;⁵

- (f) In response to evidence for Fonterra:⁶
 - (i) Amending SD-O1 to refer to 'avoiding in the first instance' all reverse sensitivity effects, as opposed to avoiding significant reverse sensitivity effects;
 - (ii) Removing the reference to the 'values' of historic heritage in SD-O2 and including a separate clause in SD-O6 to cover reverse sensitivity effects within commercial and industrial zones (as opposed to being covered more generally);
 - (iii) Tweaks to SD-O8 to refer to existing uses;
 - (iv) Tweaks to SD-O9 to more closely align this objective with the NPS-HPL and to add 'rural industry' as a matter to avoid adverse effects on, including reverse sensitivity effects;
- (g) Adding into SD-O5 consideration of health and safety risks in areas of national and regional significant infrastructure for Kāti Huirapa customary activities;⁷
- (h) In response to the evidence for TRONT:⁸
 - (i) Adding in a reference to Iwi Management Plans in the introduction;
 - (ii) The weighting to be given to SD-O5 Mana Whenua and how it applies to the other strategic directions;
 - (iii) Adding in a reference to the Māori Purpose Zone in SD-O1(1) as an area to accommodate urban growth;
 - (iv) Changes to SD-O2 to more clearly show that there are mana whenua values to be considered when implementing this strategic direction;

⁵ Evidence of Ainsley McLeod for Transpower [159]

⁶ Evidence of Susannah Tait for Fonterra Ltd [165]

⁷ Evidence of Julia Margaret Crossman for Opuha Water Ltd [181]

⁸ Evidence of Rachel Pull for TRONT [185]

- (v) Amendments to SD-O4 Natural Hazards to align with the Draft NPS-Natural Hazards Decision-making for risk assessments in the Māori Purpose Zone;
- (vi) Removal of the reference to 'intended purpose' and other changes to SD-O5 to better reflect the relationship of Kāti Huirapa and their culture and traditions with their ancestral lands, water, sites, Wāhi tapu, and other taonga as well as their aspirations;
- (vii) Providing for mana whenua activities including Nohoanga Entitlements, Papakāinga, Marae, kura (schools) and cultural activities in rural areas; and
- (viii) Enabling papakainga to occur anywhere in the District.

Comments on matters remaining in contention

16 With the exception of adding a reference to carbon emissions mitigation (in SD-O3) in response to the evidence of Andrew Cooking for Port Blakely (which I support), I have not formed an opinion on the outstanding matters. I consider the remaining matters are finely balanced and / or potentially have integration implications (such as the approach to reverse sensitivity and households per hectare). I prefer to hear the evidence presented, any questions from the Hearing's Panel and witness responses before I provide a recommendation on these.

Andrew Willis

6 May 2024