

Before the Independent Hearing Panel  
Appointed by the Timaru District Council

Under	Schedule 1 of the Resource Management Act 1991 ( <b>RMA</b> )
In the matter of	Submissions on the Proposed Timaru District Plan
Between	<b>Various</b>
	Submitters
And	<b>Timaru District Council</b>
	Respondent

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**Statement of evidence of Andrew Cameron Maclellan**

**Response to Minute 10**

1 July 2024

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lloyd.**

## Introduction

- 1 My name is Andrew Maclellan. I am an Associate at the firm Incite. I prepared the s42A report on Rural Zones to the Proposed District Plan (PDP) and general definitions. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives. I have the qualifications and experience as set out in my s42A report. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.
- 2 This evidence is provided in response to Minute 10, which requests that I respond to the issues raised in Mr Collins' memorandum (23 June 2024) and clarify what hearing Mr Collins' submission is allocated to.
- 3 My evidence addresses the following:
  - (a) Corrections to my section 42A report;
  - (b) Scope of the relevant submissions; and
  - (c) Confirmation of my recommendations.

## Corrections to s42A report

- 4 Mr Collins memorandum to the Hearings Panel raises concerns with two parts of the Rural Zone s42A report.
- 5 Firstly, he has highlighted a cross-referencing error in my report at paragraph 13.3.17 on page 192, where I state:

*“No further amendments to the GURZ chapter are recommended. I recommend that the submissions listed in 8.9.1 above be transferred to the OSZ topic hearing for further consideration.”*
- 6 The reference to “8.9.1” is incorrect, it should read “13.3.1”.
- 7 I also acknowledge that the drafting of paragraph 13.2.17 may have caused some confusion by suggesting that the Blandswood submissions be transferred to the OSZ topic for further consideration. My intention was to suggest that, in light of my recommendation not to re-zone Blandswood as a Settlement Zone, further consideration of potential changes to address the matters raised in the Blandswood submissions could be considered in the context of the Open Space Zone (which is to be heard in Hearing D). For clarity, the Blandswood submissions are being heard in Hearing B. This

is addressed further in the Memorandum of Counsel dated 1 July 2024 (filed concurrently with this evidence).

- 8 Secondly, Mr Collins has questioned the accuracy of my paragraph 13.3.16 which states:

*“However, I note that the relief sought within the submissions is not limited to just seeking a rezoning of the Blandswood area. The submissions also sought consequential amendment for the PDP that achieve a similar outcome. Given this, I consider there is scope within the submissions to make amendments to the OSZ to provide a greater ability to develop properties in the Blandswood area.”*

- 9 I have reviewed the 22 submissions listed in paragraph 13.3.1, and I agree with Mr Collins that I have mis-represented the submissions in this paragraph. The submissions seek a variety of outcomes (a full list of the relief sought by these 22 submitters is set out in Attachment 1 below) summarised as follows:

- (a) include Blandswood in the Settlement Zone, and to make any consequential amendments in the Proposed District Plan/ adjust the PDP accordingly;
- (b) Retain the current zoning for Blandswood (i.e. Rural 4B Zone in the Operative District Plan);
- (c) Decline the plan change.

- 10 I agree with Mr Collins that there are no submissions that sought consequential amendments to the PDP "that achieve a similar outcome" to the re-zoning relief, as stated at paragraph 13.3.16 of my s42A report. I agree that the submissions sought that "any consequential amendments" be made, or that "the PDP be adjusted accordingly".

- 11 I also note two other minor errors within paragraph 13.3.17 of my s42A report. I referred to the "GRUZ chapter" rather than the "SETZ chapter" and I also misspelt "recommended". I have provided a correction to these paragraphs in the "Recommendation" section below.

### **Scope of relevant submissions**

- 12 Mr Collins suggests, at paragraph 6, that:

*“There no jurisdictional scope provided in the submissions to amend the provisions of any other zones”.*

- 13 I disagree with this statement. When considering appropriate amendments to the zoning or other provisions relating to Blandswood, I have relied on the legal position relating to the Panel's jurisdiction to make amendments within the scope of submissions, as set out in the Memorandum of Counsel (1 July 2024).
- 14 In essence, my understanding of the legal position is that the Panel can make amendments that:
- (a) fall on the spectrum of possibilities between the PDP as notified and the specific relief sought; and
  - (b) address the issues that have been raised in the submissions.
- 15 The spectrum of possible amendments ranges from:
- (a) The notified PDP which zoned these sites as OSZ (Holiday Hut Precinct); to
  - (b) Re-zoning to SETZ or retaining the Rural 4B zoning.
- 16 I consider these outcomes are the “bookends” that form the scope of the submissions.
- 17 In terms of the issues raised in submissions, the key theme within the submissions is that the OSZ is too restrictive, and the reason submitters sought Blandswood to be rezoned as Settlement Zone was to provide greater flexibility within the planning framework to maintain, develop, improve their properties.
- 18 In recommending that these submissions be further considered in the context of the OSZ topic, I considered that any amendments to the PDP between these “bookends”, that address the issues raised in the submissions, are within the scope of the submissions. The intention of the recommendation was to signal that, although I recommend that Blandswood not be rezoned SETZ, there may be alternative means of addressing the issues raised in the submissions. This recommendation provides an opportunity for submitters to seek the amendments to the OSZ to make maintain, develop, improve properties in the Blandswood area.
- 19 I retain the view that:
- (a) the character and infrastructure associated with the PREC4 - Holiday Hut Precinct is not consistent with the level of development that is enabled within the SETZ. Given the unique character of the PREC4 - Holiday Hut Precinct I consider it is appropriate that bespoke

provisions are included within the PDP which recognise the distinctive characteristics of the precinct. I consider the broad nature of the SETZ provisions is not well suited to the Blandswood area.

- (b) it would be more appropriate to consider amendments to the OSZ to provide a greater ability to develop properties in the Blandswood area (if appropriate, noting the presence of other overlays). Providing that such amendments address the issues raised in submissions, they would be within the scope of submissions.

## Recommendations

20 Given the assessment above, I consider a correction is required to paragraphs 13.3.16 and 13.3.17 my s42A report as follows:

*"13.3.16 Given the assessment above, I disagree with submitters that the Blandswood area should be re-zoned SETZ. However, I note that the relief sought within the submissions is not limited to just seeking a rezoning of the Blandswood area. The submissions also sought consequential amendment for the PDP that achieve a similar outcome. However, I note that the scope of the submission's ranges from:*

- *The notified PDP which zoned these sites as OSZ (Holiday Hut Precinct)*
- *The relief sought in submissions that seek re-zoning to SETZ or Rural 4B or the decline of the plan change.*

*Given this, I consider there is scope within the submissions to make amendments to the OSZ to provide a greater ability to develop properties in the Blandswood area. However, I consider that the merits of amending the Open Space Zone rules are best considered in the Open Space Zone hearing.*

## Conclusions and Recommendations

*13.3.17 No further amendments to the SETZ ~~GURZ~~ chapter are recommended. I recommend that the submissions listed in ~~8.9.1~~ 13.3.1 above be further considered in ~~transferred to~~ the OSZ topic hearing ~~for further consideration.~~"*



**Andrew MacLennan**

**1 July 2024**

## Attachment 1 – Summary of Blandswood submissions

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)	Submission Point Summary	Relief/ Decision Sought Summary
Carson, J	8.1	Opposes the inclusion of Blandswood, a long established settlement, in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.
Smith, R	9.1	Opposes the inclusion of Blandswood in the Natural Open Space Zone. The zoning is not appropriate for private land with existing dwellings.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.
Lamb, M	24.1	Considers the proposed OSZ will mean resource consent is required to do anything on the submitter's section on Lookout Road at Blandswood. Considers the sloping ground makes a transportable building or caravan impossible. Considers the proposed zoning will mean the section is worthless.	Rezone Lookout Road (CB26A/1208, Lot 27 DP8214, VR 2464011211) at Blandswood from Open Space Zone - Holiday Hut Precinct to Rural 4B from the Operative District Plan.
Jesen, S	67.1	Opposes the zoning of 166 Blandswood Road as OSZ with a Hut Precinct Overlay.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone.
Melrose, R	69.1	Opposes the zoning of Blandswood as OSZ, it would result in a vacant section not being able to be built on despite its suitability for residential development.  [See original submission for full reasons].	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.
Collins, G J and K V	71.1	Oppose having Blandswood in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.
Jowett, M	75.1	Opposes having Blandswood in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.
Challies and Ireland	77.1	Oppose the zone change from Rural 4B to Open Space Zone - Hut Precinct within the Blandswood Area, due to detracting from the area as maintenance and development/improvement of properties will be restricted. The area is different to Rangitata or Opihi hut sites as for the most part the "huts" are within the one title, whereas blandswood properties are on single titles. Considers property owners should have greater freedom and rights to improve their properties.  [Refer original submission for full reason]	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.
Treeby, C	93.1	Oppose having Blandswood in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.

Bras, A	96.1	Oppose having Blandswood included in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.
Woods, D	102.1	Opposes having Blandswood included in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone. Make any consequential amendments in the Proposed District Plan.
Ireland, G and J	110.1	Oppose the inclusion of Blandswood in the Open Space Zone as considered the area is more appropriate for Settlement Zone. [Refer original submission for full reason]	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone. Adjust the PDP accordingly.
Laird, H	111.1	Opposes the inclusion of Blandswood in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone. Make any consequential amendments in the Proposed District Plan.
Whitham, R	121.2	Considers there is an absence of a specific analysis and subsequent reporting on development constraints on Peel Forest Settlement Zone.	Decline the plan change
Buchanan and Small	123.1	It is unreasonable to zone the Blandswood area OSZ. Subject to suitable controls it is suitable for residential development. The land was purchased on the basis that a house could be built. Rates have also been paid on that basis.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone.
Alison, A	126.2	Considers there is an absence of a specific analysis and subsequent reporting on development constraints on Peel Forest Settlement Zone.	Decline the plan change
Twaddle, N. J	127.2	Considers there is an absence of a specific analysis and subsequent reporting on development constraints on Peel Forest Settlement Zone.	Decline the plan change
Collins, D W and S M	141.1	Oppose the Open Space Zoning of Blandswood, it is different from the other areas where this zoning is proposed.	Rezone Blandswood from OSZ to SETZ AND Make any necessary consequential amendments.
Wilkinson, G A and V L	144.1	Opposes the Open Space Zone for Blandswood as this unduly restricts property owners to develop and improve their homes or holiday homes.	Rezone Blandswood from the Open Space Zone to the Settlement Zone.
Bras, C	154.1	Oppose having Blandswood included in the Open Space Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments.
Melrose, G and S	195.1	The Submitter opposes the inclusion of Blandswood in the Open Space Zone. The reason is due to the area not being leasehold but in private ownership and is not in the same category as a cemetery or fishing hut. The submitter considers the OSZ will severely limit their options on their non-built land and request the area be zoned Settlement Zone.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.

Bras, P	232.1	<p>The Submitter opposes the inclusion of Blandswood in the Open Space Zone. The reason is due to the area not being leasehold but in private ownership and is not in the same category as a cemetery or fishing hut.</p> <p>The submitter considers the OSZ will severely limit their options on their non-built land and request the area be zoned Settlement Zone.</p>	<p>Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and Any consequential amendments to the Proposed Plan.</p>
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