

**IN THE MATTER OF**      Resource Management Act 1991

**AND**

**IN THE MATTER OF**      Proposed Timaru District Plan

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**Decision Report – Part 2**

**Introduction and General Provisions; High Level Strategic Directions and Urban Form  
and Development**

**19 March 2026**

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# Part 2: Introduction & General Provisions; High Level Strategic Directions and Urban Form and Development

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## **1 MATTERS CONSIDERED IN THIS PART**

[1] This part of the Decision Report sets out the Hearing Panel's decisions on the submissions and further submissions relating to Hearing A: Introduction – General Provisions and High-Level Strategic Directions of the Proposed Plan, including Urban Form and Development.

[2] We note there was no s32 Report specifically prepared for Part 1 of the Proposed Plan relating to the Introduction and General Provisions Chapters. Where Ms Hollier recommended an amendment to a definition, or insertion of a new definition into the Proposed Plan, a s32AA assessment was undertaken. We accept Ms Hollier's approach.<sup>1</sup> Section 32 Reports were prepared for the Strategic Directions and Urban Form and Development Chapters.

### **1.1 PROPOSED PLAN PART 1 - INTRODUCTION AND GENERAL PROVISIONS**

[3] Part 1 (Introduction and General Provisions) of the Proposed Plan as notified contains 16 chapters. Collectively, these chapters introduce the content and purpose of the Proposed Plan, set out how the Plan is intended to work, provide interpretation guidance including definitions, explain relevant national direction, and describe mana whenua values and interests in the resource management framework and in the Timaru District.

[4] As summarised by Ms Hollier, the Mana Whenua Chapter received a number of submission points, with the majority being from Te Rūnanga o Ngāi Tahu [185] largely seeking further clarity or to add further information.

[5] A large volume of submissions also sought either new, amended or deleted definitions in the Proposed Plan. We note that due to the definitions considered within the context of Hearing A applying to multiple chapters of the Proposed Plan, we reserved our decision on those definitions until we had completed all hearing stages. We have recorded our decisions on definitions throughout the Decision Report.

[6] The Description of the District Chapter also attracted numerous submissions raising issues such as how infrastructure is to be defined, how history relating to settlement patterns, growth and development is portrayed, and whether Class 3 soils should be included in the Rural Areas section.<sup>2</sup>

### **1.2 PROPOSED PLAN PART 2 - HIGH LEVEL STRATEGIC DIRECTIONS AND URBAN FORM AND DEVELOPMENT**

[7] The Strategic Directions and Urban Form and Development Chapters provide the overarching direction for the Proposed Plan. They cover the topics considered significant in the district and important to achieving the overall vision for land use and development within the district. They are also informed by RMA s6, s7 and s8 matters and the direction provided in other key planning documents.

[8] We acknowledge and accept Mr Willis' recommendation that:

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<sup>1</sup> Alanna Hollier, s42A Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 8.

<sup>2</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 46(c).

...there is nothing in the NPS to suggest that there is either a hierarchy amongst objectives that must or may be included in the Proposed Plan or a requirement to assess them against each other. Chapter 7, cl 1(b) simply stipulates that objectives that address key strategic matters for the district and guide decision making at a strategic level must be located under the strategic heading. The NPS does not suggest that strategic objectives be any more than to guide decision making at a strategic level. In addition, there is nothing in the NPS preventing a Council from determining how they wish their strategic objectives to be interpreted and applied.<sup>3</sup>

[9] We further acknowledge the criteria used when developing the Strategic Directions and Urban Form and Development objectives.<sup>4</sup>

[10] As summarised in Mr Willis' s42A Report, a diverse range of outcomes were sought by submitters.<sup>5</sup> Some matters are finely balanced and / or potentially have integration implications and have therefore been addressed through other submissions on specific chapters and/or as consequential changes elsewhere. Our decisions on submissions are set out in Section 8 of this part of the Decision Report.

## **2 INTRODUCTION SECTIONS**

### **2.1 FORWARD/MIHI**

#### **2.1.1 Assessment**

[11] Fonterra [165.9] sought that the Foreword/Mihi be amended to better articulate the Proposed Plan's role in managing effects on the environment.<sup>6</sup> Ms Hollier initially rejected the relief sought by Fonterra in her s42A Report.

[12] In response, Ms Tait, the planning witness for Fonterra, proposed alternative drafting in her evidence whereby the last sentence of the opening paragraph could be deleted.<sup>7</sup> Ms Hollier subsequently recommended the submission point be accepted in response to Ms Tait's evidence at the Hearing.<sup>8</sup>

[13] We find that deleting the last sentence of the opening paragraph as put forward by Ms Tait for Fonterra better articulates the Proposed Plan's role in managing effects on the environment and is appropriate.

#### **2.1.2 Decision**

[14] We adopt Ms Hollier's analysis and recommendations on the Foreword/Mihi. The amendment to the last sentence of the opening paragraph of the Foreword/Mihi is set out in **Appendix 3**.

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<sup>3</sup> Andrew Willis, Council s42A Officer's Summary Statement, Part 2 – SD and UFD, 6 May 2024, Para 3-6.

<sup>4</sup> Andrew Willis, Council s42A Officer's Summary Statement, Part 2 – SD and UFD, 6 May 2024, Para 7.

<sup>5</sup> Andrew Willis, s42A Officer's Report, 8 May 2024, SD and UFD, 6 Para 2.

<sup>6</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 62.

<sup>7</sup> Susannah Tait, Statement of Evidence, 23 April 2024, Para 7.3.

<sup>8</sup> Alanna Hollier, Evidence in response to Minute 7, 17 May 2024, Appendix A.

## **2.2 CONTENTS AND PURPOSE**

### **2.2.1 Assessment**

[15] B Speirs [66.1] sought amendments to the Contents Chapter to add Financial Contributions and Future Development Areas into the General District-Wide Matters part of the Contents page and to add references to particular development areas after the heading ‘Special Purpose Zones’.

[16] No changes were sought by submitters to the Purpose Chapter.

[17] We find that Ms Hollier’s recommended amendments<sup>9</sup> to the Contents Chapter in response to the submitter provide further clarity and consistency across the Plan chapters for plan users.

### **2.2.2 Decision**

[18] We adopt Ms Hollier’s analysis and recommendations on the Contents and Purpose Chapters. The amendments to the Contents Chapter are set out in **Appendix 3**. No amendments to the Purpose Chapter are recommended, other than minor corrections.

## **2.3 DESCRIPTION OF THE DISTRICT**

### **2.3.1 Assessment**

[19] Te Rūnanga o Ngāi Tahu [185.9] sought that the place of mana whenua be recognised within the Description of the District Chapter within the Settlement Patterns, Growth and Development section. Ms Pull on behalf of Te Rūnanga o Ngāi Tahu<sup>10</sup>, confirmed she agreed with the recommendations of Ms Hollier to move the Takata Whenua section to the beginning of the Description of the District Chapter and rename it “Kāti Huirapa Settlement and Development”. We agree it is appropriate to amend the Description of the District section to ensure it properly recognises the Ngāi Tahu hapū who hold mana whenua in the district. We find Ms Hollier’s amendments address the relief sought by Te Rūnanga o Ngāi Tahu.

[20] Hort NZ [245.3] and Fonterra [165.12] initially sought amendments to the Rural Areas section of the Description of the District Chapter to improve alignment with the NPS-HPL (at the time of the hearings). Ms Hollier in her s42A Report explained that the Rural Areas section of this Chapter refers to versatile soils, which differ in definition to Highly Productive Land under the NPS-HPL. She considered that giving effect to the requirements of the NPS-HPL is best addressed in the context of the Versatile Soils Chapter (now to be named Highly Productive Land Chapter) to ensure that all other submissions relating to the implementation of the NPS-HPL can be considered concurrently.<sup>11</sup>

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<sup>9</sup> Alanna Hollier, Officer’s Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 69-74.

<sup>10</sup> Rachael Pull, Summary of Evidence, 8 May 2024.

<sup>11</sup> Alanna Hollier, Officer’s Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 94.

[21] Mr MacLennan in his s42A Report for Hearing F recommended a suite of changes in response to submitters designed to align the objective and policy direction of the VS Chapter with the NPS-HPL as an interim measure, until a plan change process is undertaken.

[22] As addressed in Parts 1 and 7 of the Decision, since notification, amendments have been made to the NPS-HPL that defer the requirement for regional councils to undertake mapping in regional policy statements until 2027. Further changes were made to exempt urban development and urban rezoning on LUC 3 land from NPS-HPL restrictions with immediate legal effect, but the exemption does not apply to non-urban rezonings, such as to RLZ. Mr MacLennan confirmed his recommended approach remained appropriate in light of the amendments to the NPS-HPL in 2025 and that references to the NPS-HPL 2022, should now refer to the amended version.

[23] On this basis, we agree with the consequential changes recommended by Mr MacLennan to the description of Rural Areas within the Description of the District. No additional changes are required as a result of the recent 2025 amendments to the NPS-HPL.

[24] The relationship between, provision for and potential conflicts between rural industry, rural productive activities and rural residential activities was a common theme that emerged across several hearing streams, and we deal with these in more detail in Part 3 of the Report.

[25] At a high level the issue was introduced by submissions seeking greater recognition for the role of rural industry, including what Fonterra [165.12] described as 'strategic rural industry' within the Description of the District Chapter.

[26] Fonterra sought various amendments to the Rural Areas section of the Description of the District Chapter primarily to provide for 'rural industry' and 'strategic rural industry', as follows:

Rural areas are dominated by agricultural land use, with some areas of horticulture and viticulture. Farming is largely pastoral, with sheep and beef farms dominating in the steeper or higher altitude areas and dairy farms occupying much of the plains, particularly at Rangitata Island. Rural industry, including strategic rural industry, has a functional and operational need to locate in rural areas to support primary production activities.

[...]

New residential land uses may be incompatible with impacted by existing farming activities and rural industry occurring in the working rural environment. Rural lifestyle development should be restricted A balance is needed between these activities to maintain the ability of farming activities and rural industry to continue in a rural environment.

[27] Fonterra's submission point raised an issue of the interpretation of both the NPS-HPL and CRPS, and the extent to which those higher order documents provided a hierarchy of rural land use activities (between rural productive land uses, rural industry that has a functional or operational need to locate in a rural environment, and rural lifestyle type land uses) and how these should be appropriately reflected in the Description of the District Chapter.

[28] Fonterra was primarily seeking a new Strategic Rural Industry Zone (SRIZ) to provide for the Fonterra owned Clandeboye site, located in the GRUZ which we address in Part 3 of the Report.

[29] In the context of Hearing A, we understood Fonterra to be seeking appropriate recognition of Clandeboye as a strategic rural industry and to ensure that the policy framework was supportive, enabling and appropriately managing ‘reverse sensitivity’ effects. We address reverse sensitivity effects further below. Fonterra was concerned that the current Description of the District Chapter did not adequately address the potential conflicts between ‘strategic rural industry’ and rural lifestyle activities and that the notified provisions inappropriately sought to balance the needs of rural industry and rural productive land uses with rural lifestyle activities.

[30] Ms Hollier agreed that there was a need to refer to ‘rural industry’ in the Rural Area section of the Description of the District Chapter however she did not recommend the addition of the new term of ‘strategic rural industry’. She considered that given the high-level nature of the Description of the District Chapter the term ‘rural industry’ sufficiently recognised the locational needs of those industries and their relationship to rural productive land uses.

[31] In terms of Fonterra’s request that the wording refer to new residential land uses being ‘incompatible’ with farming activities and rural industry, Ms Hollier considered that the reference to ‘impacted by’ was more appropriate and recognised the need to manage both the rural land uses and residential land uses, rather than determining them to be incompatible. She did not share Fonterra’s view that reference to the term ‘balance’ should be deleted or that rural lifestyle development should be ‘restricted’.

[32] Having considered the evidence and legal submissions, we agree with Fonterra that the current reference to ‘balance’ in the Rural Areas description does imply there is no hierarchy of rural land uses. However, the use of the term ‘restricted’ as promoted by Fonterra does not in our view accurately reflect that the Council has provided for, and enabled some, rural lifestyle development across the district in the RLZ and SETZ. We have accepted that there are known conflicts that can arise at the interface between rural residential land uses and farming and rural industrial activities, and we agree that the issue is one of management, noting that the location of activities is part of that management. We received evidence from submitters such as the Paynes [160], NZ Pork [247], and Horticulture NZ [245] that clearly illustrated what can occur if land uses are not appropriately managed. Importantly, both the NPS-HPL (in the context of highly productive land<sup>12</sup>) and the CRPS prioritise productive rural land uses<sup>13</sup> but do not provide the same level of prioritisation to rural industry.

[33] Having considered the submissions, evidence and legal submissions, we agree with Ms Hollier that an amendment is needed to provide for rural industry within the Description of the

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<sup>12</sup> ‘Highly productive land’ is defined as means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land). Objective 1 and Policy 4, Policy 6 and Policy 9 prioritise land based primary production, seek to avoid rezoning for rural lifestyle and the management of reverse sensitivity effects so as not to constrain land based primary production.

<sup>13</sup> CRPS Chapter 5 and 15.

District, and we further agree that the inclusion of the words 'strategic' as it relates to rural industry is not required. We find it is sufficient to simply refer to 'rural industry', noting that 'strategic rural industry' is not a term used elsewhere in the Plan. We consider the drafting of the Rural Areas section of the Description of the District Chapter should be amended as follows to provide the appropriate level of recognition of the management of rural industry and rural lifestyle land uses:

Rural areas are dominated by agricultural land use, with some areas of horticulture and viticulture. Farming is largely pastoral, with sheep and beef farms dominating in the steeper or higher altitude areas and dairy farms occupying much of the plains, particularly at Rangitata Island. Rural industry, including strategic rural industry, has a functional and operational need to locate in rural areas to support primary production activities.

[...]

New residential land uses may be impacted by existing farming activities and rural industry occurring in the working rural environment. Rural lifestyle development should be managed ~~balance is needed between these activities~~ to maintain the ability of farming activities and rural industry to continue in a rural environment.

[34] With regard to the Infrastructure section of the Description of the District Chapter, Ms Hollier recommended that the submissions of Transpower [159.2] and Enviro NZ [162.1] be rejected on the basis that amending the wording of part of the chapter would result in inconsistencies in the definition of regionally significant infrastructure.<sup>14</sup> She further noted that both submitters are also seeking amendments to the definition of regionally significant infrastructure which will be considered at a later hearing. On this basis, Ms Hollier made an interim recommendation to reject their submissions.

[35] Part 5 of this Report addresses the definition of regionally significant infrastructure and the submissions of Enviro NZ and Transpower. In our decision in Part 5 we have determined that the National Grid should be referenced separately, rather than as part of the electricity transmission network. With respect to the submission of Enviro NZ, we have decided that for the purpose of the EI Chapter of the Plan that the Redruth Landfill and Resource Recovery Facility is to be deemed as regionally significant infrastructure and we have included this in the definition of regionally significant infrastructure. Having considered the evidence presented at the hearing by Ms McLeod on behalf of Transpower and Ms Rosser for Enviro NZ, we find it is appropriate to ensure that the Description of the District aligns with the definition of Regionally Significant Infrastructure.

### 2.3.2 Decision

[36] We generally adopt Ms Hollier's assessment and recommendations on the Description of the District Chapter, however we have made further amendments with respect to rural industry and how Regionally Significant Infrastructure is described. The amendments to the Description of the District Chapter are set out in **Appendix 3**.

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<sup>14</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 88.

[37] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

### **3 HOW THE PLAN WORKS**

#### **3.1 STATUTORY CONTEXT**

##### **3.1.1 Assessment**

[38] As summarised in Ms Hollier's s42A Report, several submissions<sup>15</sup> were received on the Statutory Context section.<sup>16</sup>

[39] Having considered the submissions and evidence received at the Hearing, we are satisfied that the recommendations of Ms Hollier appropriately address the concerns raised.<sup>17</sup> In reaching this view, we note that the evidence presented on behalf of OWL<sup>18</sup> and Te Rūnanga o Ngāi Tahu<sup>19</sup> confirmed acceptance of Ms Hollier's recommendations.

##### **3.1.2 Decision**

[40] We adopt Ms Hollier's assessment and recommendations on the Statutory Context Chapter. The amendments to the Statutory Context Chapter are set out in **Appendix 3**.

[41] In terms of s32AA we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

#### **3.2 GENERAL APPROACH**

[42] As summarised in Ms Hollier's s42A Report, several submissions<sup>20</sup> were received on the General Approach section.<sup>21</sup>

[43] There appeared to be a difference in opinion between Ms Hollier and Transpower's planning witness Ms McLeod, as to how to refer to the 'National Grid Lines' overlay within Figure 1 of the General Approach Chapter. The Panel considers this to be a technical matter. Our approach is to ensure that the Proposed Plan aligns with the mandatory requirements of the NPS, and that the terminology used is consistent with the NPS and gives effect to the NPS-ET. While recognising that the NPS-ET has been superseded by the NPS-EN, we consider the terminology used in the Proposed Plan remains appropriate.

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<sup>15</sup> Including OWL [181.7], Te Rūnanga o Ngāi Tahu [185.10] and Timaru District Council [42.12].

<sup>16</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 115-119.

<sup>17</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 120-129.

<sup>18</sup> Julia Crossman, Statement of Evidence, 22 April 2024, Para 4.2-4.3.

<sup>19</sup> Rachael Pull, Summary of Evidence, 8 May 2024.

<sup>20</sup> OWL [181.8, 181.12] TDC [42.11], Transpower [159.3].

<sup>21</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 131-134.

### 3.2.1 Assessment

[44] We find that it is appropriate to include the word ‘features’ for the reasons outlined by Ms McLeod at paragraph 36 of her evidence. However, the reference to ‘National Grid Transmission Line’, should refer to ‘National Grid Line’, for the reasons outlined by Ms Hollier to align with the NPS Table 20 ‘symbol representation’. Accordingly, Figure 1, Step 2 should be amended to read “Locate relevant District-wide matters chapters (e.g. Infrastructure and Energy) features and overlays (e.g. National Grid Lines)”.

[45] Having considered the submissions and evidence received at the hearing, we are satisfied that the recommendations of Ms Hollier appropriately address the concerns raised by other submitters.<sup>22</sup>

### 3.2.2 Decision

[46] We generally adopt Ms Hollier’s assessment and recommendations on the General Approach Chapter. However, we have also amended Figure 1 to read “Locate relevant District-wide matters chapters (e.g. Infrastructure and Energy) features and overlays (e.g. National Grid Lines).” The amendments to the General Approach Chapter are set out in **Appendix 3**.

[47] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 3.3 CROSS BOUNDARY MATTERS

### 3.3.1 Assessment

[48] As summarised in Ms Hollier’s s42A Report, one submission<sup>23</sup> in support was received on the Cross Boundary Matters Chapter.<sup>24</sup>

[49] We agree with the submitter that the format and content of this chapter is consistent with the NPS. We find that no amendments are required.

### 3.3.2 Decision

[50] We adopt Ms Hollier’s assessment and recommendation on the Cross Boundary Matters Chapter. The Cross Boundary Matters Chapter is to be retained as notified.

## 3.4 RELATIONSHIP BETWEEN SPATIAL LAYERS

### 3.4.1 Assessment

[51] In response to a submission from Forest and Bird [156.8], Ms Hollier recommended amendments to the Relationship between Spatial Layers Chapter.<sup>25</sup> A further amendment

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<sup>22</sup> Alanna Hollier, Officer’s Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 135-142.

<sup>23</sup> OWL [181.9].

<sup>24</sup> Alanna Hollier, Officer’s Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 147-148.

<sup>25</sup> Alanna Hollier, Officer’s Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 159.

was also recommended to Figure 4 of this chapter in response to relief sought in the primary submission of Waka Kotahi [143.1] and further submission of Transpower.<sup>26</sup>

[52] We agree with Ms Hollier's recommended amendments to the Relationship Between Spatial Layers Chapter. We record here that Ms McLeod's evidence<sup>27</sup> on behalf of Transpower confirmed acceptance of Ms Hollier's recommendation, and we heard no further evidence from Waka Kotahi on the matter.

### **3.4.2 Decision**

[53] We adopt Ms Hollier's assessment and recommendation on the Relationship between Spatial Layers Chapter. The amendments to the chapter are set out in **Appendix 3**.

[54] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **4 INTERPRETATION**

### **4.1 DEFINITIONS**

[55] At the time of Hearing A, Ms Hollier advised that recommendations on definitions were provided on an interim basis given amendment may be recommended to other parts of the Proposed Plan at later hearings.<sup>28</sup> We have addressed submissions on definitions in the hearings as they arose.

[56] A significant number of submissions were received on the Definitions Chapter of the Proposed Plan.<sup>29</sup> Remaining definitions not addressed in the relevant parts of this Report have been considered in turn under the three subsections adopted by Ms Hollier in her s42A Report: NPS definitions, Council proposed definitions and new definitions sought by submitters.

#### **4.1.1 Assessment**

##### *National Planning Standard Definitions*

[57] We agree with Ms Hollier's recommendation<sup>30</sup> that all submission points requesting changes to, or deletion of a NPS definition be rejected. The NPS is clear that district plans must use the definitions set out in Standard 14 of the NPS, and that any terms used have the meaning as set out in Standard 14.

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<sup>26</sup> Transpower [159.73FS].

<sup>27</sup> Ainsley McLeod, Statement of Evidence, 22 April 2024, Table 1.

<sup>28</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 161.

<sup>29</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 164.

<sup>30</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 167.

*Height:*

[58] Fonterra [165.14] sought to amend the definition of height to exempt any structures that naturally sit above the bulk of a building, such as aerials, chimneys and lift towers. This was a particular issue for Fonterra in light of the GIZ zoning for the Clandeboye site where the proposed height standards are inconsistent with the existing development on the site. Ms Hollier recommended that this submission be rejected as height is defined by the NPS. While Ms Tait, Fonterra's planning witness, acknowledged that height is defined in the NPS, and there is a directive that local authorities must use the definition in the Definitions List (of the NPS), she did not agree that the Proposed Plan should have such a rigid definition of height that makes no exemption for minor structures that do not add to the overall bulk of the building (and therefore the dominance or overshadowing effects typically associated with height). The requirement to use definitions from the NPS was also addressed in Fonterra's legal submissions.

[59] Fonterra's legal counsel argued that whilst the NPS definition was mandatory there was some leeway to 'include more refined solutions for certain definitions, subject to the requirement that any solution is consistent with the primary definition and not widen its scope.'<sup>31</sup> Fonterra's position was that its proposed amended definition met those requirements.

[60] Fonterra also submitted that the NPS recognises that in some cases the use of mandatory definitions may require consequential amendments in the body of the Plan to ensure the application of the definition does not alter the overall outcome.<sup>32</sup> Without suggesting a specific outcome at Hearing A, Fonterra acknowledged that further amendments to the Plan provisions may be necessary if such exceptions are not made in the definition itself.

[61] In her Reply, Ms Hollier maintained her view that the NPS definition was mandatory, and no change was needed to the Proposed Plan definition of height.<sup>33</sup>

[62] We agree with Ms Hollier that a change to the mandatory NPS definition is not appropriate, particularly bearing in mind that Fonterra's request is motivated by the specific circumstances at its Clandeboye site, and that we did not hear any other evidence as to the appropriateness of the change in a wider context. We consider that if a bespoke outcome is justified for Clandeboye then we should consider this in the context of Fonterra's request to change the zoning, or within the context of our consideration of the GIZ. We return to this issue in Part 3 of the Report.

[63] ECan [183.4] submitted seeking that the specified reference point for measuring height be 'ground level prior to earthworks', rather than amending the definition of 'height'. We accept that identifying a specified reference point within the height provisions is preferable to altering the definition itself. As the specified reference point has regulatory effect, we consider it must

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<sup>31</sup> Legal Submissions for Fonterra, 30 April 2024, Para 27, referring to the National Planning Standards 2019, Definitions Standard, mandatory direction 1, page 53.

<sup>32</sup> Ibid at 29, referring to National Planning Standards 2019, Definitions Standard, mandatory direction 3, page 53.

<sup>33</sup> Alanna Hollier, Evidence in Response to Minute 7, 14 June 2024. Appendix A.

be addressed within the rule or standard relating to height itself, rather than through a note. However, we also recognise that ‘ground level prior to earthworks’, as sought by ECan, is not appropriate in all circumstances.

[64] Our review of the use of the term ‘height’ across the Proposed Plan has identified inconsistency in how the specified reference point is expressed. Where different reference points are required to achieve a distinct and purposeful outcome, differences are appropriate. Conversely, where no such justification exists, standardised terminology is appropriate to provide consistency across the Plan.

#### *Timaru District Council Definitions*

[65] We generally agree with Ms Hollier’s analysis and recommendations regarding Timaru District Council Definitions<sup>34</sup>, except for the following definitions traversed at length at Hearing A and in subsequent hearings:

#### *Reverse Sensitivity and Sensitive Activity*

[66] The definitions of ‘reverse sensitivity’ and ‘sensitive activity’ are interrelated and are critical to the interpretation and application of objectives, policies and rules that seek to manage the effects of potentially incompatible land uses within the district. Of particular concern is the relationship between and impact of sensitive land uses located near activities that generate adverse effects such as noise and odour, where those effects cannot practically be contained within the boundaries of the site where the activity generates such effects. Of particular importance to the District is the interaction of rural productive land uses, rural and urban industrial activities, including port activities, and related activities such as aircraft take offs and landings, where those activities occur near residential or other sensitive activities such as parts of the state highway and rail network, schools and recreational land uses.

[67] In resource management terms the relationship between those kinds of activities is often characterised as a ‘reverse sensitivity effect’, which refers to the possibility that a more sensitive land use occupant or operator may complain about the effects of a less sensitive activity which might in turn lead to that less sensitive activity having to curtail its activities to address effects on the more sensitive land uses. What constitutes a ‘sensitive activity’ is also important in evaluating the risk of so called ‘reverse sensitivity effects’.

[68] As notified, the Proposed Plan’ included the following definition:

Reverse sensitivity: means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity.

[69] Although the definition of ‘reverse sensitivity’ does not refer to the defined ‘sensitive activity’, the rules that purport to manage ‘reverse sensitivity effects’ do rely on the definition of sensitive activity. Sensitive activity, as notified, is proposed to be defined as follows:

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<sup>34</sup> Alanna Hollier, Officer’s Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 168-249

Sensitive activity means:

1. Residential activities;
2. Educational facilities and preschools;
3. Guest and visitor accommodation;
4. Healthcare facilities which include accommodation for overnight care;
5. Hospitals;
6. Marae (building only); or
7. Places of assembly.

Except that:

- a. subclause f. is not applicable in relation to electronic transmission.
- b. subclause g. above is not applicable in relation to noise or electronic transmission.

[70] We note here that there are some obvious drafting errors in the definition of 'sensitive activity' which were corrected in the s42A Report in response to submissions. In particular, matters 1-7 are renumbered to a. to g. and the reference to 'electronic' in the exceptions should be 'electricity'.<sup>35</sup>

[71] A number of submissions sought additions to the list of sensitive activities as follows:

- (a) Residential units (Hort NZ [245.25]);
- (b) Residential visitor accommodation (Hort NZ [245.25], NZ Pork [247.8]);
- (c) Supported residential care activity (Hort NZ [245.25], NZ Pork [247.8]);
- (d) Recreation activities (Hort NZ [245.25], NZ Pork [247.8]);
- (e) Educational activities (NZ Pork [247.8]);
- (f) Retirement home (KiwiRail [187.14]);
- (g) Community facility (KiwiRail [187.14]);
- (h) Change of 'Place of Assembly' to 'Place of Worship' (KiwiRail [187.14]).
- (i) Add 'papakāika (papakāinga)' (KiwiRail [187.14])
- (j) Extend to Marae 'activities' (KiwiRail [187.14])

[72] Te Rūnanga o Ngāi Tahu [185.65AFS] opposed the changes to the definition of 'sensitive activities' to include papakāika (papakāinga) and to extend the definition to Marae activities generally on the basis that the additions would have an unreasonable effect on the use of Māori Land and on iwi activities without any evidential basis to do so. Ms Pull sought exemptions from the definition for Papakāinga and Marae. In Minute 7 we requested Ms Pull

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<sup>35</sup> In response to submissions MoE [106.6], BP Oil et al [196.11], Radio NZ [152.20] and this part of the submissions by Silver Fern Farms [172.11] and Alliance Group [173.10]. and Transpower [159.20].

to provide the wording for such an exemption. Ms Pull did so and included a comprehensive evaluation of the use of the term sensitive activities in the Proposed Plan and CRPS. She explained why the addition of the terms was not justified, including the lack of evidence to support any conflict that would warrant the change.<sup>36</sup>

[73] We found Ms Pull's analysis in her Memorandum in response to Minute 7 to be helpful in illustrating the complexities with a definition for 'sensitive activities' and she had tentatively recommended that the definition be split to address activities in a rural and urban context.

[74] Ms Hollier did not recommend the additions requested by submitters on the basis that the notified list covered several activities and did not need to be more specific in the context of a definition. She noted that the Plan rules, including for noise and setbacks provided the more targeted response to specific characteristics of various activities. Aside from the formatting errors and the change to the terminology for the transmission network, she did not recommend any further changes.

[75] In terms of the definition of 'sensitive activity', the range of submissions highlights that the listing of 'sensitive' land uses is somewhat fraught, and our preference is for the definition to be sufficiently broad, with listed non-exclusive examples, with the rule framework providing the regulation of specific types of activities.

[76] Ms White, in her Reply, having considered the provisions in the Proposed Plan which rely on the definition of sensitive activities, stated in response to the evidence of Ms Pull, that:

In response to Minute 7, Ms Pull suggested additional changes to the definition. Ms Pull considers that it may be worthwhile to consider more than one definition for sensitive activities. I agree with this, noting that the PDP does so already, with 'sensitive activity', 'noise sensitive activity' and 'natural hazard sensitive activity'. However, Ms Pull suggests taking this further by having two separate definitions for sensitive activities, one for 'Industrial Activity and Regionally Significant Infrastructure' and another for 'Rural Activities'. However, she does not expand on this by indicating in which provisions which definition would apply, nor why there is a need – when considering the provisions which rely on the definition of 'sensitive activity' – for this differentiation. I note in any case that Te Rūnanga o Ngāi Tahu was a further submitter on a submission from KiwiRail, which sought additions to the definition. Having reviewed KiwiRail's request, along with other submissions on this definition, I do not consider that there is scope to make any additional changes to the definition that extend beyond whether or not additional items are added to the definition.<sup>37</sup>

[77] She further stated in response to the evidence of Ms Tait, that:

Ms Tait considers that 'community facilities' and 'places of assembly' should both be included in the definition<sup>29</sup>. Her concern appears to be that places of assembly is a narrower definition, and that there are "highly sensitive community facilities, such as health and welfare facilities, which are clearly activities that are sensitive to effects arising from other activities". The concern I have with this approach is that by including community facilities, a range of

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<sup>36</sup> Memorandum from Te Rūnanga o Ngāi Tahu in response to Minute 7, 31 May 2024

<sup>37</sup> Liz White, Final Reply, 4 August 2025, Para 45.

non-sensitive activities would also be captured, with controls or limitations imposed on these and other activities in proximity to them, which are not necessary to achieve the outcomes sought in the PDP relating to management of potential conflict. I therefore think the addition of community facilities to the definition would be very inefficient. With respect to 'health and welfare facilities' I note that the definition already includes "*Health care facilities which include accommodation for overnight care*" and "*Hospitals*". I therefore consider that the types of health care facilities that may require management under the identified provisions are already sufficiently captured.<sup>38</sup>

[78] For the above reasons, Ms White supported Ms Hollier's interim recommended definition as follows:

Sensitive activity means:<sup>39</sup>

- a. residential activities;
- b. educational facilities and preschools;
- c. ~~Guest & visitor~~ accommodation;
- d. health care facilities which include accommodation for overnight care;
- e. hospitals;
- f. marae (building only); or
- g. place of assembly.

except that:

1. subclause f 6 above is not applicable in relation to electricity transmission.
2. subclause g. 7 above is not applicable in relation to noise or ~~electronic~~ electricity transmission.

[79] Further, for completeness, Ms White noted that there are also separate definitions of 'noise sensitive activity' (generally applying to the Noise Chapter) and 'natural hazard sensitive activity' (generally applying to the Natural Hazards and Coastal Environment Chapters). These are separate to, and do not rely on the 'sensitive activity' definition.<sup>40</sup>

[80] Having considered the relevant higher order documents discussed above and the strategic direction of the Proposed Plan we agree with Ms White's Final Reply recommendation as the most appropriate definition of 'sensitive activity'.

[81] In relation to the definition of 'reverse sensitivity', although the definition was generally supported, four submitters<sup>41</sup> sought drafting changes to extend the definition to activities that were not only lawfully established (i.e. existing uses) to include future uses that are permitted or consented under the Plan and protection of those activities existing, and their expansion or development.

[82] PrimePort [175.70FS] lodged further submissions supporting a submission by KiwiRail [187.13] to amend the definition of "reverse sensitivity" so that it also applies to approved and permitted activities, not just to existing activities. Ms Hollier's recommendations have similar

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<sup>38</sup> Liz White, Final Reply, 4 August 2025, Para 46.

<sup>39</sup> The Panel has corrected the lettering and numbering here to match the provisions as recorded in the Final Reply version.

<sup>40</sup> Liz White, Final Reply, 4 August 2025, Para 42.

<sup>41</sup> Kiwi Rail [187.13], Transpower [159.19], Silver Fern Farms [172.10] and Alliance Group [173.9].

effect. The submitters suggested further changes to improve clarity and give effect to the higher order planning framework.<sup>42</sup> They recommended:

Reverse sensitivity means the potential for the operation of an approved, ~~existing~~ lawfully established or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by ~~an existing~~ that activity.

[83] Ms Hollier noted that the term ‘reverse sensitivity’ is used in a number of contexts throughout the Plan in the objectives and policies and the approach ranges from ‘avoidance of effects’ on strategic regional infrastructure and on established intensive primary production, through to a ‘lighter touch’ by requiring their management.<sup>43</sup> Having reviewed the requested drafting amendments Ms Hollier recommended some changes to improve the alignment of the definition with the policy and rule framework in the proposed plan. She recommended the definition be amended as follows:

‘Reverse sensitivity means the potential for the operation of an ~~existing~~ lawfully established, permitted or consented activity, or activities otherwise anticipated by the Plan, to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by ~~an existing~~ that activity’

[84] Ms Seaton, the planner for Prime Port identified the level of agreement with the s42A Report author on the inclusion of ‘permitted’ but her preference was to use the word ‘approved’ rather than ‘consented’ because there are other forms of approval than just ‘consented’. Ms Seaton did not favour the inclusion of the generic phrase ‘or activities otherwise anticipated by the Plan’ as suggested by Ms Hollier. She considered this to be too uncertain as it was not always clear that particular consented activity types were ‘anticipated’ even if they were identified as restricted discretionary activities. In her opinion the inclusion of the words ‘approved’ and ‘permitted’ provide the appropriate response.

[85] Whilst considering the definitions the Panel was also mindful that the policy and rule framework is also the subject of extensive submissions. A range of submitters seeking ‘protection’ of existing activities from potential ‘reverse sensitivity’ threats, these included the Redruth Waste Management facility, the Port of Timaru and Fonterra’s Clandeboye dairy factory. This is in addition to the rule changes that Kiwi Rail, PrimePort, Transpower and other regional infrastructure providers sought.

[86] Before we finalised our decision on the appropriate drafting of the definition of ‘reverse sensitivity’ we requested further information from the Council and submitter planning witnesses following Hearing B in relation to the national and regional policy framework for managing ‘reverse sensitivity’ effects (reverse sensitivity mapping), to which the Proposed Plan is required to implement.<sup>44</sup>

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<sup>42</sup> Legal Submissions on behalf of Prime Port Timaru Limited and Timaru District Holdings Limited (TDH), 30 April 2024 at section 6,

<sup>43</sup> Alanna Hollier, s42A Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 195-197

<sup>44</sup> Minute 15

[87] Mr MacLennan co-ordinated discussion amongst the available planning witnesses and produced a document setting out the reverse sensitivity mapping analysis in Appendix C to his Interim Reply.<sup>45</sup> The reverse sensitivity mapping identified the relevant provisions in national, regional and district planning instruments.<sup>46</sup> Appendix C to Mr MacLennan's Interim Reply separated out the mapping into the relevant provisions for the Rural, Infrastructure and miscellaneous topics.

[88] The Panel has undertaken a thorough review of the national and regional policy framework in relation to reverse sensitivity. Overall, the national and regional policy framework aims to ensure potentially incompatible land uses are managed appropriately. In some instances, this involves avoiding reverse sensitivity effects, but more broadly the framework provides direction that enables the Council to include objectives, policies and rules controlling the location and intensity of land uses that may be sensitive to the actual and potential adverse effects. This applies both to activities with national or regional significance and to those which are simply incompatible due to their sensitivity to adverse effects. In short this is simply good resource management planning.

[89] The issue of identifying a 'reverse sensitivity effect' arises where a particular land use is of such importance, that notwithstanding the inability to internalise all adverse effects, the rule framework should ensure that sensitive land uses are separated in some way, through zoning, setbacks or other standards.

[90] In terms of an appropriate definition of reverse sensitivity, we agree a definition is appropriate as it supports the certainty of the application of the rules in the plan. We do not consider that the definition should extend to an open-ended concept of 'activities anticipated in the plan', as this would lead to a lack of certainty. We agree with Ms Seaton, that 'approved' is more appropriate than 'consented' in the context of the District Plan, to account for activities that may be subject to a designation, rather than resource consent. In the case of the electricity transmission network, the NPS-ET appears to also contemplate future or yet to be consented maintenance and operational requirements of the electricity transmission network. We do not consider this needs to be addressed within the definition as it can be appropriately addressed through the rule framework (i.e., appropriately enabling activity status coupled with setback/separation of other land uses).

[91] In her Final Reply, Ms White<sup>47</sup> agreed with Ms Seaton's evidence and stated:

Having considered the range of 'existing or anticipated activity/ies' that these provisions seek to manage reverse sensitivity effects on, I am not convinced that they relate to "*activities otherwise anticipated by the Plan*" that would not otherwise be captured by reference to existing (lawfully established), permitted or otherwise authorised activities. I therefore recommend that this aspect of Ms Hollier's preliminary recommendation is not included in the definition. With

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<sup>45</sup> Andrew McLennan, Interim Reply, 20 September 2024.

<sup>46</sup> We note here that Ms Pull for Te Rūnanga o Ngāi Tahu provided a caveat to her agreement, which we understood reserved the interpretation of relevant provisions that manage 'reverse sensitivity effects' and their application to the relationship between SASMs and other activities in sensitive environments, which she considered was also a form of reverse sensitivity or the need to manage adverse effects in sensitive environments.<sup>46</sup> Ms Pull did not pursue this further in evidence relating to SASM Chapter

<sup>47</sup> In lieu of Ms Hollier, author of the s42A Report, who is on leave at the time of writing.

respect to 'consented' activities, I note that Ms Seaton's preference is to refer to 'approved' activities so that the definition would capture not only activities approved by way of resource consent, but also those approved via a designation. I agree with this in principle, but prefer the term 'authorised' as I think this is clearer.

Having considered the direction across the PDP outlined above, I also recommend removal of reference to "*the operation of*" these activities. This reflects that the objective and policy direction specifies what aspects of the relevant 'existing or anticipated activity/ies' are to be considered and in some cases, is not limited to operation only. Retaining reference to operation only would therefore, in my view, conflict with the direction in objectives and policies where it is broader than this.<sup>48</sup>

[92] Ms White also addressed the evidence of Ms Pull<sup>49</sup> relating to this definition and disagreed with the amendments sought, summarised as follows:

- (a) Request that a reference is added to an existing lawfully established activity as "operating according to best practice": Ms White explained that the very intent of controls aimed at managing reverse sensitivity are to avoid an existing activity having to change the way it is operating in response to a new activity. In addition, an assessment would be required of what best practice might be with respect to any such activity, and this would introduce an element of subjective judgment into the definition that is not considered appropriate.
- (b) Request to remove reference to "the more recent establishment or alteration of" another activity: Ms White explained that removing reference to "the more recent establishment or alteration of" another activity would relate to any adverse effects between one activity and another, regardless of when either activity is established. In her view, this is not reverse sensitivity.
- (c) Request to replace the reference to "perceived" adverse environmental effect with "cumulative": Ms White did not agree with this change as complaints that may be generated by new activities (that lead to pressure on the ability of the existing activity to continue to operate to its fullest extent) may not be limited to actual effects but may also arise from perceived effects. She did not consider that reference to "cumulative" effects is required, because this is already encompassed in the definition of 'effect' and would therefore result in duplication.

[93] Ms White put forward the following changes to the definition of reverse sensitivity:

Reverse sensitivity means the potential for ~~the operation of~~ an existing lawfully established activity, or a permitted or authorised activity, to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by ~~an existing that~~ activity.

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<sup>48</sup> Liz White, Final Reply, 4 August 2025, Para 36-37.

<sup>49</sup> Liz White, Final Reply, 4 August 2025, Para 38--39.

[94] We agree that the definition proposed in Ms White's Final Reply is the most appropriate, having considered the relevant national and regional planning framework and the strategic objectives of the Proposed Plan.

*Land Disturbance:*

[95] Transpower [159.7] sought that the definition of 'land disturbance' be shaded grey as this is a National Planning Standards definition and this is the formatting used within the Proposed Plan to distinguish National Planning Standards definitions. The submission point was recorded as being rejected in Appendix B to the s42A Report, however Ms Hollier subsequently corrected her report and agreed with the submitter that the definition should be identified as an NPS definition. This correction is to be made as a Schedule 1, cl16(2) RMA amendment.

*Conservation Activity:*

[96] Helicopters Sth Cant. [53.4], NZAAA [132.3] and DOC [166.6] sought a new definition for 'conservation activity' to provide for a broader definition of what constitutes conservation activities. The DOC submission notes that the term 'conservation activity' (or activities) is used within various provisions in the Proposed Plan, including within the MPZ, GRUZ, RLZ and NOSZ Chapters, primarily within policies and rules. Within the GRUZ, RLZ and MPZ Chapters the conditions of the rules that permit 'conservation activities', specify which activities are captured as conservation activities, including pest and weed control, conservation education, observations and surveying, and walking tracks. When the permitted activity conditions are not met, resource consent is required. They sought the deletion of the definition 'Department of Conservation activity', and replacement with the new definition of 'conservation activity' as follows:

Means the use of land for any activity undertaken for the purposes of management, maintenance and enhancement of ecological values for indigenous vegetation and fauna and their habitats. Examples of component activities of conservation are:

- Restoration planting
- Pest and weed control
- Track construction and maintenance
- Fencing'

[97] Ms Hollier's opinion was that this definition is not required, on the basis that the proposed definition places additional limits on what is considered a 'conservation activity' than what is allowed for within the permitted activity rules. The definition proposed by DOC only defines an activity as a 'conservation activity' if it is 'for indigenous vegetation and fauna and their habitats', whereas the Proposed Plan rules (GRUZ-R10, RLZ-R10 and MPZ-R7) consider conservation activities for non-indigenous vegetation and fauna and their habitats as discretionary activities, meaning they still fall within the scope of 'conservation activities' within the Proposed Plan. The conditions of these permitted activity rules include all the activities

listed within the proposed definition from DOC as well as additional activities such as conservation education.

[98] Helicopters Sth Cant. and NZAAA sought a definition as follows:

Conservation activity means the use of land or buildings for any activity undertaken for the purposes of protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic resource. It includes ancillary activities which assist to enhance the public's appreciation and recreational enjoyment of the resource, including weed and pest control and the intermittent use of aircraft for conservation purposes.

[99] Ms Hollier noted that there are a broad range of activities which could be considered 'conservation activities' and therefore it presented a challenge to address these in a definition.<sup>50</sup> There was risk that the definition was either too specific and thereby restricting a range of appropriate conservation related activities or too broad so as not to have any real utility in terms of assisting plan users. Examples of this were illustrated by the different specificity sought by Helicopters Sth Cant. and NZAAA.

[100] Ms Hollier was of the opinion that the rules in each relevant zone should be the method to manage conservation activities and did not recommend that a definition was necessary. However, she clarified that if the Panel wanted to insert a definition of 'conservation activity' her preference was the definition provided by DOC excluding the listed matters. The point to clarify is that the definition provided by DOC, without the listed matters, still limits the scope of the definition beyond that which is provided for in the Plan rules.<sup>51</sup>

[101] The Panel has considered the submissions made and the alternatives sought by submitters in their evidence. The Panel agree with Ms Hollier that, given the breadth of activities that could be related to conservation purposes, no definition is required because the rule framework for each zone provides an appropriate level of regulation without adding complexity through a definition that is either too prescriptive or broad.

#### *New Definitions Sought by Submitters*

[102] We generally agree with Ms Hollier's analysis and recommendations regarding new definition requests<sup>52</sup> and note that we heard no evidence to the contrary at the Hearing (except for the request to include a new definition of 'conservation activity' which we have addressed in the paragraphs above).

#### **4.1.2 Decision**

[103] We adopt Ms Hollier's assessment and recommendations on the Interpretation Chapter except for the changes to the definition of Reverse Sensitivity, where we have accepted the definition as recommended by Ms White in her Final Reply. The amendments to the chapter are set out in **Appendix 3**.

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<sup>50</sup> Alanna Hollier, s42A Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 272.

<sup>51</sup> Alanna Hollier, s42A Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 268.

<sup>52</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 250-291.

[104] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **4.2 ABBREVIATIONS AND GLOSSARY**

[105] As summarised in Ms Hollier's s42A Report, several submissions sought amendments to the Abbreviations Chapter and Glossary.<sup>53</sup>

### **4.2.1 Assessment**

[106] We agree with Ms Hollier's analysis and recommendations on the Abbreviations Chapter and find the recommended changes to be appropriate to correct the errors raised by B Speirs [66.14, 66.15] and the Telcos Group.<sup>54</sup>

[107] We accept Ms Hollier's analysis and recommendations on the Glossary Chapter and find the recommended changes in response to Te Rūnanga o Ngāi Tahu's submissions [185.13, 185.14] to be appropriate to achieve consistency with legislation and provide clarity on the relationship between Te Rūnanga o Ngāi Tahu and Kāti Huirapa.<sup>55</sup>

### **4.2.2 Decision**

[108] We adopt Ms Hollier's assessment and recommendation on the Abbreviations and Glossary Chapters. The amendments are set out in **Appendix 3**.

[109] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **5 NATIONAL DIRECTION INSTRUMENTS**

### **5.1 NATIONAL POLICY STATEMENTS**

[110] As summarised in Ms Hollier's s42A Report, several submissions sought amendments to the Plan to reflect matters in National Policy Statements and New Zealand Coastal Policy Statement Chapter.<sup>56</sup>

#### **5.1.1 Assessment**

[111] We agree with Ms Hollier's analysis and recommendations in response to submissions on National Policy Statements and New Zealand Coastal Policy Statement Chapter.

[112] In particular, we accept that it is not appropriate to review the Proposed Plan as a whole in light of the NPS-HPL as sought by B Speirs [66.16] for the reasons outlined in Ms Hollier's

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<sup>53</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 299-302 and 308-310.

<sup>54</sup> Connexa [176.28], Spark [208.28], Chorus [209.28] and Vodafone [210.28].

<sup>55</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 311-312.

<sup>56</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 2318-320.

s42A Report.<sup>57</sup> In reaching this view, we note our findings in Part 7 of this Decision where we accepted a suite of changes put forward in s42A Reply in response to submitters that will align the relevant plan content with the NPS-HPL as an interim measure, until a plan change process is undertaken. Since notification of the Proposed Plan, amendments have been made to the NPS-HPL that defer the requirement for Regional Councils to undertake mapping in Regional Policy Statements until 2027. Further changes were made to exempt urban rezoning on LUC 3 land from NPS-HPL restrictions with immediate legal effect, but the exemption does not apply to non-urban rezonings, such as to RLZ.

[113] Considering these changes, Mr Maclennan confirmed that his recommended approach remained appropriate in light of the amendments to the NPS-HPL in 2025 and that references to the NPS-HPL 2022, should now refer to the amended version. In Part 1 we record the steps we undertook to seek the views of Council and submitters in response to those changes.

[114] With the addition of new National Policy Statements on 15 January 2026, this part of the Plan will need updating to reflect the additions. We direct the Council to make those amendments.

### **5.1.2 Decision**

[115] We adopt Ms Hollier's assessment and recommendation on the National Policy Statements and New Zealand Coastal Policy Statement Chapter. The amendments to the Chapter are set out in **Appendix 3**.

[116] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **5.2 NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS**

### **5.2.1 Assessment**

[117] We note that all submissions received on the National Environmental Standards and Regulations Chapters were in support and no amendments were recommended by Ms Hollier.

[118] As we have identified in Part 1 of the Decision, the Council will need to identify over time any duplication or inconsistencies with the NESs that came into effect on 15 January 2026.

### **5.2.2 Decision**

[119] We adopt Ms Hollier's assessment and recommendation on the National Environmental Standards and Regulations Chapters. These chapters are to remain as notified, except for a small number of cl16(2) minor amendments.

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<sup>57</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 321-325.

## 6 MANA WHENUA

[120] As summarised by Ms Hollier, twenty submissions were received on the Mana Whenua Chapter, nine seeking amendments, and 11 in support.<sup>58</sup>

### 6.1.1 Assessment

[121] Te Rūnanga o Ngāi Tahu [185.24] sought amendments throughout the entire chapter to change the word Māori to 'Mana Whenua' or 'Kāti Huirapa'. Initially, Ms Hollier recommended that Te Rūnanga o Ngāi Tahu's submission be rejected based on her view that the word 'Māori' was used appropriately.<sup>59</sup> In her evidence for Te Rūnanga o Ngāi Tahu, Ms Pull explained that the RMA uses the terms 'Māori' at the national scale and that Te Rūnanga o Ngāi Tahu seeks specificity for the local application of RMA provisions. She pointed out that this section of Proposed Plan only relates to Mana Whenua and on this basis, it is appropriate to refer to Kāti Huirapa for clarity and ease of implementation. We accept Te Rūnanga o Ngāi Tahu's evidence on these matters.

[122] Following the Hearing, in response to Te Rūnanga o Ngāi Tahu evidence and Panel questions, Ms Hollier reviewed the occurrences of the terms 'Mātauraka Māori', 'Tikaka', 'Māori' and 'Māori people' in consultation with Ms Hall<sup>60</sup> and Ms Pull and provided a revised set of recommended amendments.<sup>61</sup>

[123] Te Rūnanga o Ngāi Tahu [185.27, 185.28, 185.30, 185.31, 185.32, 185.33 and 185.34] sought a series of other amendments to sections MW2.1.5, MW2.1.6, MW2.2.3, MW2.2.4, MW2.2.5, MW3.2 and MW4 of the Mana Whenua Chapter. We agree with Ms Hollier's analysis and recommended amendments to these provisions and record that Ms Pull was supportive of the s42 recommendations.<sup>62</sup>

### 6.1.2 Decisions

[124] We adopt Ms Hollier's assessment and recommendation on the Mana Whenua Chapter. The amendments to the chapter are set out in **Appendix 3**.

[125] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 7 OTHER GENERAL HIGH-LEVEL SUBMISSIONS

[126] Numerous submitters raised a range of other concerns on high-level matters across the Proposed Plan, as summarised in Ms Hollier's s42A Report.<sup>63</sup>

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<sup>58</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 336.

<sup>59</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 340.

<sup>60</sup> Kylie Hall, Planner Aoraki Environmental Consultants (AECL) Ltd.

<sup>61</sup> Alanna Hollier, Evidence in Response to Minute 7, 17 May 2024, Para 7-12.

<sup>62</sup> Rachael Pull, Statement of Evidence, 19 April, Appendix 1.

<sup>63</sup> Alanna Hollier, Officer's Report: Part 1 – Introduction and General Definitions, 5 April 2024, Para 386-397.

### **7.1.1 Assessment**

[127] We generally agree with Ms Hollier's analysis and recommendations in response to other general high-level submissions and in reaching this view we note that submission points were considered within the relevant s42 Report topic at a later hearing, or we were not persuaded otherwise having heard from submitters, or we received no evidence to the contrary.

### **7.1.2 Decision**

[128] We adopt Ms Hollier's assessment and recommendations on the general high-level submissions. There are no amendments required to the Proposed Plan.

## **8 HIGH LEVEL STRATEGIC DIRECTIONS & URBAN FORM AND DEVELOPMENT**

### **8.1 GENERAL SUBMISSIONS**

[129] As summarised by Mr Willis, several general submissions were received on the SD and UFD Chapters.<sup>64</sup>

#### **8.1.1 Assessment**

[130] We accept Mr Willis' analysis<sup>65</sup> relating to the general submission by Forest and Bird [156.2] and note this submission point is considered under Objective SD-O3 discussed below.

[131] Te Rūnanga o Ngāi Tahu [185.16] is concerned that SD-O5 (Mana whenua) is limited to the topic of mana whenua and is not integrated enough to provide guidance on how to address issues when an activity impacts more than one strategic objective.<sup>66</sup> The submitter sought to amend the Strategic Directions to provide guidance for activities that impact more than one objective, particularly mana whenua values.

[132] Having considered Te Rūnanga o Ngāi Tahu submission point, Mr Willis generally considered that the assessment of competing provisions must be made specifically in relation to the matter being considered as in his view it is difficult to achieve this at a Strategic Level. However, he recommended the submission be accepted in part and considered it would be beneficial to explicitly include relevant assessment matters in the detailed chapters that expressly enable consideration of mana whenua matters contained in SD-O5 where this is relevant. He also recommended that the natural hazards provisions should be amended to achieve this in response to submissions on SD-O4.

#### **8.1.2 Decisions**

[133] We adopt Mr Willis' assessment and recommendation on General Submissions on the SD and UFD Chapters. There are no amendments required.

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<sup>64</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 34.

<sup>65</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 38.

<sup>66</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 37.

## 8.2 DEFINITIONS

[134] We accept Mr Willis' advice<sup>67</sup> and agree that given there are no definitions that relate solely to the SD or UFD Chapters, any decisions on submissions on definitions have been addressed as part of the Definitions Chapter or the detailed topic specific chapters.

## 8.3 STRATEGIC DIRECTION INTRODUCTION AND INTERPRETATION

[135] As summarised by Mr Willis, two submissions were received to the SD Introduction and Interpretation sections.<sup>68</sup>

### 8.3.1 Assessment

[136] Transpower [159.25] sought amendments to the Interpretation section in the Strategic Directions Chapter to ensure that the Proposed Plan clearly states the purpose of the objectives and to avoid future ambiguity in plan implementation.<sup>69</sup> We accept Mr Willis' analysis on this matter and find the recommended amendments to be appropriate.<sup>70</sup>

[137] Te Rūnanga o Ngāi Tahu [185.15] considered that the Strategic Direction Chapter relies on the Growth Management Strategy (GMS) for the district and sought that the chapter also references Iwi Management Plans and Treaty obligations to allow for growth and development on mana whenua land.<sup>71</sup>

[138] In response to Te Rūnanga o Ngāi Tahu submission point, Mr Willis noted that the Timaru District 2045 Growth Management Strategy is specifically referenced as it has guided growth and development and is a document that might otherwise not be recognised if not listed. By contrast, the Strategic Directions have been informed by many statutory documents such as various national policy statements, and the CRPS, as well as the Iwi Management Plan. Mr Willis considered that because the Introduction does not list these other matters that the Proposed Plan must consider, it would be incongruous to specifically identify Iwi Management Plans (IMP) over these other documents. He considered that Treaty obligations and partnership opportunities with iwi apply irrespective of the District Plan's strategic directions and that growth opportunities are identified in SD-O5 for development in Māori Reserves there was no need to provide the additional clarification. Accordingly, he recommended the submission be rejected.

[139] Ms Pull, the planning witness for Te Rūnanga o Ngāi Tahu<sup>72</sup> agreed that Treaty obligations apply regardless of the stated 'Strategic Directions', however, her evidence was that IMPs have a particular strategic significance in the region, as stated in 4.17 of the CRPS.<sup>73</sup> Ms Pull illustrated in her evidence that without specific emphasis the strategic importance of development potential for papakāinga development on MPZ land may be lost in a myriad of

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<sup>67</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 51-52.

<sup>68</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 3.3.

<sup>69</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 52.

<sup>70</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 54-59.

<sup>71</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 53.

<sup>72</sup> Rachael Pull, Te Rūnanga O Ngāi Tahu, 18 April 2024.

<sup>73</sup> CRPS Page 41: Territorial authorities, in order to give effect to their functions under the RMA will: ... 4.17 Take into account iwi management plans during plan development.

other competing strategic objectives.<sup>74</sup> Ms Pull illustrated her point that SD-O5 did not provide adequate clarity in terms of strategic growth objectives for the MPZ.

[140] We are of the view that Ms Pull's point is well made, and this should be reflected in the Plan drafting. This is particularly important to ensure integration of significant resource management issues in the plan. The Mana Whenua Chapter outlines the importance of the relationship between the Council and Kāti Huirapa, in the development and implementation of the Plan. Reference to the IMP is therefore important context in the development of the strategic direction of the Plan.

### 8.3.2 Decision

[141] We adopt Mr Willis' assessment and recommendations, except where we have decided that the clarity of the SD Chapter could be improved by referencing the IMP. We have amended the Introduction to include in the second point, 'taking into account the Iwi Management Plan of Kāti Huirapa.' The amendments to the chapter are set out in **Appendix 3**.

[142] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 8.4 OBJECTIVE SD-O1 RESIDENTIAL AREAS AND ACTIVITIES

[143] As summarised in Mr Willis' s42A Report, SD-O1 attracted numerous submissions, many of which sought changes.<sup>75</sup>

### 8.4.1 Assessment

[144] Fonterra [165.25] sought an amendment to SD-O1 to ensure that reverse sensitivity effects from rural lifestyle development on existing and permitted rural activities are avoided.

[145] Mr Willis, in his Reply, confirmed his recommendation that requiring the avoidance of all reverse sensitivity effects from RLZ activities is onerous. He put forward changes to SD-O1 that are more aligned with the CRPS and respond in part to Fonterra's submission:

SD-O1.2(c)<sup>76</sup>

~~avoid significant reverse sensitivity effects on existing and permitted rural activities~~ do not limit or preclude the operation or establishment of rural production activities;

[146] Silver Fern Farms [172.12] and Alliance Group [173.11] sought an amendment to SD-O1 to ensure that 'the location of new residential areas and activities avoids creating conflict with incompatible zones and activities'. We accept Mr Willis' analysis and recommendations

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<sup>74</sup> Rachael Pull at 65 to 70 and in Appendix 3.

<sup>75</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 61.

<sup>76</sup> The numbering of sub-clauses within the SD Objectives has been updated from roman numerals to standard numbers for consistency reasons.

in respect of the submissions from Silver Fern Farms [172.12] and Alliance Group [173.11] and find his suggested amendments to SD-O1 to be appropriate. We note that Silver Fern Farms tabled a letter<sup>77</sup> that indicated support for the s42A recommendations. We received no evidence to the contrary from Alliance Group.

[147] The Telco Group<sup>78</sup> sought to amend SD-O1 to consider infrastructure more generally as they considered that more sewer and water infrastructure is necessary to service rural lifestyle development. Mr Willis recommended these submissions be rejected, and we note that the Telco Group, in its tabled letter, accepted the s42A recommendation on the basis that the reasoning provided is sound, and that there remains a pathway for the telecommunication companies to establish their infrastructure.<sup>79</sup>

[148] However, Ms Wharfe presented evidence at the Hearing on behalf of a further submission from D & S Payne [160.34FS] which supported part of Connexa Limited's submission [176.31] to delete the requirement for reticulated sewer infrastructure.<sup>80</sup> Having heard Ms Wharfe's evidence, Mr Willis agreed that SD-O1.2 could be amended to remove the word 'reticulated' from the clause. We agree with Mr Willis that while reticulated services are preferred, the requirement to connect to a reticulated sewer network is inconsistent with SUB-P15 in the RLZ and Policy RLZ-P1.<sup>81</sup>

[149] We accept Mr Willis' analysis and recommendation in response to the submission by Federated Farmers [182.28]<sup>82</sup> and in doing so note that the submitter neither attended the hearing nor tabled any evidence. We find it is appropriate to amend SD-O1 to recognise the productive capabilities of the soils and location when considering rural lifestyle development.

[150] Mr Willis initially recommended that Te Rūnanga o Ngāi Tahu's submission [185.17] that sought for the MPZ be added to SD-O1.1 (as an area where MPZ can enable such development) be rejected.<sup>83</sup> Having heard the evidence of Ms Pull at the hearing which clarified the relief sought, Mr Willis subsequently changed his position and recommended the submission be accepted.<sup>84</sup> We are satisfied the recommended amendment addresses the submission of Te Rūnanga o Ngāi Tahu on this matter.

[151] However, Te Rūnanga o Ngāi Tahu also sought a new clause SD-O1.5 that enables new residential development and choices to be considered against the Strategic Directions and Growth Strategy. Mr Willis did not support this change, stating that new residential development would also need to be considered against other relevant Proposed Plan provisions and the higher order planning framework. In addition, he did not agree with incorporating by reference the Growth Strategy as a document to assess residential development against as this was not the intended purpose of that document.

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<sup>77</sup> Steve Tuck, Letter on behalf of Silver Fern Farms, 11 April 2024.

<sup>78</sup> Including submitters Connexa [176.31], Spark [208.31], Chorus [209.31] and Vodafone ([10.31].

<sup>79</sup> Tom Anderson, Letter on behalf of The Telcos, 10 April 2024.

<sup>80</sup> Lynette Wharfe, Statement of Evidence, 22 April 2024, Para 1.6.

<sup>81</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>82</sup> Andrew Willis, s42A Report, SD and UFD, 5 April 2024, Para 72.

<sup>83</sup> Andrew Willis, s42A Report, SD and UFD, 5 April 2024, Para 73.

<sup>84</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

[152] We agree with Mr Willis that there is no need to include the additional matter, as any new residential development will be considered against the SD objectives, and those in the FDA Chapter.

[153] We accept Mr Willis' analysis and recommendation in response to the submission by Dept. Corrections [239.6] which sought an additional clause in SD-O1.1 to refer to 'a wide range of housing types and sizes'. We agree with Mr Willis that no change is required as SD-O1 already includes a reference to housing choice in the chapeau and clause (1)(b) already refers to a range of densities.

#### **8.4.2 Decision**

[154] We adopt Mr Willis' assessment and recommendations. The amendments to the provisions are set out in **Appendix 3**.

[155] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

### **8.5 OBJECTIVE SD-O2 THE NATURAL AND HISTORIC ENVIRONMENT**

[156] As summarised in Mr Willis' s42A Report, following the notification of the Proposed Plan, the NPS-IB was gazetted in July 2023. We acknowledge that the objectives of NPS-IB differ from the previous draft NPS-IB and as a consequence, the analysis in Part 4 of the Report (Ecosystems and Indigenous Biodiversity Chapter) have been updated. However, we do address the submission from DOC [66.18] below.

#### **8.5.1 Assessment**

[157] Forest and Bird [156.38] sought that historical and cultural values are separated from natural environmental values in the Proposed Plan by having separate objectives and also sought that the objective recognise the contribution that historic heritage makes to the District.<sup>85</sup> We accept Mr Willis' recommendation that this submission be rejected and note that in response to Panel questions at the Hearing, Ms Snoyink on behalf of Forest and Bird confirmed she accepted the s42A recommendation on this matter.<sup>86</sup>

[158] Fonterra [165.26] sought that the reference to 'significant heritage' in clause (7) be amended to 'historic heritage'. Mr Willis agreed that to achieve consistency with HH-O2 in the Historic Heritage Chapter, SD-O2 should be amended to 'historic heritage'. However, he disagreed that the reference to 'values' should be removed from the objective on the basis that it is both the item and its values that are required to be protected.<sup>87</sup>

[159] Ms Tait, the planning witness for Fonterra, was of the opinion that SD-O2 should be amended to reflect the language in s6(f) of the RMA, with regards to historic heritage.

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<sup>85</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 88.

<sup>86</sup> Nicola Snoyink, 9 May 2024.

<sup>87</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 95.

[160] Ms Tait noted that the word 'values' is not part of the RMA definition of historic heritage and is already implied in the introduction to the subclause of the objective. Ms Tait proposed the provision is amended as follows:

8. the important contribution of historic heritage to the District's character and identity is recognised, and ~~significant historic heritage and its values are~~ is protected from inappropriate subdivision, use, and development.<sup>88</sup>

[161] The Panel agrees with this revised wording.

[162] DOC [66.18] sought several amendments to SD-O2 to ensure consistency with the national policy direction relating to indigenous biodiversity. Mr Willis provided a comprehensive analysis on the amendments sought and recommended the submission be accepted in part. We heard from Ms Williams at the hearing who gave planning evidence for DOC on this matter. She confirmed general acceptance of Mr Willis' recommended amendments to SD-O2<sup>89</sup> (except for the proposed amendments relating to Transpower's submission which we discuss below). We are satisfied that DOC's concerns have been appropriately addressed.

[163] Transpower [159.26], along with several other submitters, submitted in support of SD-O2 and sought that the objective is retained as notified. Mr Willis recommended that these submissions be accepted in part given he had recommended changes to SD-O2 in response to DOC's submission to give effect to the NPS-IB.<sup>90</sup> Ms McLeod, planning witness for Transpower, in her evidence stated that:

While I generally accepted the rationale underpinning Mr Willis' recommendation, it is my opinion that the recommended amendments do not correctly give effect to the NPS-IB. This is because nothing in the NPS-IB applies to the development, operation, maintenance or upgrade of National Grid assets and activities. However, the broad application of the recommended amendments means that the requirements of the NPS-IB are consequently and inappropriately applied to National Grid assets and activities.<sup>91</sup>

[164] Ms McLeod considered that SD-O2 must provide specific direction in respect of the National Grid (and potentially also renewable electricity generation that is similarly excluded from the NPS-IB) and provided an amendment to SD-O2 to achieve this. DOC opposed Transpower's proposed wording because that the changes are better directed to SD-O8. SD-O8 provides clear direction to enable Regionally Significant Infrastructure (including the National Grid) while appropriately managing adverse effects, with specific guidance set out in the Energy and Infrastructure Chapter.<sup>92</sup> Following the hearing we invited Ms McLeod to provide alternative drafting options to address National Grid exemptions from the requirements of the NPS-IB.<sup>93</sup>

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<sup>88</sup> Susannah Tait, Statement of Evidence, 23 April 2024, paragraph 11.4

<sup>89</sup> Elizabeth Williams, Speaking Notes, 9 May 2024.

<sup>90</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>91</sup> Ainsley McLeod, Statement of Evidence, 22 April 2024, Para 43.

<sup>92</sup> Elizabeth Williams, Speaking Notes for Department of Conservation, 9 May 2024.

<sup>93</sup> Minute 7 of the Hearing Panel, Hearing A, 17 May 2024.

[165] Ms McLeod in her supplementary evidence provided alternative drafting options to address the issue of concern and refer to the exemption for the National Grid. Ms McLeod acknowledged that the preferred drafting will ultimately need to fit with the plan's architecture.

[166] In his Reply to Minute 7 Mr Willis accepted the change as being appropriate, although also provided an alternative drafting option. We find Mr Willis' drafting change was more succinct by simply exempting the National Grid from the application of the SD Objective.

[167] We find that all options may suffice, but we accept Mr Willis' suggestion as being more in keeping with the Plan architecture and is clear and concise.

[168] ECan [183.16] considered the objective is inconsistent with CRPS Policy 12.2.1 as it only refers to important landscapes and not outstanding natural features and landscapes. On this basis ECan sought an amendment to include reference to the identification and protection of outstanding natural features.<sup>94</sup> Mr Willis recommended that this submission be rejected. We note that in her evidence Ms Francis accepted that SD-O2 in the Proposed Plan is not inconsistent with the CRPS<sup>95</sup> and during the hearing signalled general support for Mr Willis' recommendation.<sup>96</sup>

[169] Silver Fern Farms [172.13] submitted that SD-O2 is not sufficiently clear and is inconsistent with the RMA. Mr Willis recommended that the submission be rejected, however invited the submitter to provide further clarity by suggesting alternative wording that might address the relief sought.<sup>97</sup> In a letter tabled by the submitter, Silver Fern Farms confirmed that it accepted Mr Willis' recommendation and did not intend to provide any further evidence on the matter or attend the hearing.<sup>98</sup>

[170] Te Rūnanga o Ngāi Tahu [185.18] raised concern that the mana whenua consideration was not explicitly included in SD-O2 and sought amendments to SD-O2 to better reflect their ancestral lands, water, sites, wāhi tapu, and other taonga.<sup>99</sup> Initially, Mr Willis did not agree that these amendments were required on the basis that SD-O5 Mana whenua addresses these considerations directly.<sup>100</sup> At the Hearing, Ms Pull explained the importance of improving readability and usability of strategic directions for plan users. She stated that while SD-O5 is useful, there is confusion as to the scope of its application and how effective it will be when read in conjunction with other strategic directions.<sup>101</sup> Following the hearing, having heard Ms Pull's evidence, Mr Willis agreed that it is appropriate to amend SD-O2 to reference 'Kia uta ki tai' and the values of important landscapes and features.<sup>102</sup> However, with regard to the other changes sought by Te Rūnanga o Ngāi Tahu, he maintained his position that amendments were not required.<sup>103</sup>

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<sup>94</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 92.

<sup>95</sup> Deidre Francis, Statement of Evidence, 22 April 2024, Para 23-28.

<sup>96</sup> Deidre Francis, Summary of Evidence, 9 May 2024, Para 5.

<sup>97</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 99.

<sup>98</sup> Steve Tuck, Letter on behalf of Silver Fern Farms Ltd, 11 April 2024.

<sup>99</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 93.

<sup>100</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 100.

<sup>101</sup> Rachael Pull, Summary of Evidence, 8 May 2024.

<sup>102</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>103</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

[171] We agree with Mr Willis. It was not clear from Ms Pull's evidence why those changes were considered necessary or how they had been evaluated in accordance with s32 or s32AA.

## 8.5.2 Decision

[172] We adopt Mr Willis' assessment and updated recommendations, except that we accept the submission from Fonterra and have deleted reference to 'values' from SD-O2.7.<sup>104</sup> The amendments to the provisions are set out in **Appendix 3**.

[173] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 8.6 OBJECTIVE SD-O3 CLIMATE CHANGE

### 8.6.1 Assessment

[174] Port Blakely [94.2] considered there should be recognition of certain land uses which help mitigate the effects of climate change, especially activities which sequester carbon. Mr Willis did not consider it appropriate to list any particular use, however, recommended that SD-O3.3 be broadened to also refer to activities that reduce carbon emissions.<sup>105</sup> Mr Cocking on behalf of Port Blakely, explained in his evidence that the terms 'reduction' and 'mitigation' are different concepts which should not be conflated.<sup>106</sup> In his view, given plantation forestry mitigates carbon emissions by sequestering carbon from the atmosphere, the focus of SD-O3.3 should not solely be on reduction. He sought that the words 'or mitigates' be included in SD-O3.3<sup>107</sup>, which was subsequently accepted by Mr Willis.<sup>108</sup>

[175] Forest and Bird [156.2] and [156.39] sought that SD-O3 provides for native species to adapt to climate change, and to strengthen how the Proposed Plan will have regard to the Emissions Reduction Plan (ERP) and the National Adaptation Plan (NAP). Mr Willis initially recommended that this level of detail is not suitable in the SD Chapter and considered these matters could be addressed in later hearings through specific topic chapters.<sup>109</sup> Although he recommended the submission be rejected, Mr Willis invited Forest and Bird to provide evidence to demonstrate how the matters could be appropriately addressed in the Proposed Plan.<sup>110</sup> In her presentation, Ms Snoyink made the following comments:

Forest & Bird accepts that provision for resilience and adaption may also fit within the topic chapters however the risk is that indigenous biodiversity is not considered when decisions on climate adaptation and for resilience are made, and vulnerable species and habitats could be lost due to a lack of foresight and planning. This issue is better addressed at the SD level to achieve integrated

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<sup>104</sup> Now renumbered SD-O2.8 in the Decision Version of the provisions.

<sup>105</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 111.

<sup>106</sup> Andrew Cocking, Statement of Evidence, 22 April 2024, Para 28.

<sup>107</sup> Andrew Cocking, Statement of Evidence, 22 April 2024, Para 29.

<sup>108</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>109</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 112.

<sup>110</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 112.

management. We recommend adding a clause regarding promoting the use of nature-based solutions to SD-O3.<sup>111</sup>

[176] Following the Hearing, Mr Willis reconsidered his position and agreed it was appropriate to manage indigenous biodiversity to promote resilience to the effects of climate change. He noted this is consistent with the approach in the Proposed Plan's natural hazards and coastal hazards provisions and the CRPS and recommended an additional clause be added to SD-O3 to this effect.<sup>112</sup> We find this amendment to be appropriate and agree with Mr Willis that a reference to 'nature-based solutions' is not required, as proposed by Forest and Bird.<sup>113</sup>

[177] We agree with Mr Willis' recommendation that adding the word 'activities' in response to the submission from Hort NZ [245.38]<sup>114</sup> provides clarity to SD-O3.2 and we find the amendment to be appropriate.

[178] Transpower [159.27] sought an additional clause (4) 'recognising the important role renewable electricity play in achieving New Zealand's net carbon zero target by providing for renewable electricity generation, electricity transmission and electricity distribution.' Mr Willis accepted the request as appropriate. We agree.

## 8.6.2 Decision

[179] We adopt Mr Willis' assessment and recommendation and the amendments to SD-O3 are set out in **Appendix 3**.

[180] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

## 8.7 OBJECTIVE SD-O4 NATURAL HAZARDS

[181] As summarised by Mr Willis, eight submission points sought amendments.<sup>115</sup>

### 8.7.1 Assessment

[182] Forest and Bird [156.40] was concerned that resilience and adaption for indigenous species are not adequately considered when addressing natural hazards. They suggest the following amendments:

Natural hazards risks are addressed so that:

1. areas subject to natural hazards and risk are identified, including habitat of significant indigenous flora and fauna;
2. development is avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable, including where allowing development would prevent the habitat of significant indigenous fauna and flora from adapting to or having resilience to climate change; and

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<sup>111</sup> Nicola Snoyink, Speaking Notes, 9 May 2024, Para 10.

<sup>112</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>113</sup> Nicola Snoyink, Speaking Notes, 9 May 2024, Para 10.

<sup>114</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 114.

<sup>115</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 146.

3. for other areas, natural hazards risks are appropriately mitigated.

[183] Mr Willis had initially indicated in his s42A Report that accommodating Forest and Bird's submission which sought assessment and mitigation of natural hazard risks to native species and habitats, would be complex and impractical.<sup>116</sup> In his Reply, he maintained that the changes were inappropriate, noting that SD-O4 concerns natural hazard risk management. Indigenous biodiversity is addressed in SD-O2, and he considered it's inclusion in SD-O4 would be repetitive and shift the objective's focus. The Panel agrees with that view and does not consider it appropriate to single out indigenous flora and fauna in this objective.

[184] Te Rūnanga o Ngāi Tahu [185.19] noted in its submission that the MPZ is subject to significant natural hazards and policy overlays. Te Rūnanga o Ngāi Tahu submitted in support of the expansion of the strategic direction for natural hazards to consider the impacts and issues associated with recovery and wellbeing. Ms Pull referenced the discussion document for the Proposed NPS-NHD<sup>117</sup> which raised a similar concern and noted the extent of Māori land and Marae that are in low lying coastal areas and near flood prone rivers and the importance of early engagement with Tangata Whenua on these issues. Ms Pull was concerned about a lack of clarity with regard to the relationship between SD-O4 and SD-O5 (which we address below). Ms Pull acknowledged that the proposed NPS-NHD may not be determinative, however, in the context of a s32 evaluation she considered that it presented an alternative to the notified provisions.<sup>118</sup>

[185] Ms Pull noted that Policy 2 of the proposed NPS-NHD sets out how decision-makers are to determine a natural hazard risk. They are required to consider as follows:

Policy 2<sup>119</sup>

When determining natural hazard risk, decision-makers are to consider:

(a) first, the likelihood of a natural hazard event occurring (either individually or in combination) and the consequences of the natural hazard event occurring, including potential loss of life, serious injury, adverse effects on the environment, and potential serious damage to property and infrastructure; and

(b) second, tolerance to a natural hazard event, including the willingness and capacity of those who are subject to the risk (such as a community, Māori, or the Crown) to bear the risk of that natural hazard (including its cost) and any indirect risks associated with it.

[186] In relation to determining the tolerance to a natural hazard event, Policy 7 of the Proposed NPS-NHD is relevant.

Policy 7: Māori and, in particular, tangata whenua values, interests, and aspirations are recognised and provided for, including through early

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<sup>116</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 133.

<sup>117</sup> Rachael Pull, Statement of Evidence, 18 April, Para 81-83.

<sup>118</sup> Rachael Pull, Statement of Evidence, 18 April, Para 78-90.

<sup>119</sup> Proposed National Policy Statement for Natural Hazard Decision-making. September 2023.

engagement, when making decisions on new development on specified Māori land where there is a high or moderate natural hazard risk.

[187] Ms Pull therefore recommended changes to SD-O4 as follows:

Natural hazards risks are addressed so that:

1. areas subject to natural hazards and risk are identified as follows;
  - (i) the likelihood of a natural hazard event occurring (either individually or in combination) and the consequences of the natural hazard event occurring; and
  - (ii) the tolerance and ability to recover from to a natural hazard event,
2. development is avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable; and
3. for other areas, natural hazards risks are appropriately mitigated. and
4. decisions on acceptable levels of risk of Natural Hazards for the Māori Purpose Zone need to incorporate mātauraka.

[188] Mr Willis acknowledged the issues but did not initially considered the changes were appropriate and considered they were better addressed in the Natural Hazards Chapter. In his Reply he maintained that view and provided some drafting additions to the Natural Hazard policies for the Panel to consider at the later hearing. We address our findings on those amendments in Part 8 of the Report. However, we note that Mr Willis further recommended there is value in including a statement in the SD (and UFD) Chapter Introduction that clarifies that some terms are not defined as it is the topic specific chapters that provide this guidance. We agree and find this to be a sensible addition.

[189] Transpower [159.28] initially sought that SD-O4 should better reflect section 6(h) of the RMA by focusing SD-O4 on 'significant' natural hazards, not simply referring to natural hazards. However, in her evidence Ms McLeod indicated support for Mr Willis' recommendation and the associated rationale to reject the submission.<sup>120</sup> We agree.

[190] Kāinga Ora supported SD-O4 in principle but sought that it be amended to more explicitly refer to unacceptable risk being risks to life and human safety. We accept Mr Willis' analysis on this matter, and agree the amendment sought by the submitter is not required, a position subsequently accepted by Mr Neville on behalf of Kāinga Ora in his evidence.<sup>121</sup>

[191] The challenge with drafting strategic directions is that they need to both be clear on how they are to apply across the district but also to be sufficiently broad to enable a wide application. Whilst we agree with Mr Willis that further specificity is not required for this SD objective, we are concerned that the relationship between all SD objectives and other parts of the Plan could be made clearer on some of the key issues for the district. Where we have had scope to do so, we have made consequential changes to improve the linkages.

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<sup>120</sup> Ainsley McLeod, Statement of Evidence, 22 April 2024, Table 1.

<sup>121</sup> Joshua Neville, Summary Statement, 8 May 2024, Para 127.

[192] We agree with Mr Willis' recommendations to reject submissions from the following parties for the reasons set out in the s42A Report - Lineage Logistics [107.6], Silver Fern Farms [172.14], Alliance Group [173.12], BP Oil et al [196.17].<sup>122</sup> In reaching this view we note that Silver Fern Farms tabled a letter<sup>123</sup> which indicated support for the s42A recommendations, and we received no evidence to the contrary from Lineage Logistics, BP Oil et al, or the Alliance Group.

### **8.7.2 Decision**

[193] We adopt Mr Willis' assessment and recommendation and SD-O4 is therefore retained as notified, except for RMA cl16(2) minor changes and the interpretative note addition to the Introduction to the Strategic Direction Chapter. Amendments to the provisions are shown in **Appendix 3**.

[194] We are satisfied that the original s32 evaluation continues to apply, as no substantive changes have been made.

## **8.8 OBJECTIVE SD-O5 MANA WHENUA**

[195] As summarised by Mr Willis, five submission points set out amendments sought to SD-O5.<sup>124</sup>

### **8.8.1 Assessment**

[196] We accept Mr Willis' recommendation to reject the submission from Federated Farmers [182.30] who sought amendments to SD-O5.3 to recognise that the involvement of iwi and hapū alongside communities will enable better outcomes for the district.<sup>125</sup> We agree with Mr Willis' analysis and find that the changes are not required. In reaching this view, we note that we received no evidence from Federated Farmers, and they did not appear at the hearing in pursuit of this submission.

[197] OWL [181.22] sought amendments to SD-O5 to ensure that access to sites for customary activities cannot always be available when there are relevant statutory health and safety matters to consider. They sought that the words 'where appropriate' be added at the start of SD-O5.4 and SD-O5.6.

[198] In terms of SD-O5.4 Mr Willis agreed with OWL and recommended that the words 'where appropriate' be shifted to the start of SD-O5.4.<sup>126</sup> In a further submission [185.48FS], Te Rūnanga o Ngāi Tahu put forward alternative drafting<sup>127</sup> which was subsequently accepted by Mr Willis. We are satisfied that the proposed amendment to this clause of SD-O5 addresses the OWL submission appropriately while also being acceptable to Te Rūnanga o Ngāi Tahu.

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<sup>122</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 132, 135, 138.

<sup>123</sup> Steve Tuck, Letter on behalf of Silver Fern Farms, 11 April 2024.

<sup>124</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 146.

<sup>125</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 154.

<sup>126</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 153, 159.

<sup>127</sup> Ms Pull, Statement of Evidence, 19 April 2024, Para 99.

[199] Initially, in terms of SD-O5.6, Mr Willis did not consider OWL's requested amendment was required as it would be inconsistent with SASM-P3 which seeks to enable Kāti Huirapa to undertake customary harvest and other cultural practices in identified sites and areas listed in SCHED6-Schedule of Sites and Areas of Significance to Kāti Huirapa, in accordance with tikaka. Further, Mr Willis explained that under New Zealand law, permission from the landowner is required for access.<sup>128</sup> However, having heard the evidence from Ms Crossman<sup>129</sup> on behalf of OWL, Mr Willis reconsidered his position and agreed that given there are valid safety concerns around multiple operational areas it is not unreasonable to provide opportunities for the restrictions included in the more detailed chapters.<sup>130</sup> We agree with the recommended amendment to SD-O5.6 and note that the amendment aligns with the wording suggested by Te Rūnanga o Ngāi Tahu in respect of SD-O5.4. We therefore find that it is appropriate.

[200] In response to OWL's evidence, Mr Willis also recommended that the word 'tikanga' in SD-O5.6 be amended to 'tikaka' to align with terminology defined and used in the Plan.<sup>131</sup> We are satisfied that this change is appropriate.

[201] Te Rūnanga o Ngāi Tahu [185.20] sought a range of amendments to SD-O5 to ensure that SD-O5 used correct terms such as "Māori Land", not Māori reserve land, and that the objective provided clear language. Ms Pull was concerned about the reference to 'intended purpose' as it was vague and uncertain, and plan users who may be unfamiliar with the values held by Kāti Huirapa might interpret those values as being only those 'permitted' by the Proposed Plan, which was unlikely to be the Council's intention.

[202] Mr Willis had recommended that the reference to 'where appropriate' be changed to the commencement of the objective.<sup>132</sup> Mr Willis considered that the phrase 'where appropriate' was necessary to address potential health and safety concerns. Ms Pull pointed out that the phrase had a wider meaning and could be used in a way that existing access could be lost for reasons unrelated to health and safety. Ms Pull considered that this would be inconsistent with the CRPS, which seeks to provide for Ngāi Tahu access to areas and sites associated with māhinga kai, wāhi tapu and wāhi taonga.<sup>133</sup>

[203] Ms Pull recommended drafting changes to address Te Rūnanga o Ngāi Tahu concerns as follows:<sup>134</sup>

The status of Kāti Huirapa is recognised and their historic and contemporary relationship with the District's land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring:

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<sup>128</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 153.

<sup>129</sup> Julia Crossman, Statement of Evidence, 22 April 2024, Para 4.18.

<sup>130</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>131</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>132</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 153.

<sup>133</sup> Page 31 Issues of Significance to Ngāi Tahu relevant to the Canterbury Regional Policy Statement.

<sup>134</sup> Rachael Pull, Statement of Evidence, 19 April 2024, Para 99.

- i. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged;
- ii. the health of water body and wetland environments is protected from adverse effects of land use and development;
- iii. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected;
- iv. ~~Where appropriate~~, Kāti Huirapa retains, and where it can be undertaken safely is able to enhance access to their sites and areas of significance;
- v. Māori ~~reserve~~ lands are able to be used by Kāti Huirapa for their intended purposes;
- vi. Kāti Huirapa are able to carry out customary and cultural activities in accordance with tikanga;
- vii. Kāti Huirapa are actively involved in decision making that affects their values and interests in these matters and are able to exercise their kaitiakitaka responsibilities.
- viii. The amenity values of Kāti Huirapa are reflected in the landscape of new development.

Advice Note: This Strategic Direction applies District Wide and contains direction that applies to the implementation of other Strategic Directions.

[204] Te Rūnanga o Ngāi Tahu [185.83FS] further submitted in opposition to Te Tumu Paeroa, Office of the Māori Trustee submission [240.4] that sought to widen access for all Māori Landowners. Mr Willis recommended rejecting the Te Tumu Paeroa submission, stating that this Strategic Direction is limited to SASM.<sup>135</sup> Ms Pull was concerned this contradicts the earlier statement that the Strategic Direction SD-O5 applies to Māori Reserves and growth, which is different from SASM<sup>136</sup>. Also, the s42A report states that SD-O5 applies irrespective of whether the specific matters are contained within SD-O2 (Natural and Historic Environment), again meaning that the Strategic Direction is not limited to SASM or the MPZ.<sup>137</sup> This created confusion as to where the SASM is considered.

[205] Ms Pull submitted that the Strategic Directions are district wide and not limited to SASMs.

[206] The Te Rūnanga o Ngāi Tahu further submission sought to retain the objective to mana whenua, not Māori landowners. Ms Pull submitted that this was necessary to be consistent with the Ngāi Tahu Claims Settlement Act (NTCSA) and CRPS and therefore the submission made by Te Tumu Paeroa should be rejected, but for reasons of consistency with the NTCSA and the CRPS (rather than on the basis that the objective is limited to SASM)

<sup>135</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 157.

<sup>136</sup> Rachael Pull, Statement of Evidence, 19 April 2024, Para 55.

<sup>137</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 100.

[207] Fonterra [165.29] sought an amendment to SD-O5.5 to ensure that papakāinga are not located where there may be impacts on human health due to the existing or permitted rural, and rural industrial activities. We agree with Mr Willis' recommendation to reject this submission for the reasons set out in his s42A Report.<sup>138</sup> In reaching this view we acknowledge the further submission by Te Rūnanga o Ngāi Tahu that stated:

One of the main aspirations of the Māori Purpose Zone is to create an enabling planning regime to not only encourage the development and use of the existing Māori land, but to create a place for mana whenua to return to. Māori should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone<sup>139</sup>

[208] In response to Minute 7, Mr Willis accepted the changes to the wording of SD-O5 suggested by Ms Pull except that he suggested an alternative to (8) to improve certainty. He suggested that it read:

Kāti Huirapa's<sup>140</sup> culture and identity is recognised in the design of Future Development Areas.

[209] Mr Willis did not agree that there was a need to remove the reference to 'for their intended purposes' in (5) because he considered that this provided direction on how the land is to be used and this is further elaborated on in the MPZ Chapter.

[210] Mr Willis did not consider there was any need for further explanatory advice notes to aid the interpretation of SD-O5 to ensure it had district wide effect.

## 8.8.2 Decision

[211] We adopt Mr Willis' assessment and recommendations, along with our own minor grammatical corrections and we have included the amendments to the provisions in **Appendix 3**.

[212] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

## 8.9 SD-O6 BUSINESS AREAS AND ACTIVITIES

### 8.9.1 Assessment

[213] As summarised by Mr Willis, six submission points sought amendments to SD-O6.<sup>141</sup> We generally accept and adopt Mr Willis' analysis and recommendations relating to SD-O6<sup>142</sup> and note that we received no evidence to the contrary from Silver Fern Farms [172.15], Synlait [163.2], Alliance Group [173.13], White Water [248.2] or Dept. Corrections [239.7].

[214] We heard from Ms Tait at the hearing for Fonterra [165.30]. Fonterra's submission sought amendments to provide for existing and new businesses and to also better protect

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<sup>138</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 152.

<sup>139</sup> Te Rūnanga o Ngāi Tahu (185.30FS).

<sup>140</sup> We have redrafted this clause to correctly refer to 'The culture and identity of Kāti Huirapa...'

<sup>141</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 164.

<sup>142</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 170-174.

industrial land. She agreed with Mr Willis' recommended change to SD-O6.1, however disagreed with the amendments he recommended to SD-O6.2. She explained that in her view the issues of retail distribution, reverse sensitivity and zone purpose had been conflated and as a consequence, the strategic direction weakened.<sup>143</sup> Having heard the evidence, Mr Willis recommended further amendments to ensure the use and development of commercial and industrial zones is not compromised by the establishment of sensitive activities.<sup>144</sup> We find these amendments to be appropriate.

## 8.9.2 Decision

[215] We adopt Mr Willis' assessment and recommendations and the amendments to SD-O6 are set out in **Appendix 3**.

[216] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

## 8.10 SD-O7 CENTRES

### 8.10.1 Assessment

[217] As summarised by Mr Willis, three submission points sought amendments to SD-O7.<sup>145</sup> We adopt Mr Willis' analysis and recommendations relating to SD-O7 and note that we received no evidence to the contrary from Harvey Norman [192.11] or the Dept. Corrections [239.8].

[218] The submission from Te Rūnanga o Ngāi Tahu [185.21] considered that there is little integration between the objectives, meaning that they will be hard to implement at a decision-making level without clarification within the objective as to how it relates to other objectives within the section. They sought to amend SD-O7 to better reflect the relationship of Kāti Huirapa and their culture and tradition with their ancestral lands, water, sites, Wāhi tapu, and other taonga.<sup>146</sup> Mr Willis recommended this submission be rejected for the reason that all the strategic objectives are to be read together and therefore SD-O5 will apply irrespective of whether the specific matters are contained within SD-O7 or not.<sup>147</sup>

[219] In her evidence, Ms Pull noted that SD-O7.1 refers to amenity which does include cultural attributes under the RMA definition. She indicated that when read in conjunction with the recommended new clause to SD-O5 to consider the amenity values of Kāti Huirapa there will be a clear direction and link between the objectives.<sup>148</sup> We note that given our previous finding relating to SD-O5, we are satisfied that Te Rūnanga o Ngāi Tahu's submission is satisfactorily addressed.

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<sup>143</sup> Susannah Tait, Statement of Evidence, 23 April 2024, Para 11.19.

<sup>144</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>145</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 182-185.

<sup>146</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 183.

<sup>147</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 186.

<sup>148</sup> Rachael Pull, Statement of Evidence, 19 April 2024, Para 103-105.

### 8.10.2 Decision

[220] We adopt Mr Willis' assessment and recommendation and the amendments to the provisions are set out in **Appendix 3**.

[221] We are satisfied that the original s32 evaluation continues to apply.

## 8.11 SD-O8 INFRASTRUCTURE

### 8.11.1 Assessment

[222] As summarised by Mr Willis, six submission points sought amendments to SD-O8.<sup>149</sup> We accept Mr Willis' analysis and recommendation in response to the submissions from Forest and Bird [156.44], Road Metals [169.8], Fulton Hogan [170.9] and KiwiRail [187.16] and note that we received no evidence to the contrary. We further note that while we heard from Forest and Bird at the hearing, Ms Snoyink did not pursue this specific matter any further.<sup>150</sup>

[223] Transpower [59.26FS] generally supports the relief sought on the basis that the proposed amendments give effect to Policies 10 and 11 of the NPS-ET and Policy 16.3.4 of the CRPS. While the NPS-ET has been superseded by the NPS-EN, the matters addressed by Transpower remain relevant under the current national direction.

[224] Enviro NZ [162.5] sought an amendment to support the continuance and operational ability of regional infrastructure including the Redruth landfill. The submission states that if the submitter's relief sought on the regionally significant infrastructure definition is not accepted, then the continuance and expansion of waste recovery and disposal facilities also need to be included in the SD Chapter and be part of this relevant objective. The submitter considers that amending the definition is preferable to specifically referring to waste facilities in the SD Chapter.

[225] In terms of SD-O8, Enviro NZ sought the following amendment to address their submission:

Across the District: [...]

iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately and protecting regionally significant infrastructure from reverse sensitivity. Development is serviced by an appropriate level of infrastructure and waste facilities that effectively meets the needs of that development.

[226] Mr Willis was of the view that SD-O8 addressed infrastructure rather than waste facilities and he noted that the submitter's preference was for an amended definition for regionally significant infrastructure, which would be addressed in the hearing for the Infrastructure

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<sup>149</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 194-198.

<sup>150</sup> Nicola Snoyink, Speaking Notes, 9 May 2024.

Chapter. We address this matter in Part 5, where we have deemed the Redruth Waste Facility to be regionally significant infrastructure for the purposes of the EI Chapter of the Proposed Plan, and consider it is appropriate to apply this to SD-08 as well. Therefore, there is no need to extend this objective to refer to waste facilities. However, in response to the KiwiRail [187.16], Mr Willis recommended adding a specific reference to reverse sensitivity. He, therefore recommended that Enviro NZ's submission be accepted in part.

[227] Fonterra [165.31] sought an amendment to SD-O8.2 to acknowledge that new infrastructure also coordinates with the growth of existing development. While Ms Tait supported the general intent of Mr Willis' recommended amendment to address the submission, she presented an alternative drafting approach to ensure SD-O8.2 referred to both use and development.<sup>151</sup> Mr Willis subsequently accepted Ms Tait's evidence and agreed an amendment was required as changing uses may have different infrastructural requirements.<sup>152</sup> We are satisfied that the amendment recommended by Mr Willis in response to Fonterra's evidence addresses the submitter's concerns appropriately.

### 8.11.2 Decision

[228] We adopt Mr Willis' assessment and recommendation and the amendments to SD-O8 are set out in **Appendix 3**.

[229] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

## 8.12 SD-O9 RURAL AREAS

### 8.12.1 Assessment

[230] As summarised by Mr Willis, fifteen submission points sought amendments to SD-O9.<sup>153</sup> We accept Mr Willis' analysis and recommendations relating to the submissions from the Helicopters Sth Cant. [53.12], NZAAA [132.12], Ballance [86.4], Silver Fern Farms [172.16], Alliance Group [173.14], Hort NZ [245.40], NZ Frost Fans [55.2], Singline and RSM Trust [27.12], Dairy Holdings [89.5], Radio NZ [152.26], Rural Contractors [178.3] and Federated Farmers [182.31]. In reaching this view we note we received no evidence to the contrary.

[231] Forest and Bird [156.45] considered that SD-O9 should integrate the protection and maintenance of indigenous biodiversity into the rural area and sought that an additional clause be added to SD-O9 to this effect. Mr Willis disagreed and recommended this submission be rejected on the basis that SD-O2 already covers indigenous biodiversity, and that all strategic objectives are to be considered together, and no fixed hierarchy exists between the strategic objectives.<sup>154</sup> At the hearing, Ms Snoyink explained that in her view the approach of the Proposed Plan is to separate indigenous biodiversity protection and maintenance from the management of the environments in which it occurs. In her view this could lead to ad-hoc decision making on matters where there could be greater alignment.<sup>155</sup> Following the Hearing,

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<sup>151</sup> Susannah Tait, Statement of Evidence, 23 April 2024, Para 11.22.

<sup>152</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>153</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 213-226.

<sup>154</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 232.

<sup>155</sup> Nicola Snoyink, Speaking Notes, 9 May 2024, Para 13-17.

Mr Willis maintained his view that an additional clause specifically recognising indigenous biodiversity was not required, however he did recommend that an amendment to reference the words “including their natural environment values” (essentially providing a link to SD-O2) would be helpful.<sup>156</sup> We agree, and we are satisfied this amendment addresses the relief sought by Forest and Bird.

[232] Fonterra [165.32] sought a number of amendments to the objective to better articulate the objectives for the rural areas of the district. In particular Fonterra sought that the chapeau of the objective should refer to ‘land based primary production’ to be consistent with the language of the NPS-HPL and to include a definition of ‘land based primary production’ in the Plan as defined by the NPS-HPL. Further Fonterra sought that the second half of the chapeau be deleted as it was not part of the strategic purpose of the rural area. Ms Tait refined that relief in her evidence and suggested that the issue to be addressed is the prioritisation of land based primary production. She recommended a drafting change to provide that:

~~...A range of primarily productive activities are enabled in the rural environment to enable~~ Land-based primary production is prioritised to protect highly productive land ~~the ongoing use of land for primary production for present and future generations, while:~~

~~i. protecting versatile soils highly productive land or productive uses;~~

[233] Ms Tait supported Mr Willis’ change to sub clauses (2), (4) and (5), but recommended that clause (3), which addressed reverse sensitivity effects be amended to be an ‘avoid’ policy consistent with her interpretation of the NPS-HPL and CRPS.<sup>157</sup> In addition she submitted it was appropriate to make specific reference to ‘rural industry’ given it is specifically enabled in the GRUZ. She recommended that clause (3) be amended as follows:

avoiding in the first instance managing the adverse effects, including reverse sensitivity effects, of new sensitive activities on primary production and rural industry;

[234] Ms Tait was generally supportive of Mr Willis’ recommended subclause (6), but suggested the following change:

ensuring land within the Future Development Area overlay remains available for future urban or rural lifestyle development.

[235] We agree that it is appropriate to include reference to ‘rural industry’ in the strategic objectives and we refer to our assessment of Fonterra’s submission on the Introduction to the Proposed Plan above. In terms of whether this objective should reflect an ‘avoidance’ policy for reverse sensitivity effects we address the concept of reverse sensitivity and its definition, and those for ‘sensitive activities’ in the discussion of definitions above. We have also addressed the appropriate ‘balance’ or weighting of rural productive land uses, rural industry and rural residential land uses in our decision on the GRUZ in Part 3. For those reasons we are of the view that the drafting changes included in the Final Reply are appropriate for SD-O9.

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<sup>156</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>157</sup> Susannah Tait, Statement of Evidence, 23 April 2024, Para 11.29.

[236] Te Rūnanga o Ngāi Tahu [185.22] submitted in support of SD-O9, noting the significant amount of SASM and MPZ impacted by the objective. Te Rūnanga o Ngāi Tahu sought assurance that it would be read in conjunction with the other strategic directions. In response to Mr Willis' recommendation that within the 'rural environment' primary productive activities are 'prioritised'. Ms Pull noted that it is a significant change from 'enable' and when combined with the clause that avoids activities with no functional/operational need to be in the rural area, creates a hierarchy through terminology that overrides all other strategic directions including the Infrastructure and Mana Whenua objectives.

[237] Ms Pull considered that mana whenua activities including nohoanga entitlements, papakāinga, marae, kura (schools) and cultural activities can and should occur in rural areas, not in the least because this is where many of these sites are located. She was concerned that the new wording could be interpreted as only providing for those activities which have a functional and/or operational need to locate in the rural area/rural environment meaning that those interpreting the Proposed Plan could conclude that non rural activities are not allowed.

[238] Ms Pull confirmed that mana whenua activities including nohoanga entitlements, papakāinga, marae and cultural activities have a functional and/or operational need to locate in the rural area/rural environment as that is the established location of these activities. She drew attention to the fact that the MPZ is surrounded by GRUZ, and activities within the MPZ should not be restricted due to potential reverse sensitivity effects from activities within the GRUZ. Ms Pull recommended amending the reference in the strategic direction back to 'enable' primary production activities instead of 'prioritise'.<sup>158</sup>

[239] Mr Willis disagreed with Ms Pull's evidence, and his view was that primary production should be prioritised in the rural zones over non rural activities, and he considered this approach is consistent with the Proposed Plan's GRUZ and RLZ provisions.<sup>159</sup>

[240] The Panel agrees that primary production should be prioritised. We also note that the objective anticipates the appropriate location of sensitive activities and only discourages activities without a functional and operational need in the rural environment. The Panel acknowledges the issues raised by Ms Pull and agrees that there may be activities that for locational reasons (such as proximity to existing activities or activities that need to relocate due to the effects of climate change) have a functional and/or operational need to remain in a rural location. We have considered the definitions of functional need and operational need which may be sufficient to address those circumstances. We consider that the drafting of the objective could, however, be improved with the addition of the words 'or locational need'. Although that term is not defined, we consider the ordinary meaning is sufficient to address the circumstances where location is an important factor and would address matters such as cultural associations with the land but not limited to those circumstances.

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<sup>158</sup> Rachael Pull, Statement of Evidence, 19 April 2024, Para 106 to 109.

<sup>159</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

### 8.12.2 Decision

[241] We adopt Mr Willis' assessment and updated recommendation on SD-O9, except that we have included reference to locational need. The amendments to the provisions are set out in **Appendix 3**.

[242] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 8.13 SD-O10 COMMUNITY AND OPEN SPACE

### 8.13.1 Assessment

[243] One submission seeking amendments was received on SD-O10, from PrimePort [175.16]. We accept Mr Willis' analysis and recommendations relating to SD-O10<sup>160</sup> and note that we received no evidence to the contrary.

### 8.13.2 Decision

[244] We adopt Mr Willis' assessment and updated recommendation on SD-O10, and the amendments are set out in **Appendix 3**.

[245] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

## 8.14 UFD-O1 SETTLEMENT PATTERNS

### 8.14.1 Assessment

[246] As summarised by Mr Willis, 23 submission points sought amendments to UFD-O1.<sup>161</sup> We accept Mr Willis' analysis and recommendations on the submissions relating to the UFD Chapter<sup>162</sup> and in reaching this view note the evidence received from Hort NZ [254.41]<sup>163</sup>, Silver Fern Farms [172.17]<sup>164</sup>, the Telcos Group<sup>165</sup>, Kāinga Ora [229.13]<sup>166</sup>, Transpower[159.30]<sup>167</sup> and Fonterra [165.33]<sup>168</sup> indicating support for Mr Willis' recommendations. We further note that we received no evidence to the contrary from any other party, except for the recommended change to UFD-O1.8 as discussed below.

[247] ECan [183.19] supported Objective UFD-O1 but sought two changes in wording. The first was to remove the current reference to versatile soils and replace it with a reference to highly productive land for consistency with the NPS-HPL terminology. ECan supported Mr

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<sup>160</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 292.

<sup>161</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 259-278.

<sup>162</sup> Woolworths [242.10], TDC [42.13], Speirs, B [66.17], Hort NZ [245.41], Waka Kotahi [143.19], Transpower [159.30], Fonterra [165.33], Silver Fern Farms [172.17] Alliance Group [173.15], Kāinga Ora [229.13], White Water [248.3] MoE [106.7], Connexa [176.33], Spark [208.33], Chorus [209.33] and Vodafone [210.33]

<sup>163</sup> Sarah Camerson, Statement of Evidence, 12 April 2024, Para 32, 33.

<sup>164</sup> Steve Tuck, Letter on behalf of Silver Fern Farms, 11 April 2024.

<sup>165</sup> Tom Anderson, Letter on behalf of The Telcos, 10 April 2024.

<sup>166</sup> Joshua Neville, Statement of Evidence, 8 May 2024, Para 1.27.

<sup>167</sup> Ainsley McLeod, Statement of Evidence, 22 April 2024, Para 51.

<sup>168</sup> Susannah Tait, Statement of Evidence, 23 April 2024, Para 12.1.

Willis' recommendation<sup>169</sup> to change Clause 7 of this Objective. ECan also sought an amendment to UFD-O1 to recognise housing choice as an outcome for settlement patterns to reflect CRPS Objective 5.2.1b. They supported the recommendation of Mr Willis to amend Clause 5 of this Objective.<sup>170</sup>

[248] ECan also sought a structural change to the Proposed Plan, seeking to have the objectives of the FDA Chapter included in the SD or UFD Chapter, given their strategic importance to the district. In addition, ECan sought specific reference to unanticipated and out of sequence development in urban environments, to give effect to the NPS-UD but also to address unanticipated and out of sequence rural lifestyle development. As an alternative to addressing these matters in the SD Chapter ECan supported changes to the introduction of the FDA Chapter to:

- (a) reflect that it includes a policy on rural lifestyle unanticipated and out of sequence development; and
- (b) include a new objective to provide the overarching outcome, which the policy implements.

[249] ECan sought the addition of an objective FDA-O4 to provide the context for FDA-P6:

Unanticipated rural lifestyle development outside of the Future Development Overlay or out of sequence development is only considered where it is provided for through a comprehensive development area plan and where there is limited availability of land for rural lifestyle development in the applicable settlement.

[250] ECan also sought the addition of a policy to require minimum housing density:

Require development in urban Future Development Areas to achieve a minimum density of 12 households per hectare.<sup>171</sup>

[251] Ms Francis, the planning witness for ECan, was of the view that this policy supports recognition of the need for a consolidated, well designed, and sustainable urban growth approach as sought by CRPS Objective 5.2.1. It also recognises the need to use and develop natural and physical resources efficiently, recognising the finite characteristics of resources such as HPL. .<sup>172</sup>

[252] Mr Willis responded to the structural changes requested by ECan by noting that the submission points were more appropriately considered at Hearing G when the FDA Chapter was heard. We considered the submission in the context of the specific objectives and policies related to growth of the district and do not find it necessary to make the structural changes suggested by ECan.

[253] In relation to the ECan request to have a policy setting a minimum density, we note the debate between Mr Willis and Ms Francis was largely around the directives in the CRPS, which Ms Francis conceded were directed at Greater Christchurch, but also the interpretation

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<sup>169</sup> Andrew Willis, s42A Officer's Report, SD and UFD, 5 April 2024, Para 301.

<sup>170</sup> Deidre Francis, Statement of Evidence, 22 April 2024, Para 32.

<sup>171</sup> Deidre Francis, Statement of Evidence, 22 April 2024, Para 33-48.

<sup>172</sup> Deidre Francis, Statement of Evidence, 22 April 2024, Para 38.

of the NPS-UD policies. Although we acknowledge there is a policy argument here, the Panel did not have available to it economic or housing demand evidence in the context of Hearing A to determine what if any density threshold was appropriate in the Timaru context. The Panel addresses the issue further in our decision in Part 9, where we find that the approach to growth adopted by the Council gives effect to the requirements for Tier 3 Councils in the NPS-UD and gives effect to the relevant CRPS objectives and policies. We do not consider it necessary to include minimum density requirements as requested by ECan.

[254] Forest and Bird [156.48] commented on UFD-O1.3, seeking to include reference to managing adverse effects in its submission, and sought an additional provision that ‘avoids or mitigates’ adverse effects consistent with the provisions in the plan. Forest and Bird also made a general submission seeking alignment of the Plan to give effect to both national and regional direction and take into consideration the proposed NPS-IB.

[255] At the hearing Ms Snoyink for Forest and Bird raised concerns about some of the changes to UFD-O1 recommended by Mr Willis, including changes to the word ‘reduce’ to ‘minimise’ and she sought that the notified version be preferred. Ms Snoyink also noted that in response to other submissions Mr Willis had recommended a change to UFD-O1.6 to refer to ‘significant adverse effects on’ areas with important natural, cultural and character values, whereas the notified version referred avoiding those areas. Forest and Bird viewed the change as inappropriately changing the meaning of the objective and the protection afforded to those values. Ms Snoyink asked the Panel to revert to the notified version.<sup>173</sup>

[256] Mr Willis, in his s42A report recommended that natural, cultural and character values are important to protect, however there are many other competing requirements when locating settlement growth. He noted that the NATC and NFL provisions do not seek to avoid all adverse effects (e.g. NATC-P4 and NFL-P3 and NFL-P4). He initially recommended the words ‘significant adverse effects on’ to qualify UFD-O1.6 in response to submissions from Silver Fern Farms [172.17] and Alliance [173.15] to focus on avoiding effects on the important areas rather than avoiding the areas themselves, but in response to Minute 7 and Forest and Bird’s response to the change, he considered that referring to ‘significant’ effects maybe too ‘blunt’. As an alternative, he recommended rewording this clause to avoid ‘inappropriate’ adverse effects on areas with important natural, cultural and character values (as opposed to ‘significant’ adverse effects), with the topic specific chapters providing the detail on what is ‘inappropriate’.<sup>174</sup>

[257] Te Rūnanga o Ngāi Tahu [185.23] sought amendments to UFD-O1 to ensure consistency with the Strategic Direction objectives and the policies of the various plan chapters. Mr Willis accepted this submission in part and recommended additional clauses to manage activities for water quality purposes (with an emphasis on the stormwater network) and accessibility and connectivity.<sup>175</sup> We find these amendments to be appropriate, as did Ms Pull who confirmed at the Hearing she was supportive of the recommended change provided the objective is to be read in conjunction with the Strategic Directions<sup>176</sup>.

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<sup>173</sup> Nicola Snoyink, Speaking Notes, 9 May 2024, Para 18-22.

<sup>174</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.

<sup>175</sup> Andrew Willis, s42A Officer’s Report, SD and UFD, 5 April 2024, Para 292.

<sup>176</sup> Rachael Pull, Statement of Evidence, 19 April 2024, Para 110.

[258] However, Ms Pull disagreed with the limitation recommended by Mr Willis to UFD-O1.8 in response to the submission from Te Tumu Paeroa [240.5]. She provided evidence to explain why in her view, limiting papakāinga to ‘where appropriate’ is not acceptable.<sup>177</sup> Following the Hearing, Mr Willis reconsidered his position and agreed that the words ‘where appropriate’ may unintentionally limit the establishment of papakāinga. He provided alternative drafting, and we are satisfied this addresses Te Rūnanga o Ngāi Tahu’s concerns without compromising the relief sought by Te Tumu Paeroa.<sup>178</sup>

#### **8.14.2 Decision**

[259] We adopt Mr Willis’ assessment and recommendation to UFD-O1 and have included the amendments in **Appendix 3**.

[260] In terms of s32AA, we adopt Mr Willis’ evaluation in support of the changes made.

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<sup>177</sup> Rachael Pull, Statement of Evidence, 19 April 2024, Para 112.

<sup>178</sup> Andrew Willis, Evidence in response to Minute 7, 17 May 2024, Appendix A.