

**BEFORE INDEPENDANT HEARING COMMISSIONERS
APPOINTED BY THE TIMARU DISTRICT PLAN**

UNDER: the Resource Management Act 1991

IN THE MATTER OF: Submissions and further submissions in
relation to Timaru Proposed District Plan

Hearing Stream G

**STATEMENT OF EVIDENCE IN CHIEF OF MELISSA JANE MCMULLAN
ON BEHALF OF
WAITUI DEER FARM LIMITED (SUBMITTER NUMBER 19)**

Dated: 27 June 2025

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1. INTRODUCTION

- 1.1 My full name is Melissa Jane McMullan. I am the sole proprietor and Planner at Break The Mold, a planning consultancy and employment law advocacy firm that I have recently started following four years at Milward Finlay Lobb Limited, a planning, surveying and engineering company, based in Timaru. I reside in Fairlie. I have been a Planner for 5 and a half years and am an intermediate member of the New Zealand Planning Institute.

Qualifications and experience

- 1.2 I hold a Bachelor of Laws and Bachelor of Arts in History from the University of Canterbury (2015) and a Master of Planning from Lincoln University (First Class Honours) (2019). I have 5 and a half years experience as a planner, including preparing and processing subdivision and land use consent applications, policy analysis and submissions.

Background

- 1.3 I am familiar with the subject site having been to the property for multiple site visits across the last 2 and a half years. I was involved with drafting the submission and further submission for the rezoning request while working for Milward Finlay Lobb Limited.

Code of Conduct

- 1.4 I acknowledge the Hearing Panel's directions in Minute 6 (at [36]) and confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. I further confirm that I have complied with the Code of Conduct in preparing my evidence and will do so when giving oral evidence or otherwise participating in this hearing.

2. SUBMISSION

- 2.1 199 Waitui Drive is situated within the Geraldine Downs. The site was rezoned to Lifestyle Zoning through the Plan Change 17 process. Through the Timaru District Plan Review process the submitters sought to extend the 2 hectare Specific Control Area (**2ha SCA**) so that they are able to better utilise the land. The zone extension does not seek to include the entirety of the property or the notified 10 hectare Specific Control Area (**10 ha SCA**) and will see a potential yield of approximately thirty 2 hectare allotments (which also includes the yield from the 2ha SCA the site currently has).
- 2.2 The site has a number of Significant Natural Areas (**SNAs**) however these are all situated in the existing 2ha SCA.

3. SCOPE OF EVIDENCE

- 3.1 My evidence will address matters in relation to the appropriateness of the rezone and the changes to the planning notations on the site as discussed by Mr Matt Bonis. This will address the matters where further information is considered by Mr Bonis to be required and will also address the National Policy Statement for Urban Development and the Canterbury Regional Policy Statement. Finally, an alternative form of relief is sought by way of a deferred zoning.
- 3.2 My evidence is structured as follows:
- (a) Section 42A Report and Recommendations;
 - (b) Alternative Relief;
 - (c) Conclusions.
- 3.3 I am familiar with the provisions of the Proposed Timaru District Plan (**PDP**) to which these proceedings relate. In preparing my evidence, I have reviewed the relevant parts of the section 32 Report and the section 42A Report.

4. SECTION 42A REPORT AND RECOMMENDATIONS

- 4.1 At paragraph 13.2.1 Mr Bonis states that the submitter considers that the 10 hectare and 2 hectare Specific Control Areas should all be subject to the 2 ha SCA. This is not what has been sought by the submission, with the description provided in paragraph 13.2.2 correctly identifying the portions of the site where the 2 ha SCA is requested to apply.
- 4.2 Paragraph 13.2.9 lists the matters that Mr Bonis suggests require further consideration. The first of these matters is Landscaping. Ms Pfluger suggests that sufficient certainty is required as to the location of building platforms, access and associated earthworks and mitigation planting and associated district plan mechanisms are required to ensure adverse effects...on visual amenity and natural character were otherwise avoided, remedied or mitigated. Mr Mick Abbott is not providing an evidence brief at this stage, however he has provided an updated conceptual plan that shows potential boundaries, building platforms and access that is provided at this time for the benefit of the Hearings Panel and Council reporting officers. Earthworks will be associated with these areas that have been identified.
- 4.3 Under the Biodiversity subheading within Paragraph 13.2.9 it is stated that the SNAs on the site are situated within the notified 2 ha SCA overlay. This is correct, and the opportunities that exist for potentially restoring these areas are included in the package provided by Wildlab (refer to page 61). While no specific mechanisms are provided for restoring these

areas I cannot see how mechanisms affecting areas within the already identified 2 ha SCA are appropriate in considering whether to extend that area further, especially where there are no further SNA's that are situated outside of the identified 2ha SCA. The opportunities identified in the Wildlab Report are indicative of the requirements to manage SNAs that are already outlined in the Operative District Plan Objectives and Policies for the Rural 4A Zone (In particular 1.10.2 Landscape and Amenity Policy 2.2, 1.10.4 Natural Habitats Policy 4.2).

- 4.4 Under the Hazards subheading of Paragraph 13.2.9 the updated Flood Assessment Area is identified as it applies to the site. It is still possible to locate building platforms outside of these areas, and I do not see the updated Flood Assessment Area as being a matter which is significant enough to stop the extended zoning from being considered further.
- 4.5 The Culture and Heritage subheading of Paragraph 13.2.9 correctly identifies that there are no identified heritage sites on the site, and that the SASM-20 Wai Taoka associated with the Waihi River adjoins the eastern edge of the site. The assessment provided by Manawhenua requests that any increase in density should be serviced by reticulated infrastructure so as to protect the mauri of the water body. In assessing how the amending proposal would recognise and provide for iwi values the following comments are made. Currently the site is used for grazing of bulls and prior to this the property was a deer farm. The amending proposal would see this farmland be retired which would reduce the impact of livestock on the land and waterways. The proposed planting plan from Wildlab also presents an opportunity to capture and manage the effects of land use by providing a planting strategy that creates a number of benefits, one of which being improved hydrological outcomes for the tributaries that flow through the property before discharging to the Waihi River (See Page 56, 57). It is unlikely that the site will be able to be serviced with reticulated sewer infrastructure. However, the wastewater discharge consent process, ongoing wastewater disposal system development and the proposed plantings for the site are all considered to create better outcomes for the health and mauri of the Waihi River than by continuing with farming the property with livestock. At the time of earthworks and development an Erosion and Sediment Control Plan will be required which will also control and limit the impact of contaminants that may be produced. As a consequence of this being implemented the health of the Waihi River will also be protected.
- 4.6 The Infrastructure subheading of Paragraph 13.2.9 identifies that no technical assessment of infrastructure provision was provided with the supporting information to the amending proposal. The provisions of the Operative District Plan were expected to apply with regard to connecting a site to the Te Moana water scheme, while those provisions are not recreated in a manner that specifically references the Te Moana water scheme in the PDP, I consider the requirement to connect to a reticulated water network as per SUB-S3(2) for the Rural Lifestyle Zone still allows for the same outcome and I note the matters of discretion also

refer to considering the need for the reticulated water supply network to be extended or upgraded, which means that this needs to be addressed at the time of development. While I accept that Mr Kemp has identified that disposal of blackwater is not appropriate due to the impact it has on Council infrastructure Mr Kemp has not addressed that a composting toilet is another option available through a Permitted Activity pathway in the Canterbury Land and Water Regional Plan should a wastewater discharge consent not be granted. I consider this shows that there are pathways available for the development of the site that therefore comply with SUB-S4(2) – Wastewater disposal which provides for the discharge of wastewater that either complies with the regional plan or has discharge consent. No concerns have been raised in relation to stormwater.

- 4.7 Transportation is included within the Infrastructure subheading and it is accepted that in order to develop further 2 hectare allotments an Integrated Transport Assessment will be required. Due to the nature of the access to the site through Waitui Drive this will be necessary when developing sections within the already notified 2ha SCA regardless. A planning mechanism to require this to be carried out would ensure that this is in place before any development occurs. I note the PDP already requires a Integrated Traffic Assessment to be provided for residential activities where 40 residential units or allotments are created (TRAN-S20). The proposed yield in this instance will not meet this threshold. However there are site specific provisions within the PDP already (see SUB-S1). In this instance a Standard could be imbedded within the Subdivision Standards SUB-S6.
- 4.8 I agree with Mr Bonis that the site is does not represent an urban environment, however it sits within an already identified rural lifestyle area, and it is not proposing to disperse that rural lifestyle outside of the identified boundaries, but rather it seeks to increase the density which will see approximately an additional sixteen 2 hectare allotments (over and above the amount provided by the notified 2ha SCA) by shifting the boundary of the 2ha SCA. While I accept there is a relationship between rural lifestyle and residential zones Objective 1 and 4 of the National Policy Statement for Urban Development (**NPS-UD**) refers specifically to the development and function of urban environments and as Mr Bonis identifies this area does not fall within that definition. I therefore disagree with his statement in paragraph 13.2.11 that the application is not consistent with the NPS-UD.
- 4.9 The proposed extension to the 2ha SCA is immediately adjacent to the notified 2ha SCA and is situated within a Rural Lifestyle Zone which anticipates activities of a less intensive nature than the General Rural Zone. The 2ha SCA has an albeit small, connection to the General Residential Zone, however this is not out of character in Geraldine due to the significant Natural Open Space Zones that exist in close proximity to the General Residential Zone that limit the ability for the Rural Lifestyle Zone to directly abut the General

Residential Zone. For this reason I do not agree with Mr Bonis that the site is not connected to an existing urban area. The development of the proposed additional 2ha SCA will be integrated with the already notified 2ha SCA due to the common ownership of the property.

5. ALTERNATIVE RELIEF

- 5.1 If the outcome sought in the original submission is not supported then as an alternative form of relief the submitter would request that the additional 2 ha SCA be considered as a deferred zoning. This deferred zoning would become a viable zoning when formalised modelling and assessments are provided for the following matters:

- (a) Te Moana water scheme modelling; and
- (b) An Integrated Transport Assessment.

The Planning mechanism that would require this to be completed could be the provision of a specifically labelled 'Waitui Drive Specific Control Area' with rules sitting within the subdivision chapter of the PDP.

6. CONCLUSION

- 6.1 For the reasons outlined within this evidence brief I consider that the extension to the 2ha SCA sought at 199 Waitui Drive is appropriate considering the mechanisms that are available through the PDP and consenting processes such as the Canterbury Land and Water Regional Plan. The conversion of the site from a farm to a rural lifestyle development will have positive effects on the surrounding area and amenity, and development of the site through the planting strategy proposed by Wildlab presents a significant opportunity to create a better outcome for the natural resources that surround the site.

Melissa Jane McMullan

27 June 2025