

Before the Hearing Panel
Appointed by the Timaru District
Council

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

In the matter of the Proposed Timaru District Plan

Memorandum of Counsel on behalf of Timaru District Council

Hearing schedule and report on small fixed-wing aircraft

5 December 2024

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May it please the Hearing Panel:

Introduction

- 1 This memorandum is filed by counsel for the Timaru District Council (**Council**) in relation to procedural matters relating to the hearing of submissions on the Proposed Timaru District Plan (**PDP**). The purpose of this memorandum is to:
 - (a) report back on discussions with submitters in relation to the provision for small fixed-wing aircraft; and
 - (b) propose amendments to the hearing schedule for 2025.

Small fixed-wing aircraft

- 2 By memorandum dated 25 October 2024, counsel advised that:¹

Discussions with submitters are ongoing. A further proposal, based on recommendations by the Council's noise expert, is expected to be presented to the submitters on Tuesday, 20 October 2024. The Council is hopeful that that proposal will resolve those concerns but, if not, will explore the option of expert caucusing with the submitters.

It is proposed that the parties provide a further progress report on Friday, 6 December 2024.

- 3 Council has received a response to its proposal from the small fixed-wing aircraft submitters today. It is understood that a memorandum will be filed by counsel for the submitters setting out the submitters' position. The Council has not yet had an opportunity to review the proposal, but respectfully suggests that it report back to the Panel by 28 February 2025 in respect of the submitters' proposal.

2025 hearing schedule

- 4 The Council has been granted an 18-month extension of time, to 22 March 2026,² from the Minister for the Environment to issue decisions on the PDP. The Minister's decision was publicly notified on 17 October 2024. Hearings are currently scheduled until October 2025 (Hearing I).

¹ Memorandum of Counsel, 25 October, at [10].

² Decisions are required to be issued and publicly notified within 2 years of notification (RMA, Schedule 1, clause 10). Prior to the extension of time being granted by the Minister under clause 10A, decisions were due on 22 September 2024.

- 5 The Council has reviewed progress on the hearing of submissions to date, and the upcoming hearing programme. It proposes the following changes to the hearing schedule (which are addressed in further detail below):
- (a) move the Drinking Water Protection chapter to Hearing F;
 - (b) move the Financial Contributions chapter to Hearing G;
 - (c) hear submissions that relate to matters that arise across the plan in Hearing G;
 - (d) move consideration of any changes to national direction to Hearing H;
 - (e) address any remaining matters in Hearing H.
- 6 A tracked change version of the hearing schedule, containing the amendments proposed in this memorandum, is contained at **Appendix A**. It is respectfully submitted that the changes proposed below will better promote the efficient and effective conduct of the hearings, will enable the Council to meet the 22 March 2026 deadline set by the Minister, and will not result in any unreasonable delay.

Proposed amendments to Hearings E, F and G

Financial Contributions and Drinking Water Protection chapters

- 7 The Financial Contributions and Drinking Water Protection chapters are currently scheduled to be heard in Hearing E. During the preparation of the section 42A reports for Hearing E, it became evident that:
- (a) further work was required to respond to submissions on these two chapters; and
 - (b) Hearing E is likely to be a large hearing addressing a wide range of topics and a large number of submission points.
- 8 The Council is currently undertaking further work on financial contributions and drinking water protection and submits that it would be appropriate to hear:
- (a) the Drinking Water Protection chapter alongside the Hazards and Risks and Other District-Wide Matters topics in Hearing F; and
 - (b) the Financial Contributions chapter alongside the Growth topic in Hearing G.

- 9 The section 42A reports for Hearing E are anticipated to be published on 11 December, and do not address the Financial Contributions or Drinking Water Protection chapters.
- 10 Given the potential size of Hearing E, the Council respectfully submits that moving the Drinking Water Protection and Financial Contributions chapters from Hearing E would also provide additional time to dedicate to hearing submissions on the core topics relating to infrastructure, subdivision and cultural values.

Hear cross-plan submissions in Hearing G

- 11 There are a range of submission points relating to matters across the plan as a whole that do not sit neatly into any of the subject-matter topics currently scheduled. The Council takes the view that these submission points are best considered in the round, following the hearing of chapter-specific submission points.
- 12 These submission points can be categorised as:
 - (a) submissions that raise general issues, many of which may have already been substantively addressed through specific submission points - for example, giving effect to national direction across the plan, providing for activities as controlled wherever possible, considering the appropriateness of notification and other drafting matters. These are proposed to be considered in a 'sweep up' section 42A report in order to ensure that all submission points are properly considered by the Panel;
 - (b) submissions relating to more substantive matters, but which relate to several topics, including the demolition of buildings outside heritage areas and the appropriateness of the Crime Prevention through Environmental Design guidelines.
- 13 These cross-plan submission points are set out in the table attached at **Appendix B** to assist the Panel to understand the nature of those submissions.
- 14 The Council anticipates that no further hearing time will be required beyond Hearing G (unless the Panel considers further hearing time to be desirable – see below) and therefore suggests that the cross-plan submissions be heard at that time.

Proposed amendments to Hearing H

- 15 It is anticipated at this stage that the hearing of submissions will be able to be completed by the end of Hearing G.
- 16 The Council proposes that Hearing H be reserved for any other matters in relation to which the Panel wishes to hear further from submitters, Council officers, or legal counsel (including legal submissions in reply). The Council respectfully suggests that, if the Panel does wish to hear further on specific points, that could be signalled shortly after Hearing G, with any further evidence or legal submissions to be filed in advance of Hearing H.
- 17 A placeholder had been included in Hearing H for a potential variation to zone FDA1 and FDA2. The Council advises that it does not intend to introduce a variation at this stage and this placeholder can be removed.
- 18 The Council anticipates that Hearing I will not be required, but nevertheless proposes that Hearing I remain scheduled for October 2025 for contingency purposes.

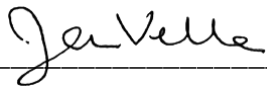
New or amended national direction

- 19 The Government proposes to release up to 20 pieces of new or amended national direction in early 2025, as part of its Phase 2 Resource Management Reform programme. This national direction will address infrastructure and energy, housing, farming and primary sector, emergencies and natural hazards and other system improvements.³ The Government expects this national direction to be in force by mid-2025.
- 20 At this stage, Hearing G contains a placeholder for mandatory national direction which has immediate implications. Given the time of Hearing G (scheduled for 8 – 10 July 2025) and the anticipated timing for new or amended national direction coming into force, it may be necessary to address these matters in Hearing H (scheduled for 2 – 4 September 2025). The Council will give further consideration to whether this is required once draft national direction is released in the new year.

³ See [Resource Management Reform – Phase 2 Priorities + Vehicles Fact Sheet](#).

Summary

- 21 In summary, the Council proposes:
- (a) the Drinking Water Protection chapter, previously scheduled for Hearing E, be heard in Hearing F;
 - (b) the Financial Contributions chapter, previously scheduled for Hearing E, be heard in Hearing G;
 - (c) the 'sweep-up' of cross-plan submissions be heard in Hearing G;
 - (d) Hearing H be reserved for matters in respect of which the Panel wishes to hear further (if any);
 - (e) consideration be given to whether matters relating to new or amended national direction be moved to Hearing H, once draft national direction is released in the first quarter of 2025;
 - (f) Hearing I be retained as contingency for now, and further consideration be given to whether Hearing I is required closer to the time.
- 22 The Council is grateful for the Panel's attention to these matters.



Jen Vella
Counsel for Timaru District Council

APPENDIX A
Amended hearing schedule

Hearing	Chapters to be considered	Hearing dates
<p>Hearing E</p> <p><i>E1 Infrastructure and Subdivision</i></p> <p><i>E2 Cultural Values</i></p>	<ul style="list-style-type: none"> • EI - Energy and infrastructure • SW – Stormwater Management • TRAN - Transport • DWP - Drinking Water Protection • SUB - Subdivision • FC – Financial Contribution • DEV1 - Broughs Gully Residential Development Area • DEV2 - Gleniti Residential Development Area • DEV3 - Washdyke Industrial Development Area • DEV4 - Temuka North West Residential Development Area • SASM - Sites and Areas of significance to Māori • HH - Historic Heritage • TREES - Notable Trees • MPZ - Māori Purpose Zone • Relevant Planning Maps • Relevant definitions 	10-14 February 2025
<p>Hearing F</p> <p><i>Hazards and Risks (Natural Hazards only)</i></p> <p><i>Other District-wide Matters</i></p> <p><i>Designations</i></p>	<ul style="list-style-type: none"> • NH – Natural Hazards • <u>DWP – Drinking Water Protection</u> • ASW - Activities on the Surface of Water • CE – Coastal Environment • EW - Earthworks • LIGHT - Light • NOISE – Noise • SIGN - Signs • TEMP - Temporary activities • RELO - Relocated Buildings and Shipping Containers • SIGN - Signs • VS - Versatile Soil • PA - Public Access • CNZ - Chorus NZ Ltd • ECAN - Canterbury Regional Council • KRH - KiwiRail Holdings Ltd • MEDU - Minister of Education • MJUS - Minister of Justice • MPOL - Minister of Police / NZ Police • MSNZ - Meteorological Service of New Zealand Limited 	29 April – 2 May 2025

	<ul style="list-style-type: none"> • NZTA - New Zealand Transport Agency • SPK – Spark New Zealand Trading Limited • TDC - Timaru District Council <ul style="list-style-type: none"> • Relevant Planning Maps • Relevant definitions 	
Hearing G Variation 1 <u>Cross-plan</u> <u>sweep-up</u> Growth	Place holder for mandatory national directions which requires immediate implication. <ul style="list-style-type: none"> • <u>FC – Financial Contributions</u> • FDA - Future Development Area • Rezone request for growth <ul style="list-style-type: none"> ○ a short s42A report identifying information required for each rezone request will be released by 29 October 2024; ○ submitters to provide required information by 20 February 2025. <ul style="list-style-type: none"> • Relevant Planning Maps • Relevant definitions <ul style="list-style-type: none"> • <u>'Sweep-up' cross-plan submissions</u> 	8-10 July 2025
Hearing H Variation 2	Place holder for potential Variation to rezone FDA1 & FDA2 matters in respect of which the Panel wishes to hear further	2-4 Sept 2025
Hearing I Sweep-Up	TBC	21-23 October 2025

Appendix B – Summary of cross-plan submission points – Hearing G

Submitter	Sub No.	Sub-section	Submission Point Summary	Relief/ Decision Sought Summary
Z Energy Limited	116.1	General	General relief sought.	<p>In addition to the specific outcomes and relief sought in the other submission points, the following general relief is sought:</p> <p>a) Achieve the following:</p> <ul style="list-style-type: none"> i. The purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA; ii. Give effect to the Canterbury Regional Policy Statement; iii. Assist the Council to carry out its functions under Section 31 RMA; iv. Meet the requirements of the statutory tests in section 32 RMA; and v. Avoid, remedy or mitigate any relevant and identified environmental effects. <p>b) Make any alternative or consequential relief as required to give effect to this submission, including, to the degree there is scope, any consequential relief required in any other sections of the PDP that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the documents; and</p> <p>c) any other relief required to give effect to the issues raised in this submission.</p>

Leslie Raymond Rawlings	120.2	General	The submitter notes that the PDP has a lot of discretionary activities and the cost of opposing requests is expensive. The Court does not grant costs in most cases and the cost should be borne 50:50 by the applicant and the person opposing it.	None specified.
Radio New Zealand Limited	152.1	General	Due to its civil defence role, the submitter considers the PDP needs to provide greater recognition and protection of submitter's facilities, including recognising its critical contribution; its technical/operational constraints; and the need to avoid reverse sensitivity effects. [Refer to the original submission for full reasons].	As outlined in specific submission points.

<p>Royal Forest and Bird Protection Society</p>	<p>156.1</p>	<p>National and Regional Direction Instruments</p>	<p>Alignment with national and regional policy direction. Concerned that the Plan does not adequately give effect to regional and national direction, including direction from:</p> <ul style="list-style-type: none"> • NZCPS Policy 1, Policy 11, and Policy 15; • Canterbury Regional Policy Statement (CRPS). Chapter seven Freshwater, Chapter eight the Coastal Environment, Chapter nine, and Chapter twelve Landscape; • NPS for Indigenous Biodiversity, in anticipation of its gazettal. <p>[Refer to original submission for full reason].</p>	<p>Requests the PDP gives effect to National and Regional Direction and takes into consideration the proposed NPSIB.</p>
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<p>Transpower New Zealand Limited</p>	<p>159.1</p>	<p>General</p>	<p>Acknowledges that the PDP goes a long way to achieve statutory requirements under the NPSET, CRPS, NESETA and the RMA. However, considers amendments are required to give effect to or achieve the purpose of the legislation.</p> <p>Considers such amendments to enable the submitter to efficiently operate, maintain and develop the National Grid network to meet increasing demand and to seek security of supply, thereby contributing to New Zealand's economic and social aspirations.</p> <p>Considers the PDP needs to recognise and accommodate the ever-developing nature of National Grids, responding to changing supply and demand patterns, growth, reliability and security needs.</p> <p>[refer to original submission for full reasons].</p>	<p>1. Key elements of the submitter's relief seeks:</p> <ul style="list-style-type: none"> • the refinement of provisions that manage the potential adverse effects of the National Grid to achieve consistency, remove duplication and avoid possible conflict between provisions in different chapters; • alignment of the 'effects tests' provisions for the development of the National Grid with the direction given in the NPSET; • limited amendments to provisions that protect the National Grid to reflect the submitter's nationally consistent approach; • revisions to matters of discretionary to enable the consideration of the benefits of the National Grid; <p>and</p> <ul style="list-style-type: none"> • provisions that appropriately enable the operation, maintenance and particularly upgrading of the National Grid within various overlays, including by recognising the operational needs and functional needs of the National Grid. <p>2. The submitter seeks the following decision from the local authority:</p> <p>Amend the Proposed District Plan to make all required changes, including the specific amendments set out in the detailed submission points and such further alternative or consequential relief as may be necessary to fully give effect to this submission.</p> <p>[Refer relief sought on specific provisions]</p>
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<p>Penny Nelson, Director- General of Conservation Tumuaki Ahurei</p>	<p>166.1</p>	<p>General</p>	<p>As specified in particular provisions.</p> <p>The decisions sought in this submission are required to ensure that the proposed Timaru District Plan:</p> <p>Gives effect to New Zealand Coastal Policy Statement 2010, the National Policy Statement for Freshwater Management 2020, and the Canterbury Regional Policy Statement;</p> <p>Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act;</p> <p>Promotes the sustainable management of natural and physical resources; and</p> <p>The changes sought are necessary, appropriate and sound resource management practice.</p>	<p>a. That the particular provisions of Proposed Plan that I support, as identified in Attachment 1, are retained;</p> <p>b. That the amendments, additions and deletions to Proposed Plan sought in Attachments 1 are made; and</p> <p>c. Further or alternative relief to like effect to that sought in a. and b. above, including consequential changes or changes required for consistency.</p>
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Rooney Holdings Limited	174.1	General	<p>Considers the PTDP has been drafted as a restrictive planning document that seeks to micromanage the effects of many activities that have previously been permitted. The PTDP consistently goes that extra step in terms of restrictiveness and micromanagement compared to other district plans is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management.</p>	Request the PTDP to be more enabling and restricts where necessary to achieve statutory requirements.
Opuha Water Limited	181.1	General	<p>The submitter notes that the PDP E Plan contains various spelling and grammatical errors; omits the text for footnotes; shows terms as “defined” which either are not defined in the PDP (or the RMA) or do not have operational cross-linkages; contains inconsistent terminology both within chapters and across chapters; and refers to outdated (repealed) legislation (e.g., Health & Safety in Employment Act 1992) amongst other various issues, which are addressed in the specific submission points.</p> <p>The submitter seeks that such errors be addressed in the section 42A Report so that submitters can review the reporting officers’ recommendations prior to the hearing of submissions, and offer further suggestions, if necessary.</p>	<p>Ensure the S.42A reports address the following errors in the PDP:</p> <ul style="list-style-type: none"> • drafting errors such as spelling and grammatical errors, omitted footnoted and inconsistency of terminology used within and between chapters; • technological issues, such as e-plan definition cross-linkage errors; • references to outdated (repealed) legislation.

Federated Farmers	182.2	General	<p>The submitter supports the Council's intention for having many activities able to occur without having an activity classification assigned to them. This recognises that there are activities which can occur without creating adverse effects on the environment and without the need to have controls specified in the District Plan. The submitter also supports the use of the permitted activity classification where some control is required.</p> <p>Submitter seeks that where a consent status is required, Council uses controlled status rather than restricted discretionary and or discretionary which allows Council the ability to decline. This would assist the Council in future proofing the plan for when the Natural and Built Environment Act comes into force which has indicated the removal of the restricted discretionary activity classification.</p> <p>2.4 Controlled activities require resource consent but are always granted by the consent authority. The application for a resource consent will be assessed according to specified matters over which the Council will exercise its control.</p> <p>Controlled activity consents give certainty to users that the resource consent will be granted provided certain conditions are met. This is appropriate for activities that will have no more than minor effects on the environment and where the non-compliance with the permitted activities rules is minor.</p>	<p>Review the District Plan to:</p> <ol style="list-style-type: none"> 1. apply a controlled activity status where possible. AND 2. provide rules that are: <ol style="list-style-type: none"> (a) are written clearly and concisely; (b) have conditions that are able to be complied with and are enforceable; (c) are consistent with objectives and policies contained in the District Plan; (d) avoid the reservation of the council's discretion where it is not required or appropriate; (e) are consistent with the rules of other authorities such as the National Grid provide; (f) are consistent with the national direction set through National Environmental Standards and National Policy Statements; and (g) minimise the use of prohibited activity status which place unwarranted barriers for resource consent applicants.
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			<p>Submitter does not support Council moving from permitted activity to restricted discretionary and discretionary activity status without the allowance for a controlled activity. The resource consent process can be costly and result in significant time delays. The more restrictive activity classifications should only be imposed where there is evidence to support that there is a need for the Council to have reserved its discretion over several matters which need to be met.</p> <p>[Refer to original submission for full reason]</p>	
Canterbury Regional Council (Environment Canterbury)	183.13	Definitions	Notes a number of definitions refer to either "facility" or "activity", and the terms are not used consistently. It is necessary to ensure that both the activity, and the buildings, are covered by the definitions.	Amend any definition containing "facility" or "activity" to ensure that both the land use and the building is covered by the definition.
Canterbury Regional Council (Environment Canterbury)	183.2	General	Notes throughout the whole plan, there are very few activities that propose to dispense with public or limited notification, whereas there are many activities where either public or limited notification is not warranted (for example, breach of outdoor living space provisions). It is recommended that all rules in the plan be considered as to whether limited or public notification can be dispensed with.	Review the entire plan and consider whether public or limited notification can be dispensed with where resource consent is required.

Canterbury Regional Council (Environment Canterbury)	183.3	General	Considers there are a number of inconsistencies across zones within the plan in terms of assessment criteria for activities. The assessment criteria should be drafted the same, unless there is a good reason not to, for the same activity.	Review all assessment criteria across the plan to ensure that the same assessment criteria for activities across different zones are consistent.
House Movers Section of the New Zealand Heavy Haulage Association Inc	184.2	General	The submitter supports express provision for demolition of all buildings excluding heritage buildings as a permitted activity in all zones where building activities are provided for as a permitted activity.	Request that demolition of non-heritage buildings as a permitted activity in all zones where building activities are provided for as a permitted activity.
Te Runanga o Ngai Tahu	185.4	General	The plan contains minor errors that could impact the ability of Council to implement it as intended. E.g. use of abbreviations, legislation references.	Undertake a full check of the plan should be undertaken by a suitably qualified person with understanding of the legal requirements for consistency with legislation and case law as well as consistency between chapters.
Te Runanga o Ngai Tahu	185.5	General	Acknowledge that with a document this size there will be some mistakes in the te reo Māori language.	Undertake a full check of the te reo Māori used in the plan and the section 32 reports is undertaken by a suitably qualified person with understanding of the Kāi Tahu dialect before sections/parts become operative.
Te Runanga o Ngai Tahu	185.6	General	Supports the use of dual naming throughout the proposed plan, however considers the approach needs to be consistent throughout the plan.	Amend the entire plan to ensure the use of dual naming is consistent throughout the plan with te reo Māori first and English second.
GJH Rooney	191.1	General	Considers the PTDP has been drafted as a restrictive planning document that seeks to	Request the PTDP to be more enabling and restricts where necessary to achieve statutory requirements.

			micromanage the effects of many activities that have previously been permitted. The PTDP consistently goes that extra step in terms of restrictiveness and micromanagement compared to other district plans is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management.	
BP Oil, Mobil Oil New Zealand Limited, Z Energy	196.1	General	Not stated.	In addition to the specific outcomes and relief sought, the following general relief is sought: Achieve the following: The purpose and principles of the Resource Management Act 1991 (<i>RMA</i>) and consistency with the relevant provisions in Sections 6 - 8 RMA; Give effect to the Canterbury Regional Policy Statement; Assist the Council to carry out its functions under Section 31 RMA; Meet the requirements of the statutory tests in section 32 RMA; and Avoid, remedy or mitigate any relevant and identified environmental effects; Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the proposed plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and 3. Any other relief required to give effect to the issues raised in this submission.

Timaru City Centre Ratepayers Action Group	219.14	General	<p>Supports the inclusion of CPTED guidance for the design of public open spaces. However, considers that it must be made clear when and how this guidance is to be used and whether it is mandatory, or not. CPTED and its principles are not 'hard and fast' rules, rather, they are guiding principles that must be adapted to fit the local context.</p> <p>[Refer original submission for full reason]</p>	Amend the relevant chapters of the PDP to make it clear when and how the guidance contained in APP3 is to be used.
Timaru Civic Trust	223.17	General	<p>Supports the inclusion of CPTED guidance for the design of public open spaces. However, considers that it must be made clear when and how this guidance is to be used and whether it is mandatory, or not. CPTED and its principles are not 'hard and fast' rules, rather, they are guiding principles that must be adapted to fit the local context.</p> <p>[Refer original submission for full reason]</p>	Amend the relevant chapters of the PDP to make it clear when and how the guidance contained in APP3 is to be used.
Te Tumu Paeroa, Office of the Maori Trustee	240.1	General	<p>Submitter is generally comfortable with the objectives, policies, rules and standards to manage land use activities and subdivision across the Timaru district in the Proposed Plan.</p> <p>However, the submitter considers amendments are required to recognise all Māori landowners, reduce ambiguity and</p>	As detailed in specific provisions.

				provide clear direction to those implementing plan.	
Rooney Limited	Group	249.1	General	Considers the PTDP has been drafted as a restrictive planning document that seeks to micromanage the effects of many activities that have previously been permitted. The PTDP consistently goes that extra step in terms of restrictiveness and micromanagement compared to other district plans is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management.	Request the PTDP to be more enabling and restricts where necessary to achieve statutory requirements.
Rooney Limited	Farms	250.1	General	Considers the PTDP has been drafted as a restrictive planning document that seeks to micromanage the effects of many activities that have previously been permitted. The PTDP consistently goes that extra step in terms of restrictiveness and micromanagement compared to other district plans is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management.	Request the PTDP to be more enabling and restricts where necessary to achieve statutory requirements.
Rooney Earthmoving Limited		251.1	General	Considers the PTDP has been drafted as a restrictive planning document that seeks to micromanage the effects of many activities that have previously been permitted. The	Request the PTDP to be more enabling and restricts where necessary to achieve statutory requirements.

			PTDP consistently goes that extra step in terms of restrictiveness and micromanagement compared to other district plans is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management.	
Timaru Developments Limited	252.1	General	Considers the PTDP has been drafted as a restrictive planning document that seeks to micromanage the effects of many activities that have previously been permitted. The PTDP consistently goes that extra step in terms of restrictiveness and micromanagement compared to other district plans is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management.	Request the PTDP to be more enabling and restricts where necessary to achieve statutory requirements.