

**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  
B Rural Zones

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**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE  
FOR D & S PAYNE (SUBMITTER 160 AND FURTHER SUBMITTER 160)  
3 JULY 2024**

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## 1. SUMMARY

- 1.1 This statement of evidence is on submissions and further submissions on:
  - GRUZ-O2 Character and qualities of the General Rural Zone
  - RLZ-O2 Character and qualities of the Rural Lifestyle Zone
- 1.2 Submissions on GRUZ-O2 seek deletion of the clause which provides for higher amenity for sensitive activities in the General Rural Zone (GRUZ).
- 1.3 The s42A Report recommends that the clause is retained.
- 1.4 I do not support that recommendation as I consider that it conflicts with the provision that primary production activities are protected from reverse sensitivity and sensitive activities.
- 1.5 Primary production in the General Rural Zone is the predominant activity and should not be expected to provide a higher amenity for sensitive activities which are not part of the predominant activity.
- 1.6 ECAN seeks the addition of an additional clause in RLZ-O2 to include the requirement for connection to sewer and water infrastructure in the Rural Lifestyle Zone (RLZ).
- 1.7 The s42A Report recommends the addition to RLZ-O2.
- 1.8 I do not support that recommendation.
- 1.9 Rural lifestyle developments need to provide for sewer and water infrastructure as part of developments but that can be achieved a number of ways. Flexibility should be provided in the Plan to achieve that outcome.
- 1.10 The Regional Land and Water Plan establishes the framework for management of on-site waste water and the district plan should follow that direction.
- 1.11 In addition there are a range of provisions in the Plan regarding sewer and water infrastructure in the RLZ and in my opinion these provisions need to be considered in an integrated way, rather than piecemeal through a range of hearings and chapters.

## 2. QUALIFICATIONS AND EXPERIENCE

- 2.1 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.
- 2.2 I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.
- 2.3 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.
- 2.4 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.
- 2.5 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**").
- 2.6 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.

## 3. SCOPE OF EVIDENCE

- 3.1 This evidence provides a planning assessment of those provisions on which David & Susanne Payne further submitted which are addressed in Hearing B.
- 3.2 In undertaking this assessment, I have considered:
  - (a) The Section 42A Hearings Report for Hearing B
  - (b) The s32 Reports for PTDP

- (c) Canterbury Regional Policy Statement
- (d) Regional Land and Water Plan for Canterbury
- (e) National Planning Standards

#### **4. MY UNDERSTANDING OF D & S PAYNE'S SUBMISSIONS**

- 4.1 David & Susanne Payne (the Payne's) 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 that FDA11 be removed. Submissions on these matters will be further addressed at Hearing E -Subdivision and Growth, including Future Development Areas, and Hearing F for Versatile Soils.
- 4.2 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.
- 4.3 They are concerned about duplication between plans and inconsistencies and complexity within the PTDP as they seek clarity and certainty for plan users.
- 4.4 The Payne's made further submissions on GRUZ-O2 and RLZ-O2 which are addressed in this hearing.
- 4.5 This evidence addresses those further submissions.

#### **5. OBJECTIVE GRUZ-O2 CHARACTER AND QUALITIES OF THE GENERAL RURAL ZONE**

- 5.1 The Payne's made further submissions (160.37FS and 160.38FS) supporting submissions by Helicopters South Canterbury (53.19) and NZ Pork Industry Board (247.19) that sought changes to GRUZ-O2.
- 5.2 In particular, the requirement for a higher level of amenity immediately around sensitive activities and zone boundaries makes it impossible to carry out horticultural activity so deletion of clause 3 is supported.
- 5.3 The s42A Report addresses the submissions at 10.3 and does not recommend any changes to the objective.
- 5.4 The report considers that sensitive activities such as residential dwellings are anticipated in the GRUZ and that the rules and standards within the GRUZ protect the amenity of sensitive activities

within the GRUZ and assists in achieving Section 7c) of the RMA by requiring increased amenity for sensitive activities.

- 5.5 The National Planning Standards describe the General Rural Zone as:

*Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.*

- 5.6 Therefore the predominant activity in the General Rural Zone is primary production.
- 5.7 GRUZ-O3 seeks to ensure that primary production is protected from sensitive activities.
- 5.8 GRUZ-O4 and GRUZ-P1 3) seek to protect sensitive activities from primary production activities.
- 5.9 Including a requirement for higher levels of amenity around sensitive activities means that the ability to undertake primary production activities is compromised by the location of sensitive activities.
- 5.10 The s42A Report in 2.2.5 and 2.2.6 sets out the background of development in the rural area under the Operative District Plan and identifies that ad hoc rural residential development has occurred in a 'poppy seed' manner throughout the district.
- 5.11 The legacy effects of this type of development are that there are numerous sensitive activities located in the rural production area, for which the proposed district plan now seeks to protect through amenity provisions.
- 5.12 The Payne's horticultural operation has been greatly affected by the location of residential development surrounding their orchard to such an extent that the orchard is no longer viable and is an example of the impact that amenity for sensitive activities can have on primary production activities.
- 5.13 In my opinion GRUZ-O2 3) seeking to protect the amenity of sensitive activities is in conflict with GRUZ-O3 to protect primary production from sensitive activities.
- 5.14 Such a conflict within the objectives framework means that the direction in the Plan is not clearly focused on the purpose of the zone.
- 5.15 I consider that the amenity for residential activity in the General Rural Zone is best provided for by requiring significant setbacks of sensitive

activities from primary production activities so that primary production is not limited in the manner anticipated in GRUZ-O2 and GRUZ-O4, or limiting such activity to specific rural lifestyle zones that anticipate rural residential lifestyle.

- 5.16 Where sensitive activities have chosen to locate within the rural area under the Operative District Plan they have accepted the amenity that prevailed at that time. It is inappropriate that the Proposed District Plan now seeks to put in place provisions that seek a higher level of amenity for those sensitive activities.
- 5.17 While the focus of the s42A Report is on rules and standards, the policy framework could be used in a wider context and lead to complaints and restrictions on primary production activities by sensitive activities seeking the 'higher level of amenity' provided for in GRUZ-O2.
- 5.18 For instance: if there is a reverse sensitivity complaint by a sensitive activity about primary production activities , which objective will prevail – the protection of primary production or the higher amenity for sensitive activities?
- 5.19 I consider that this is inconsistent with providing for primary production activities and protecting it from sensitive activities and reverse sensitivity effects.
- 5.20 Therefore I support the deletion of GRUZ-O2 3).
- 5.21 I note that GRUZ-O4 refers to intensive primary production, mining, quarrying and other intensive activities - but 'other intensive activities' is not defined in the Plan so it is not clear to what is specially includes.
- 5.22 The s42A Report for Hearing A Strategic Directions at 3.13.4 recommended changes to SD-O9 which are relevant to the GRUZ provisions.
- 5.23 In particular there is a recommendation that 'intensive activities' be amended to:
- managing the adverse effects of intensive production activities on existing sensitive activities.*
- 5.24 Such a change would also be appropriate in GRUZ-O4 to provide greater clarity.

## 6. OBJECTIVE RLZ-O2 CHARACTER AND QUALITIES OF THE RURAL LIFESTYLE ZONE

- 6.1 The Payne's made a further submission (160.36FS) opposing a submission by Canterbury Regional Council (ECAN) which seeks

that RLZ-O2 be amended to include a clause to provide for reticulated network connections and co-ordinated pattern of development in the Rural Lifestyle Zone and ensure that the approach is consistent with the NPSHPL.

6.2 ECAN identifies that the Draft Plan had an objective related to a coordinated pattern of development and an appropriate density level with reticulated network connections, but this has not been carried over to the Proposed Plan.

6.3 The Payne's opposed ECAN's submission because the matter is addressed in SUB-P15 and the submitter did not seek specific wording.

6.4 The s42A Report considers this matter at 11.2. and recommends that a new clause is included in RLZ-O2:

*A co-ordinated pattern of development at a density that is capable of efficiently connecting to sewer and water infrastructure.*

6.5 The reasons for inclusion of this clause are that it provides more explicit guidance regarding development patterns and infrastructure connections and to give effect to Policy 5.3.5 of the RPS which requires that development is appropriately and efficiently served for sewage and water.

6.6 It is noted that the submitter and the Draft Plan provision specifically refer to 'reticulated network sewer and water infrastructure'.

6.7 While the s42A Report recommended wording for RLZ-O2 - 'connecting to sewer and water infrastructure' - does not specifically include 'reticulated network' it could be taken to imply connection to reticulated infrastructure, which is not usually available in the RLZ.

6.8 As such the recommended addition is not clear.

6.9 Development can be appropriately and efficiently served for sewage and water without connection to a reticulated system.

6.10 If the Hearing Panel are of a mind to accept the recommendation of the s42A Report the intent of the wording should be clarified so that does not imply a reticulated system:

*A co-ordinated pattern of development at a density that is capable of efficiently ~~connecting to~~ providing for sewer and water infrastructure, including on-site waste disposal systems.*

6.11 However I consider that the recommended addition is not appropriate for reasons set out below.

*Canterbury Regional Policy Statement*

- 6.12 Policy 5.3.5 of the RPS does not require that development is 'connected to sewer and water infrastructure.'
- 6.13 Rather, development is to meet the following requirement:
- 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 on-going effectiveness.*
- 6.14 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.
- 6.15 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.
- 6.16 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
- 6.17 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.
- 6.18 There is no requirement that the property needs to be connected to a reticulated sewer system.



6.19 Therefore the rule provides for on-site wastewater management systems on smaller blocks such as rural lifestyle blocks, subject to meeting conditions.

6.20 Provisions in the PTDP should be consistent with this approach.

*Links to other provisions in the PTDP*

6.21 The recommended addition to RLZ-O2 does not exist in isolation as there are a range of provisions in the PTDP that consider provision of infrastructure for the RLZ.

6.22 These include:

- SD-O1 ii) Residential areas and activities
- RLZ-O5 Integrated development
- RLZ-P1 Residential activities
- RLZ-P9 Other activities
- RLZ-S9 Water supply
- SUB-O2 Infrastructure
- SUB-P6 Infrastructure
- SUB-P15 Rural Lifestyle Zone
- SUB-S2 Stormwater, catchment and disposal
- SUB-S3 Water supply
- SUB-S4 (2) Wastewater disposal

6.23 Consideration of the addition of a new objective for sewer and water infrastructure in the RLZ should be taken in the context of the provisions already in the PTDP.

6.24 I presented evidence at Hearing A Strategic Direction for the Payne's regarding a provision in SD-O1 ii) where the s42A Report writer recommended a change to require that rural lifestyle development be connected to reticulated water and sewer infrastructure.

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

6.26 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.

- 6.27 There is a specific standard RLZ-S9 for water supply but there is no standard for wastewater services in the RLZ chapter.
- 6.28 SUB-P15 Rural Lifestyle Zone (RLZ) 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 for onsite disposal.*
- 6.29 SUB-S4 Wastewater disposal (2) applies to 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.
- 6.30 Therefore consideration of sewage and water supply in the RLZ will also be addressed at Hearing E Subdivision.
- 6.31 It may also be considered as part of Hearing E for rezoning and Future Development Areas.
- 6.32 This means that consideration of the requirements for sewage and water provision in Rural Lifestyle Zones are spread across a number of reports and by different writers.
- 6.33 I consider that this approach is somewhat piecemeal and does not achieve integrated planning as the addition to RLZ-O2 is in isolation from other relevant provisions.

#### *Settlement Zone*

- 6.34 The provisions in the Settlement Zone are of interest as the Settlement Zone is in the Rural area with generally smaller lot sizes.
- 6.35 SETZ-S6 for the Settlement Zone requires that:
- Any activity must:*
- 1. be connected to an available sewerage network where one exists;*
  - or*
  - 2. be served by an on-site treatment and sewage disposal system that has been consented or approved by the Canterbury Regional Council.*

- 6.36 While the lot size of the Settlement Zone would generally be smaller provision of on-site sewage disposal is considered appropriate in such locations.
- 6.37 I consider that a similar approach is appropriate for the Rural Lifestyle Zone.
- 6.38 If a similar approach is to be adopted for the Rural Lifestyle Zone then the recommended change to RLZ-O2 (5) is not appropriate as an objective.

*Is an additional clause in RLZ-O2 necessary or appropriate?*

- 6.39 The genesis for the ECAN submission was that a provision in the Draft Plan was not carried over to the Proposed Plan.
- 6.40 The s32 Report does not provide guidance as to why the clause was not carried over from the Draft Plan, but it does assess the proposed objectives as being appropriate, without the inclusion of the Draft Plan provision.
- 6.41 RLZ-O2 is an objective that describes the character and qualities of the Rural Lifestyle Zone.
- 6.42 Other zones include similar objectives describing character and qualities.
- 6.43 Generally, such descriptions do not include a specific clause regarding infrastructure.
- 6.44 Some zones have included infrastructure as separate clauses or policies.
- 6.45 For instance, RLZ-O5 provides for rural lifestyle development to be integrated with the environment and appropriate infrastructure.
- 6.46 Therefore I consider that the recommended addition to RLZ-O2 is inconsistent with the style and approach in the drafting of the Plan.
- 6.47 Such an inclusion duplicates or conflicts with other provisions in the Plan.
- 6.48 There is no specific standard for wastewater in the RLZ chapter so the objective does not flow through to any specific rules or standards for wastewater in the chapter.
- 6.49 It is accepted that development in the RLZ needs to be able to appropriately provide for sewage and water.

- 6.50 How such provision is achieved should follow the direction of Environment Canterbury, Regional Land and Water Plan which regulates wastewater disposal.
- 6.51 In my opinion, inclusion of any addition to RLZ-O2 should be deferred until such time as other relevant provisions in the PTDP have been assessed and considered in relevant s42A Reports and hearings and an integrated approach is taken for the issue.

## **7. REZONING**

- 7.1 The Payne's have sought rezoning for their property and have been advised that it will be addressed in Hearing E.
- 7.2 However it is noted that several rezoning matters are addressed in the s42A Report at 13.4.
- 7.3 It is unclear why all rezoning requests are not being addressed at the same time.

## **8. CONCLUSION**

- 8.1 This evidence addresses further submission points relating to GRUZ-O2 and RLZ-O2.
- 8.2 I support the removal of GRUZ-O2 (3) to ensure that primary production is provided for as the predominant activity in the General Rural Zone.
- 8.3 I do not support a change to RLZ-O2 as recommended in the s42A Report regarding connection to sewer and water infrastructure for rural lifestyle development
- 8.4 I seek provisions that give effect to the CRPS, is not inconsistent with the Regional Land and Water Plan and provides consistency within the PTDP.
- 8.5 Such an approach will achieve sustainable management of natural and physical resources in the rural area of Timaru District.

**Lynette Wharfe**

**3 July 2024**

