

**BEFORE THE HEARING COMMISSIONERS**

**IN TIMARU DISTRICT**

**IN THE MATTER** of the Resource Management Act 1991 (“**the Act**”)

**AND**

**IN THE MATTER** of the Proposed Timaru District Plan Hearing A Strategic Directions

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE**

**FOR D & S Payne (Submitter 160 and Further submitter 160)**

**22 APRIL 2024**

## **Summary**

This statement of evidence is on submissions and further submission on SD-O1 ii) relating to strategic direction for rural lifestyle zones, in particular the requirement for connection to reticulated sewer and water infrastructure.

Rural lifestyle developments need to provide for sewer and water infrastructure as part of developments but that outcome can be achieved a number of ways.

It is inappropriate that the strategic direction prescribes a specific approach, rather than providing an overall framework for the location and topic specific chapters to address.

In my opinion the requirement in SD-O1 ii):

Does not give effect to the Canterbury Regional Policy Statement;

Is inconsistent with the Regional Land and Water Regional Plan;

Provides inconsistency within the Proposed Timaru District Plan;

Is not supported by the s32 for the Strategic directions chapter;

Is not a strategic direction as set out in the National Planning Standards; and

Applies an urban provision to a rural area.

I support an amendment to SD-O1 ii) so that rural lifestyle development can appropriately provide infrastructure requirements such as sewage and water supply.

This could be achieved by amending SD-O1 ii) as follows:

*Limited rural lifestyle development opportunities are provided where they concentrate and are attached to existing urban areas, achieve a coordinated pattern of development and are capable of efficiently connecting to reticulated sewer and water infrastructure.*

## **QUALIFICATIONS AND EXPERIENCE**

My name is Lynette Pearl Wharfe. I am a planning consultant with The AgriBusiness Group. I have a BA in Social Sciences and post graduate papers in Environmental Studies, including Environmental Law, Resource Economics and Resource Management.

I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.

I have been a consultant with The AgriBusiness Group since 2002. The Agribusiness Group was established in 2001 to help build business capability in the primary sector.

I have spent over 20 years as a consultant, primarily to the agricultural industry and rural sector, specialising in resource management, environmental issues, and environmental education and facilitation, including 20 years of providing advice to Horticulture New Zealand ("**HortNZ**") and its precursor organisations, NZ Vegetable and Potato Growers Federation, NZ Fruitgrowers Federation.

As part of providing advice to HortNZ for submissions and plans across the country I have been involved in development of Regional Policy Statements, Regional Plans and District Plans, including omnibus plans such as the Auckland Unitary Plan and the Marlborough RM Plan and district plans in Dunedin, Christchurch City, Selwyn, Waikato, Whakatane, Opotiki and Hastings so am familiar with the range of matters to be addressed in the Proposed Timaru District Plan ("**PTDP**").

I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **SCOPE OF EVIDENCE**

This evidence provides a planning assessment of those provisions on which David & Susanne Payne further submitted which are addressed in Hearing A.

In undertaking this assessment, I have considered:

The Section 42A Hearings Report for Hearing A

The s32 Reports for PTDP

Canterbury Regional Policy Statement

Regional Land and Water Plan for Canterbury

National Planning Standards

### **My Understanding of D & S Payne's Submissions**

David & Susanne Payne made submissions and further submissions on the PTDP because of concerns regarding the zoning of their property at Geraldine as GRUZ with an FDA11 overlay. They have sought that the zoning be changed to Rural Lifestyle (RLZ) and the FDA11 be

removed. Submissions on these matters will be addressed at Hearing B - Rural Zones and Hearing E -Subdivision and Growth including FDA.

In addition, the Payne's are concerned about provisions in the RLZ regarding lot sizes and on-site wastewater infrastructure, including requiring reticulated sewer infrastructure, given provisions in the Canterbury Regional Policy Statement (CRPS) and the Land and Water Regional Plan.

They are concerned about duplication between plans and inconsistencies and complexity within the PTDP as they seek to ensure clarity and certainty for plan users.

The Payne's made further submissions on SD-O1 ii) regarding requirements for reticulated sewer infrastructure for rural lifestyle area (27.1 Rabbidge, Singline and RSM Trust Ltd and 176.31 Connexa).

This evidence addresses those further submissions.

### **Strategic Direction SD-O1 Residential areas and activities**

SD-O1 sets out the strategic directions for residential areas and activities, and includes rural lifestyle development opportunities.

Clause SD-O1 ii) is:

*Limited rural lifestyle development opportunities are provided where they concentrate and are attached to existing urban areas, achieve a coordinated pattern of development and are capable of efficiently connecting to reticulated sewer and water infrastructure.*

Submission 27.1 supported clause ii) to include reticulated sewer and water infrastructure as the submitters consider this would enable growth to have Council provided sewer and water networks in FDA's to be extended by Council.

D & S Payne opposed this submission as they do not support the requirement for reticulated sewage in Rural lifestyle zones.

Submission 176.31 by Connexa sought the deletion of the words 'reticulated sewer and water' from SD-O1 ii) so the focus would be on all infrastructure.

The Payne's supported this submission as it removed the requirement for reticulated sewer and water infrastructure in the Rural lifestyle zone.

The s42A Report addresses 176.32 at Para 64 and 71 and 27.1 at Para 68 and 75.

The s42A Report rejects the submission of Connexa as not being necessary, based on provisions in the Canterbury Regional Policy Statement (CRPS).

I consider the CRPS provisions below and that some changes to the objective are appropriate.

In respect of the Singline and RSM Trust submission the s42A Report notes that it is not the District Plan that provides for Council infrastructure policy, so recommends that the submission is accepted in part.

I support the s42A Report recommendation in so far as the submitters have assumed that inclusion of reticulated sewage and water infrastructure will lead to Council provision of such services, but the report states that such provision cannot be guaranteed through the policy.

Reticulated sewer and water infrastructure is not defined in the Plan.

However Reticulated stormwater network is defined and clearly identifies that it is a network operated by a network utility operator.

It is assumed that reticulated sewer and water infrastructure would also be operated by a network utility operator, which could include Timaru District Council.

#### *National Planning Standards*

The National Planning Standard Zone Framework Standard describes the Rural lifestyle zone:

*Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.<sup>1</sup>*

The Rural lifestyle zone is identified as a 'rural' zone<sup>2</sup>.

In my experience infrastructure for water and sewage in rural areas, including rural lifestyle areas, is predominantly provided on-site, rather than connected to reticulated networks.

Such on-site provision is a feature of rural areas, with reticulated services akin to urban environments.

---

<sup>1</sup> <https://environment.govt.nz/publications/national-planning-standards/>

<sup>2</sup> Ministry for the Environment 2019 2G Zone Framework Standard Recommendations on submission Report for the first set of National Planning Standards

<https://environment.govt.nz/publications/2g-zone-framework-standard-recommendations-on-submissions-report-for-the-first-set-of-national-planning-standards/>

The strategic direction for the Rural lifestyle zones is located in SD-O1 Residential areas activities rather than SD-O9 Rural Areas, which implies a more urban focus rather than rural, which is inconsistent with the direction in the National Planning Standards.

*Canterbury Regional Policy Statement*

The s42A Report (71) refers to CRPS Policy 5.3.5 which SD-O1 ii) is responding to.

*Within the wider region, ensure development is appropriately and efficiently served for the collection treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:*

- 1. Avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and*
- 2. Requiring these services to be designed, built, managed or upgraded to maximise their ongoing effectiveness.*

The policy seeks 'appropriate and efficient' services but does not specifically require connections to reticulated services.

The CRPS implementation methods for Policy 5.3.5 require that territorial authorities ensure that development can be efficiently and effectively served for the collection, treatment and disposal of sewage and stormwater in order to avoid or mitigate adverse effects on the environment and human health.

The Canterbury Regional Council has implemented the policy through provisions in the Regional Land and Water Plan for on-site wastewater management, particularly Rule 5.8: Discharge of wastewater from a new, modified or upgraded on-site wastewater treatment system onto or into land in circumstances where a contaminant may enter water is a permitted activity providing conditions are met.

The conditions of Rule 5.8 include:

1. The discharge volume does not exceed 2m<sup>3</sup> per day
2. The discharge is onto or into a site that is equal or greater than 4 hectares in area
3. The discharge is not located within an area where residential density exceeds 1.5 dwellings per hectare and the population is greater than 1000 persons

If the permitted activity conditions cannot be met, including sites less than 4ha, then the activity is a restricted discretionary activity under Rule 5.9.

There is no requirement that the property needs to be connected to a reticulated sewer system.

The rule provides for on-site wastewater management systems as a permitted activity on smaller blocks such as rural lifestyle blocks, subject to meeting conditions.

The district plan is required to not be inconsistent with a regional plan for any matter that is a regional council function (RMA s75 (4)). The control of discharges of contaminants into or onto land, air, or water is one such regional function in s30 (1).

The requirement in SD-O1 ii) is more stringent than the requirements of the regional plan so the PTDP is inconsistent with the Regional Land and Water Plan.

#### *Section 32 Report for Strategic directions chapter*

The s32 Report for Strategic Directions includes an evaluation of the proposed strategic directions but provides no insight as to how SD-O1 ii) was developed or included.

Table 2 in the s32 Report states that SD-O1 responds to the CRPS Objectives 5.2.1 (location design and function of development) and 5.2.2 (integration of land use and regionally significant infrastructure).

Objectives 5.2.1 and 5.2.2 provide an overall direction for development and infrastructure but not at the level of specificity as in SD-O1 ii).

#### *Inconsistencies in the PTDP*

SD-O1 ii) conflicts with other provisions in the district plan, including SUB-P15 Rural Lifestyle Zone (RLZ) which requires subdivision in the RLZ to:

*Connect to the reticulated drinking water network; and*

*Require connection to the reticulated wastewater networks where available, or if not available, provide a suitable site are for onsite disposal.*

SUB-S4 Wastewater disposal (2) applies for rural zones (which includes the RLZ) and requires connection to reticulated wastewater networks in certain circumstances, and where connection is not available the subdivision application must demonstrate that the discharge of wastewater to ground either complies with the regional plan or has discharge consent.

The other relevant chapter in the PTDP is the Rural Lifestyle Zone.

RLZ-P1 enables residential activities that are connected to a reticulated drinking water supply, but does not require connection to reticulated wastewater.

RLZ-P9 provides for other activities where there is adequate infrastructure available to service the activity including on-site servicing where reticulated services are not available.

There is a specific standard RLZ-S9 for water supply but there is no standard for on-site wastewater services in the RLZ chapter.

Therefore a requirement in SD-O1 ii) for connection to a reticulated wastewater system is not supported by the provisions in the relevant sections of the PTDP, so there is inconsistency within the Plan.

The question is whether the provisions in the specific topic and location chapters should be amended to be consistent with the Strategic Direction, or whether SD-O1 ii) should be amended to be consistent with the topic specific provisions.

The SUB and RLZ chapters and associated s32 Reports set out a rationale for the provisions in the respective chapters and they are consistent with the Regional Land and Water Plan.

There is nothing in the Strategic Directions s32 Report, the topic specific s32 Reports, or the CRPS that support SD-O1 ii) overriding the provisions in the SUB and RLZ chapters.

#### *Strategic directions*

The National Planning Standards District-wide Matters Standard<sup>3</sup> state that Strategic Direction objectives address key strategic or significant resource management matters for the district and guide decision making at a strategic level. Rules must not be included under the Strategic direction heading.

The strategic directions are implemented by location and topic specific chapters which provide a greater level of detail.

In my opinion, the structure of SD-O1 ii) is at level of detail and prescription that is inappropriate for a strategic direction.

A more appropriate strategic direction would be that rural lifestyle development can appropriately provide infrastructure requirements such as sewage and water supply.

---

<sup>3</sup> <https://environment.govt.nz/publications/national-planning-standards/>



Such an approach would enable connection to reticulated services if available, installation of on-site wastewater systems as provided for in the RLWP, or enable innovation for new systems.

The wording of SD-O1 ii) limits such solutions.

SD-O1 ii) could be amended by deleting the word 'reticulated' so that rural lifestyle developments 'are capable of efficiently connecting to sewer and water infrastructure:

*Limited rural lifestyle development opportunities are provided where they concentrate and are attached to existing urban areas, achieve a coordinated pattern of development and are capable of efficiently connecting to reticulated sewer and water infrastructure.*

Such an amendment would provide clear direction that rural lifestyle developments need to ensure an efficient method for infrastructure without prescribing the form of connection.

Such a change would provide an overall direction as to how infrastructure is to be provided but the detail of how the strategic objective is achieved is addressed in the topic and specific area chapters, such as SUB and RLZ in the proposed plan.

In my opinion, this is consistent with the intent of the National Planning Standards directions for Strategic directions.

I consider that the submission of Connexa provides scope to delete the requirement for 'reticulated' infrastructure.

### **Conclusion**

This evidence addresses further submission points relating to SD-O1 ii) Residential Areas and activities.

I support a change to SD-O1 ii) that would better provide a strategic framework for rural lifestyle development that gives effect to the CRPS, is not inconsistent with the Regional Land and Water Plan and provides consistency within the PTDP.

**Lynette Wharfe**

**22 April 2024**

