

**BEFORE THE INDEPENDENT HEARINGS PANEL
APPOINTED ON BEHALF OF THE TIMARU DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed TIMARU District Plan –
Hearing Stream G – Growth

AND the submissions of Chris and Sharon
McKnight on the Proposed Timaru
District Plan (Sub No. 30).

**JOINT WITNESSS STATEMENT
Planning and Landscape**

Dated: 23 July 2025

1 INTRODUCTION

1.1 This joint statement relates to submissions made by C and S McKnight (Sub No. 30) on the Proposed Timaru District Plan (**TPDP**), requesting the rezoning of their land at 60 Landsborough Road, Timaru (the **Overall Site**) to enable Rural Lifestyle development on the Site in accordance with the Rural Lifestyle Zone in the TPDP.

1.2 The evidence confirmed:

- (a) A narrowing of relief, to an extension of 2.6ha of General Rural Zone (**GRUZ**) land to Rural Lifestyle Zone (**RLZ**) and extend the Brookfield Road specific control area (**SCA**) over the rezoned land, with the balance area (7.56ha) to be retained as GRUZ¹.
- (b) Confirmation that servicing, including reticulated water supply and wastewater disposal, could be efficiently integrated to the rezoned RLZ, enabling a maximum of five (5) additional allotments to the existing 30 allotments within the Brookfield Road SCA RLZ².
- (c) In terms of the landscape evidence provided by Mr Greenshields that without mitigation, adverse visual effects would arise in particular when observed from lower-lying viewpoints, such as Ōtipua Creek walkway, School Park and Centennial Park where the five potential buildings within the RLZ extension would appear on or near the skyline³. Both Ms Pfluger and Mr Greenshields agree that mitigation through clustered tree plantings would appropriately soften and integrate the structures into the landscape to an acceptable level⁴.
- (d) That under clauses 3.7 and 3.10 of the NPS-HPL there is a pathway through which the rezoning can be approved by the Panel⁵.

¹ EiC Ross [4.2 – 4.4]

² EiC Rabbidge [6.1 - 6.2]; Kemp, Summary at Hearing.

³ S42A Appendix 4 Pfluger [Sub No 30], EiC Greenshields [7.8 – 7.10]. Some roof tops of buildings within the existing RLZ and Bluestone Rise subdivision may also be seen from School Park. Only partial views of the RLZ extension area from Ōtipua Creek walkway and Centennial Park (VP5) are possible.

⁴ EiC Greenshields [9.6]; Pfluger, Summary at Hearing.

⁵ EiC Millner [6.4, 8.1]

- (e) In terms of a consideration against cultural values, the submitter evidence identified that the narrowing of the scope of the rezoning, coupled with the provision of appropriate water and wastewater reticulation, as well as controls provided by Erosion and Sediment Control Plans (ESCP) and accidental discovery protocols, stormwater attenuation tank requirements, and construction phase and operational stormwater management, appropriately manages these values within the context of the proposed rezoning⁶.

1.3 The Section 42A Interim Summary recommended, based on the matters above, that the submission be **accepted**, as *'subject to further consideration as to plan mechanism(s) to provide certainty to secure the mitigation recommended by Mr Greenshields⁷ and agreed by Ms Pfluger relating to visual effects on the skyline from public viewpoints'*.

1.4 The Joint Witness Statement relates to:

- (a) An agreed TPDP mechanism for landscape mitigation associated with the agreed adverse effects and measures identified by Mr Greenshields and Ms Pfluger; and
- (b) Any residual consideration in relation to cultural values.

1.5 Conferencing of the Planning witnesses took place on Tuesday 15th July 2025. The joint witness conference attendees were as follows:

- (a) Matt Bonis (**MB**) on behalf of the Timaru District Council.
- (b) Andrew Ross (**AR**) on behalf of McKnight (Sub.No 30).

1.6 On the 18th July 2025, the Independent Hearings Panel (IHP) issued Minute 42. That Minute included a direction at [14] for expert conferencing including Landscape Experts Mr Chris Greenshields and Ms Yvonne Pfluger.

1.7 On 22nd July Mr Greenshields and Ms Pfluger considered and agreed the drafted JWS as providing a mechanism in the district plan as appropriate to manage potential adverse effects on amenity values as

⁶ EiC Rabbidge [6.1 – 6.7], EiC Ross [9.7 – 9.11]

⁷ EiC Greenshields [8.6]

associated with the built form anticipated from the amending proposal when viewed from public viewpoints

- 1.8 This joint statement has been prepared in accordance with sections 9.4 and 9.5 of the Environment Court Practice Note 2023, which relates specifically to expert conferencing. The attendees confirm they have read, and agree to abide with, the updated Code of Conduct for Expert Witnesses included in Section 9 of the Environment Court Practice Note 2023.
- 1.9 This joint witness statement sets out all matters agreed. There were no areas of disagreement.
- 1.10 It is assumed that all submitted evidence has been reviewed and understood as a precursor to this joint witness statement.
- 1.11 In addition, an Addendum (Section 4) has been incorporated to acknowledge and record for the Panel the views of Ms Kylie Hall in terms of the matters discussed and agreed in this JWS. Ms Hall is the Principal Planner for Aoraki Environmental Consultancy Limited (**AECL**) and has provided expert evidence for the Timaru District Council on behalf of Mana Whenua and Kāti Huirapa.

2 MATTERS AGREED

The need for a plan mechanism to ensure certainty of the landscape mitigation associated with the amending proposal

- 2.1 MB and AR agreed that there are several existing TPDP provisions which manage landscape and visual amenity effects arising from the amending proposal. These include:
 - An 8m setback from all internal boundaries: Rule **RLZ-S4**.
 - A maximum building height in the Brookfield Road SCA of 4.5m: **Rule RLZ-S1(2)**.
 - Specific building controls for all buildings in the Brookfield Road SCA in terms of exterior colours **Rule RLZ-S7**.

- Controls on reflectivity (10% roofs, and 30% exterior walls)
Rule RLZ-S6.
- Controls on tree planting (min of four) **Rule RLZ-S8.**

2.2 It was also agreed that there was a high degree of specificity in the mitigation identified by Mr Greenshields and agreed by Ms Pfluger as relating to the amending proposal. The identified mitigation recommends the planting of clusters of trees within 10m of the eastern boundary as follows:

- (a) A minimum of five trees / allotment adjoining the eastern boundary;
- (b) Each tree being capable of achieving a minimum height of 12m, and a canopy of no less than five (5) metres; and
- (c) Trees being planted in 'tree clusters' of a minimum of two trees, with intervening tree separation of at least eight (8) metres within each tree within the cluster; and
- (d) Having a minimum separation between tree clusters of 20m, and a maximum separation between tree clusters of 40m.

2.3 MB and AR agreed that a bespoke rule (SUB-S9) could be drafted to manage these effects so as to enable the approval of the amending proposal. The status of SUB-S9 would be a restricted discretionary activity as pursuant to SUB-R3. The matters to be considered are both discrete and limited to landscape mitigation.

2.4 There was a brief discussion as to inclusion of the tree planting requirements within existing land use Rule RLZ-S8. This was dismissed as being less effective and efficient, compared to imposing a more certain requirement at time of subdivision.

2.5 Non-compliance with proposed SUB-S9 through either not seeking to secure the required planting through legal instrument; or compliance with the planting requirements; is recommended to trigger a restricted discretionary activity status. A limited number of matters of discretion would be sufficient to enable consideration of landscape and planting mitigation of district plan anticipated built form as viewed from public places.

2.6 Ms Hall advised on behalf of AECL and Kāti Huirapa that a building setback from the eastern boundary and the Ōtipua Creek would be beneficial. MB and AR agreed to a 10m setback which corresponds to the 10m planting area along the eastern boundary as identified by Mr Greenshields.

2.7 The agreed rule is as follows:

SUB-S9 Tree Planting Brookfield Road Specific Control Area		
Brookfield Road Specific Control Area	<p>All allotments created in the Rural Lifestyle Zone, other than allotments for access, roads, utilities or reserves for the subdivision of Lot 6 DP 502319 shall include a condition to be specified in a consent notice or other appropriate legal instrument to be registered against the record of title specifying:</p> <ol style="list-style-type: none"> 1. A building setback of 10m from the eastern boundary; and 2. That a minimum of five trees per allotment are to be established adjoining the eastern boundary on the created allotment prior to the issue of building consent for any building. Each tree is to be capable at maturity of a minimum height of 12m, and a canopy of no less than five (5) metres; and 3. Trees are to be established in 'tree clusters' of a minimum of two trees, with intervening tree separation of at least eight (8) metres between the base of each tree within the cluster, and a minimum separation between tree clusters on each allotment of 20m and maximum separation between each tree cluster of 40m. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. landscaping and screening. 2. Effects on landscape character associated with the bulk and external appearance of buildings from public places. 3. Whether a legal mechanism is required.

2.8 It is agreed that in association with this bespoke rule, the amending proposal in totality:

- (a) can be appropriately considered for rezoning as engaged with the application of clauses 3.7 and 3.10 the National Policy

Statement – Highly Productive Land including giving effect to **Policy 6** which provides for rezoning for Rural Lifestyle as provided by the NPS;

- (b) gives effect to the relevant provisions of the Canterbury Regional Policy Statement, and in particular provisions seeking development which is efficiently integrated with servicing infrastructure (**Policy 5.3.2(3), Policy 5.3.5**) and ensures the maintenance and enhancement of amenity values and character (**Policy 5.3.1(4) and (5)**). The amending proposal represents '*limited rural residential development*' that, given its incremental nature and the backdrop to the Brookfield Road SCA, is a '*coordinated pattern of development*' (**Policy 5.3.1**).
- (c) achieves and implements the relevant Objectives of the TPDP including being efficiently connected to infrastructure (**SD-O1(ii), SD-O8, EI-P1**) and generally providing for a coordinated pattern of development (**SD-O2(ii)**). The mechanism would assist in achieving and implementing **SUB-P15(1)** in terms of maintaining the character and qualities of the Rural Lifestyle Zone.
- (d) In terms of achieving values important to Mana Whenua and Kāti Huirapa, MB and AR agree that: the potential yield is modest under the amending proposal; that buildings (and associated earthworks for building platforms and access) will be set back some distance from the Ōtipua Creek; commensurate with the potential scale of development, appropriate controls exist in relation to earthworks to avoid the potential for degradation to the health (mauri) of Ōtipua Creek; the proposed mechanism assists in softening built form within the wider context of SASM-12 (as associated with the corridor associated with the Ōtipua Creek); and that resultant allotments would be able to connect to existing wastewater reticulation. MB has discussed this matter with Ms Hall for AECL, and she confirms that the amending proposal now achieves (**SD-O5**)⁸.

⁸ This matter has been reviewed and discussed with Kylie Hall at ACEL [Section 4]

2.9 There are consequential amendments (in ~~red strikethrough~~ or underline) to Rule SUB-R3 as follows:

SUB-R3	<u>Subdivision</u> not listed in <u>SUB-R1</u> and <u>SUB-R2</u>
All zones	<div> Activity status: Restricted Discretionary </div> <div> Where: </div> <div> RDIS-1 SUB-S2 – SUB-S79 are complied with; and </div> <div> RDIS-2 <u>SUB-S1</u> is complied with. </div> <div> Matters of discretion are restricted to: </div> <div> Activity status when compliance not achieved with RDIS-1: Restricted Discretionary </div> <div> Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of discretion listed in RDIS-1; and 2. the matters of discretion of any infringed standard. </div>

2.10 MB and AR have, in the process of drafting this JWS, identified that there is a potential omission in both SUB-R1 and SUB-R3. These provisions should engage with all the respective Subdivision Standards (SUB-S1 to SUB-S8). As presently drafted, SUB-S8 as relates to esplanade reserve requirements is not engaged under either Boundary Adjustments (SUB-R1) or SUB-R3 (Subdivision not listed in SUB-R1 and SUB-R3).

3 SECTION 32AA EVALUATION

- 3.1 MB and AR consider that in the context of s32AA, the following tables provide the Panel with the required analysis associated with their recommendation relating to this matter. MB and AR agree that the above analysis [2.8] in conjunction with the assessment provided in the Evidence of Mr Ross [Section 10] satisfies the requirements of s32AA.
- 3.2 MB and AR agree that their recommended approach is the more *efficient*, in considering the benefits and costs. Economics costs for establishing the legal mechanism, and requirements for landscaping fall on the developer, who will also economically benefit from the establishment of additional allotments. There are no economic costs to the wider community, but environmental costs on the wider community will be avoided or mitigated through the landscape requirements.
- 3.3 MB and AR agree that the recommended provision is the more *effective*. Whilst acknowledging the broader mechanisms associated with amenity and landscaping in the TPDP [2.1], both Planners agree the recommended provision provides greater certainty and specificity in terms of maintaining and enhancing amenity values and character (**CRPS Policy 5.3.1, TPDP SUB-P15(1)**) associated with the amending proposal and consequential subdivision enabling up to five (5) Rural Lifestyle allotments based on the expert technical assessments agreed by Mr Greenshields and Ms Pfluger.

Table 1: SUB-S8 Approach

Environmental	
Benefits	<ul style="list-style-type: none">• Technical experts agree clustered tree plantings would appropriately soften and integrate the structures into the landscape to an acceptable level, otherwise visual effects would arise in particular from lower-lying viewpoints, such as Ōtipua Creek walkway, School Park and Centennial Park where the five potential buildings within the RLZ extension would appear on or near the skyline.• Inserted new subdivision rule (SUB-S9) would provide specificity as to appropriate landscape mitigation. Assessment matters associated with RDIS provide for alternative appropriate treatment.

	<ul style="list-style-type: none"> • Certainty and some flexibility provided as to landscaping requirements. • Long term certainty associated with retention and maintenance through requirement of notice on title (rather than land use provision i.e. amendments to RLZ-S8).
Costs	<ul style="list-style-type: none"> • Treatment provides for management of interface with viewpoints, such as Ōtipua Creek walkway, School Park and Centennial Park to soften built form. Provision (and rezoning) would not avoid all effects, but manages these to an acceptable level.
Economic	
Benefits	<ul style="list-style-type: none"> • Increases certainty as to site development. • Amending proposal provides an additional five (5) allotments to existing Brookfield Road Specific Control Area.
Costs	<ul style="list-style-type: none"> • Costs associated with legal mechanism associated with landscaping requirements (fall on the developer). • Modest increase in administrative costs associated with the provision (including additional complexity of such a site specific rule in the TPDP).
Social	
Benefits	<ul style="list-style-type: none"> • Negligible increase in housing type and choice. Considered five (5) additional dwellings does not 'move the dial'.
Costs	NA
Cultural	
Benefits	<ul style="list-style-type: none"> • Increased certainty as to the proposed mechanism assisting in softening the visual appearance of built form within the wider context of SASM-12 (as associated with the corridor associated with the Ōtipua Creek). Both MB and AR acknowledge that SASM-12 does not extend into the amending proposal site.
Costs	NA
Efficiency: <i>The measure of whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society⁹.</i>	Approach is efficient. Provides material environmental benefits in terms of recognition and management of adverse effects on amenity values associated with the amending proposal from public viewpoints.

⁹ Mfe.govt.nz Guide to Section 32 of the Resource Management Amendment Act, pg 18

Effectiveness <i>The measure of contribution new provisions make towards achieving the objectives of the plan, and how successful they are likely to be in solving the problem they were designed to address¹⁰.</i>	<p>Approach is effective. Increased certainty as to management approach and mechanism to ensure outcome. Application of legal instrument at time of subdivision and requirement for trees to be established prior to building consent provides opportunities for planting to occur well in advance of development, reducing temporary effects whilst planting achieves maturity.</p>
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Table 2: Reliance on existing TDPD Provisions to manage amenity effects

Environmental	
Benefits	<ul style="list-style-type: none"> Existing TDPD provisions [2.6] provide considerable flexibility as to tree and landscaping requirements, which may reduce adverse effects from established dwellings on the skyline.
Costs	<ul style="list-style-type: none"> Technical experts agree as to adverse effects on lower-lying viewpoints, such as Ōtipua Creek walkway, School Park and Centennial Park. Existing provisions [2.6] are not specific to these viewpoints or management response, meaning higher potential of adverse effects.
Economic	
Benefits	<ul style="list-style-type: none"> Amending proposal provides an additional five (5) allotments to existing Brookfield Road Specific Control Area.
Costs	<ul style="list-style-type: none"> NA
Social	
Benefits	<ul style="list-style-type: none"> Negligible increase in housing type and choice. Considered five (5) additional dwellings does not 'move the dial'.
Costs	<ul style="list-style-type: none"> NA
Cultural	
Benefits	<ul style="list-style-type: none"> NA
Costs	<ul style="list-style-type: none"> Decreased certainty as to the proposed mechanism assisting in softening built form within the wider context of SASM-12 (as associated with the corridor associated with the Ōtipua Creek). Both MB and AR acknowledge that SASM-12 does not extend into the amending proposal site.

¹⁰ Mfe.govt.nz Guide to Section 32 of the Resource Management Amendment Act, pg 18

<p>Efficiency: <i>The measure of whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society.</i></p>	<p>Approach is efficient. Provides flexibility in terms of environmental approach associated with amenity values associated with the amending proposal, albeit as focused on inter-amenity effects within the RLZ, rather than from adjoining public viewpoints.</p>
<p>Effectiveness: <i>The measure of contribution new provisions make towards achieving the objectives of the plan, and how successful they are likely to be in solving the problem they were designed to address.</i></p>	<p>Approach is not effective. Recognised amenity and landscape effects created through built form enabled through the amending proposal in the absence of a mechanism managing those effects to an acceptable level. Such an approach will not achieve higher order provisions that seek to maintain and enhance amenity values and character.</p>

Signed:



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Matt Bonis on behalf of Timaru District Council



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Yvonne Pfluger on behalf of Timaru District Council

Signed:



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Andrew Ross on behalf of C & S McKnight (Sub No.30)

Greenshields

.....
Chris Greenshields on behalf of C & S McKnight (Sub No.30)

Dated: 23 July, 2025

4 ADDENDUM - MANA WHENUA AND KĀTI HUIRAPA

- 4.1 Ms Hall acknowledges the above assessment and has been involved in discussions with Mr Bonis in terms of his recommendations and considerations relating to the amending proposal and the evidence of the Submitter's Team.
- 4.2 Ms Hall considers that the matters specified in [2.8(d)] represent an appropriate consideration in terms of the issues raised in her report relating to Mana Whenua values. Ms Hall reiterates that concerns raised in her evidence related to substantial landscape modifications to the site, earthworks, increases in impervious surfaces and associated stormwater into the already degraded Ōtipua Stream.
- 4.3 Ms Hall has confirmed these issues and responses with the Cultural Consultants and considers that these matters are now appropriately managed or reduced through the amending proposal. Specifically, Ms Hall recognises that the amending proposal confirms and narrows the extent of development anticipated, and the extent of separation and controls associated with the Ōtipua Stream corridor.

Signed:

Kylie Hall

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Kylie Hall on behalf of Aoraki Environmental Consultancy Ltd

Dated: 24 July 2025