

Intro for Hearing – Dr Benjamin Payne

Kia ora koutou commissioners, we realise it is now the ‘grave yard shift’ for Hearing G and we are grateful for your attention.

My name is Dr Benjamin Payne. I would also like to introduce my sister, Olivia, my mum, Sue, and our consultant, Lynette Wharfe. Also a mention of dad, David, who is unable to be here due to his deteriorating health.

You’ve heard from me previously, alongside our consultant Ms Wharfe, speaking on behalf of my family and our property at 20 Bennett Road, Geraldine, within the Main North Road, Bennett Road and Templer Street precinct—notified as FDA 11. Our concerns are shared by other landowners within the FDA 11 area, and more broadly our Geraldine community.

Today marks the fourth time we’ve presented to the Hearing Panel during this District Plan review. We first presented at the Strategic Directions Hearings on 9 May 2024. It’s been quite a journey since then.

As well as Strategic Directions, we’ve provided evidence and spoken at the Rural Zones, and Subdivision hearings—each addressed interrelated plan issues often in a piecemeal manner via the lenses of different experts and s42 A report writers.

With today’s focus on growth and development, it’s easy to become entangled in data, statistics, and policy frameworks. But the reason we are here, is more human than technical. We’re asking the Panel to recognise the very real impacts of planning decisions on people’s lives—and to consider how the District Plan might offer a pathway forward.

Peelview Orchard has become inoperable—not due to neglect or my parents being poor business people, but because of lifestyle subdivision enabled under the Operative District Plan. The pressure from surrounding lifestyle development and the changing context and associated expectations on primary production, has made basic orchard operations—spraying, using machinery, managing bird strike—untenable.

Recognising this, my parents have engaged constructively with the District Plan Review Process, trying to ensure a viable future for the land. That future is no longer in orcharding, where over the last 3 decades, TDC have increasingly ‘set the scene’ in terms of the lifestyle use of the surrounding area, and orcharding has become out of step with this. Mum and dad have stood, fighting to earn a living as the final remnant of productive land use in an area now shaped by lifestyle development.

When the Draft Plan was notified in 2020, it proposed a Rural Lifestyle Zone on part of the Main North Rd / Bennett Rd / Templer St area. In good faith, we made a submission seeking that the entire block be zoned Rural Lifestyle, given the degree of fragmentation and surrounding development.

Then—silence. For two years, we heard nothing. Yet in the background, Council staff and consultants were redrawing the lines. No one came to speak with the people directly affected. No one came to walk the land or see how rural production had been undermined in this area.

Instead, we became pawns on a chessboard, moved to fit an abstract planning ideology—disconnected from reality.

When the Proposed Plan was finally notified in 2022, it came as a bolt from the blue. The entire block continued to be zoned General Rural Use Zone (GRUZ) and identified as a Future Development Area for potential Rural Lifestyle zoning in ten years or more—*maybe*, and only *after* a Development Area Plan and plan change process triggered under Council's discretion and timeframes.

Our family was stuck. Too compromised to farm. Too large to be a 'lifestyle' property. Too soon to hope.

The human cost and stress of this process has been immense for my family. It is distressing to see how theoretical lines on paper can distort people's lives and futures.

We are here today asking that the errors of the TDC's past planning decisions be recognised and addressed. That the damage caused by inertia and opaque planning decisions be, to the extent possible, repaired.

This is about more than zoning categories. It's about fairness, dignity, and the ability for a family to move on with their lives.

In that spirit, I want to highlight a number of serious concerns with the evidential foundation and procedural integrity of this Plan review process.

1. Flawed Growth Metrics and the Burden of Proof

You've already heard from Mr John Shirtcliff and Mrs Lee Burden about the deficiencies in the growth metrics provided by Property Economics. These flawed metrics underpin the recommendations of Mr Bonis in the s42A report, particularly around rezoning provisions and timing in Geraldine.

I would like to note that the Geraldine Housing and Land Availability Report has been appended at the end of Ms Wharfe's evidence when uploaded to TDCs website, rather than being uploaded as a separate document. This may mean that it has unfortunately been missed by the Commissioners and other submitters. We hope that it adds further perspective for the Commissioners consideration.

For context, this community survey and research report that Ms Wharfe and I undertook—on behalf of Geraldine.nz—was sparked by a conversation at our dining table with Mayor Bowen. He shared that Mr Simon Coleman, the former Principal of Geraldine High School, had been struggling to recruit and retain staff due to the lack of available land and housing in Geraldine. I'd also like to acknowledge that the immediate past Chair of Geraldine.nz, Mrs Frances Coles, is seated behind us today. Geraldine.nz sponsored this assessment, and the organisation values the effort that has gone into quantifying an issue that the local businesses they represent face.

The issue of land availability for Geraldine was reinforced in December 2024, when Mr Bonis and Mr Haakaart visited our property. At that meeting, Mr Bonis stated: "There's no demand

for land in Geraldine—and no lollies in the lolly scramble.” In other words, there was no infrastructure provisioning or plan to accommodate future growth, which many Geraldinians would argue is already well out of step in our town due to TDC’s prolonged under investment in Geraldine.

As someone with a PhD in planning inequities and deep familiarity with the literature, I recognised Mr Bonis’s statement as an unreasonable justification for Council inaction. “No demand” is often used to mask situations where constrained supply and poor infrastructure phasing *create* the illusion of no demand.

As a family we have invested heavily and worked tirelessly to provide a credible evidence base for our position and the changes we have sought. But this evidentiary burden must cut both ways. As a community and district, we should be able to rely on the credibility of the growth metrics informing the Proposed Timaru District Plan.

But we cannot. Those metrics are riddled with gaps and untested assumptions. Once again, the same consultants are used that have been used over the past decade, perpetuating blind spots, without independent critique, or external third-party validation.

That Counsel Vella has argued submitters must carry the evidentiary burden to justify any changes to the PTDP is deeply problematic.

It should not fall to communities or laypeople like my parents to disprove the fundamental foundations of a statutory Plan review. We are entitled to trust the integrity of the data and analysis prepared by those who hold the statutory responsibility to get it right.

This is textbook expert and legal capture. It actively excludes and silences community voices.

As Professor David Harvey—who spent much of his academic career at Oxford University—and many other scholars in critical planning and urban theory have shown, institutions often perpetuate neoliberal inequalities through hidden mechanisms of exclusion: laws, rules, and processes that appear neutral, but are anything but.

This process appears to be a case in point.

2. ECan’s Evidence and Procedural Fairness

We also raise serious concerns about the role and timing of ECan’s involvement in these hearing proceedings.

Given the close caucusing and working relationship between TDC and ECan throughout this process, we are troubled that ECan’s evidence—requested by Mr Bonis to support the s42A report—was not provided alongside other expert evidence several weeks ago.

Instead, it has arrived late in the hearings, construed as if ECan are independent submitters, and as a series of ‘curveball’ new issues that were not canvassed in ECan’s original submission or further submission. Responding to these is challenging given the lack of notice or time.

Does the scope test not apply to ECan, as it does to other submitters?

Commissioner McKay rightly observed that some of the HAIL and groundwater concerns seemed “specific.” From our perspective, these issues appear to directly target our site. They’ve been introduced late in the process, creating yet more hurdles for us to overcome—despite being matters that would typically be addressed through a well-structured consenting process. In our view, they are ‘red herring’ matters, not legitimate grounds for rejecting our proposal at this stage.

At this late stage, that is deeply unfair. It seems inconsistent with natural justice—one of the bedrocks of New Zealand’s land planning system.

3. Factual Errors in Expert Reports

Finally, I want to highlight the number of factual inaccuracies and oversights within expert reports. Ms Wharfe will speak to these in detail.

While these may appear to be small errors, they reflect a broader lack of rigour in the technical assessments underpinning this Plan, which have substantive consequence for local people and our communities.

We thank you for your time and your attention to what is at stake. We trust that the Panel will give our case its fullest consideration—not just on its evidentiary merit, but with an appreciation for the real-world consequences of your decisions.

At this point I will pass over to Ms Wharfe to address her evidence. Then my mum, Sue, will provide some brief closing remarks.

Finally, we would also like to extend an invitation to the Commissioners to undertake a site visit. We feel that it is important that you understand the area we are speaking to and you are deciding the future of.

In the meantime, to assist the Commissioners understanding of the area, I will briefly speak to a map setting out the context.