

Before the Independent Hearing Panel
Appointed by the Timaru District Council

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

Elizabeth (Liz) Jane White - s42A summary statement – Hearing B
Residential and Commercial and Mixed Use Zones

17 July 2024

Council's solicitors:

Michael Garbett | Jen Vella
Anderson Lloyd
Level 12, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p + 64 3 477 3973
michael.garbett@al.nz | jen.vella@al.nz

**anderson
lloyd.**

Introduction

- 1 My name is Liz White. I am a self-employed independent planning consultant (Liz White Planning). I prepared the s42A report on the Residential and Commercial and Mixed Use Zones. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this summary is to provide the Panel and submitters with the following:
 - (a) Brief summary of key issues raised in submissions;
 - (b) Corrections I wish to make to my s42A report;
 - (c) A list of issues raised in evidence prior to the hearing, including identifying (where possible):
 - (i) issues that are resolved on the basis of the pre-circulated evidence; or
 - (ii) issues that remain outstanding pending the hearing of evidence; and
 - (d) Updates to the recommendations contained in my s42A report.

Summary of key issues

- 3 In my s42A report, I identified the following matters as the key issues raised in submissions:
 - (a) The appropriateness of the provisions relating to retirement villages, and in particular, whether a new suite of provisions relating to these is required in all zones that provides for residential activities.
 - (b) The restrictiveness of standards relating to building coverage, landscaping and fencing in the General Residential and Medium Density Residential Zones.
 - (c) Whether additional controls are required for residential units, to manage on-site amenity for occupants.
 - (d) Whether fire stations should be permitted activities in all residential and commercial and mixed use zones.

- (e) Whether there should be exemptions to the built form standards for towers and poles associated emergency service facilities.
 - (f) Whether new standards are required for the provision of firefighting water supply.
 - (g) Whether a special purpose zoning should be applied to:
 - (i) Timaru's Ara Campus; and
 - (ii) The Bidwill Hospital site.
 - (h) The appropriateness of the framework proposed in the PDP for the Large Format Retail Zone, taking into account the operative plan provisions and the existing consents applying to development within this zone.
 - (i) Whether residential activities should be limited at ground floor level in the Mixed Use Zone.
 - (j) Where the verandah and active frontage requirements should be applied in the City Centre Zone.
 - (k) Whether the Southern Centre Precinct should be removed.
 - (l) Whether the zoning of particular properties should be changed.
- 4 Of the above, I note that those that appear to remain outstanding, with respect to evidence lodged are:
- (a) Some additional changes sought to the recommended retirement village-related provisions by RVA [230] - (a) above.
 - (b) Some additional changes sought to the recommended controls related to managing on-site amenity for occupants of residential units by Kāinga Ora [229] - (e) above.
 - (c) The zoning and provisions applying to the Bidwill Hospital site by Bidwill [225] - (g)(i) above.
 - (d) Some additional changes sought to the LFRZ provisions to better reflect the operative plan provisions and provide for additional uses in future by Redwood [228] or to amend the design guidelines by Harvey Norman [192] - (h) above.
 - (e) The zoning of:

- (i) 92, 194, 196, 204, 206 and 208 Evans Street and 4 Grants Road, Timaru (and changes to provisions) by Willowridge [235] - (l) above; and
 - (ii) 27 Hally Terrace in Temuka by Aitken et al [237] - (l) above.
- 5 In addition to the key issues that were identified in the s42A report, I note that the following matters raised in submissions are further addressed in evidence:
 - (a) The application of a verandah requirement to existing services stations (by Z Energy [116]).
 - (b) The provision of a policy pathway (in 'other activities' policies) for the development and upgrading of the National Grid in various zones (by Transpower [159]).
 - (c) The application of a setback standard applying to sites adjacent to the rail corridor boundary (by KiwiRail [187]).

Corrections to my s42A report

- 6 Paragraph 6.25.18 provides an assessment under s32AA of changes to TCZ-R6. However, no changes (except a minor Clause 16(2) correction) have been recommended to TCZ-R6. The following sentence should therefore be removed: *"I consider that the change to TCZ-R6 provides a more appropriate balance between providing for activities that are anticipated in the zone (TCZ-O1 and TCZ-P1), and achieving the built form outcomes sought (TCZ-O2 and TCZ-P4)".*

List of resolved and outstanding issues

- 7 A list of issues that are either resolved on the basis of pre-circulated evidence, or that remain outstanding pending the hearing of evidence, is attached at **Appendix A** in order to assist the Panel.

Updates to recommendations

- 8 I have not provided a preliminary view on all outstanding matters at this time, as I wish to hear the evidence and the Panel questions before I provide updated recommendations. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.
- 9 However, at this stage, based on the evidence lodged, I consider the following to be appropriate:

- (a) Reducing the size of the recommended setback applying in the LFRZ where adjoining a GRZ zone boundary¹, from 15m to 10m.
- (b) Amending LFRZ-S5 (applying to recommended PRECX – Former Showgrounds Precinct) to better align the PDP provisions with the current Commercial 2A Zone², in terms of:
 - (i) Permitting gymnasiums and recreation activities, subject to an overall 6000m² limit, to reflect that under Commercial 2A zone these would have been captured as “places of assembly”; and
 - (ii) Allowing for a 6% exceedance of the gross floor area standards as a discretionary activity.
- (c) Amending GRZ-P1 to refer to the character and qualities ‘anticipated’ in the zone, rather than to maintaining existing character and qualities.³
- (d) Extending matter of discretion 1 in GRZ-S8 to add: “*which reflects the anticipated occupancy of the associated dwelling.*”⁴
- (e) Amending GRZ-R11 and MRZ-R12 to:
 - (i) preclude limited notification where standards are met, but with respect to MRZ-R12, this would require a consequential change to apply the built form standards to MRZ-R12⁵; and
 - (ii) include consideration of the benefits of retirement villages in the matters of discretion⁶.
- (f) Amending GRZ-P3 and MRZ-P5 so that it does not inadvertently restrict which benefits of retirement villages can be recognised⁷.

10 In addition to the above, Mr MacLennan, Ms Hollier and I have discussed the concern raised in the evidence of Ms McLeod (for Transpower), regarding the relationship between the policy direction in the Energy and

¹ Refer evidence of Natasha Rivai for Harvey Norman (192) at paragraph 3.2.

² Refer evidence of Hannah Hoogeveen for Redwood (228) at paragraphs 25-40.

³ Refer evidence of Joshua Neville for Kāinga Ora (229) at paragraphs 5.2-5.5.

⁴ Refer evidence of Joshua Neville for Kāinga Ora (229) at paragraphs 5.7-5.9.

⁵ Refer statement of John Collyns for RVA (230) at paragraphs 8-14.

⁶ Refer statement of John Collyns for RVA (230) at paragraph 18.

⁷ Refer statement of John Collyns for RVA (230) at paragraphs 15-17.

Infrastructure chapter and that in the area-specific provisions. Having reviewed the evidence, we agree in principle that there is a lack of direction in the PDP regarding the way that infrastructure is addressed at a policy level in the area-wide chapters, and agree that there is a need to address potential tension or conflict between the policies in the Energy and Infrastructure and area-wide chapters.

- 11 We note that Ms McLeod has suggested several options for how this might be resolved.⁸ Our preliminary view is that it may be more appropriate to address this within the Energy and Infrastructure Chapter, rather than via amending the policies across multiple zone chapters, because the changes across the zone chapters (as sought in Transpower's submission) would appear to in some cases provide a policy pathway for activities other than infrastructure (i.e. for any activity with a functional or operational need to be located in a zone). We consider that providing a policy pathway is justified for infrastructure, in order to assist in the achievement of EI-O1, and reflects that EI-P2 already provides policy direction for managing adverse effects of infrastructure. This however does not extend to other activities that might benefit from the broader changes sought by Transpower to the individual zone policies. However, we have not identified a specific mechanism/drafting at this time.

Liz White

17 July 2024

⁸ Evidence of Ainsley McLeod for Transpower, para 40.

APPENDIX A

Status of issues raised in evidence – Residential and Commercial and Mixed Use Zones – Hearing B

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing B. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing B.*
- 2 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing B. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
<p>Exclude existing service stations from the verandah requirement as they have a functional requirement to be designed in the manner they are, and it is unreasonable for existing service stations to provide a veranda with development on the sites.</p> <p>Either exclude vehicle access and manoeuvring areas from the verandah requirements and exclude those activities that cannot provide a verandah due to functional or operational needs OR</p> <p>Amend TCZ-P4 and TCZ-S5 so that the Council can consider the functional or</p>	TCZ-P4	Outstanding	Z Energy [116.23] – Hearing Statement, paras 6-8

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
operational needs of activities that cannot comply.			
Clarify why Appendix 2 of the section 42A report recommends submission 116.20 be accepted in part when para [6.2.2] of the report recommends it be accepted.	Zoning of 46 King Street, Temuka	Resolved – error in Appendix 2-should read “Accept” – not “Accept in part” as no change zoning is recommended.	Z Energy [116.20] – Hearing Statement, para 9.a.
Clarify why Ms White mentions an amendment to TCZ-R6 in para [6.25.18] of the section 42A report when no amendments are shown in Appendix 1. Seeks clarification from Ms White as to her recommended amendment.	TCZ-R6	Resolved – as noted above, para 6.25.18 should not refer to changes to TCZ-R6 as none are recommended.	Z Energy [116.25] – Hearing Statement, para 9.b.
Zoning of Z Energy properties and other TCZ provisions.	Zoning of 44 Waihi Terrace and 62 Theodosia Street TCZ-O1, TCZ-R1, TCZ-R6, TCZ-S5 MUZ-O1, MUZ-P2, MUZ-R1, MUZ-S4	Resolved	Z Energy [116.14, 116.16, 116.17, 116.18, 116.19, 116.21, 116.22, 116.24, 116.26] – Hearing Statement, para 9.a.
Provision of a policy pathway (in ‘other activities’ policies) for the development and upgrading of the National Grid in the various zones. Does not agree that the Energy and Infrastructure policies ‘apply instead’ or ‘take precedence’ over the area-specific policies	GRZ-P4 MRZ-P6	Outstanding	Transpower [159.92, 159.93, 159.94, 159.95] – Evidence of Ainsley McLeod, paras 32-42.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
<p>that relate to various zones. While the PDP includes specific direction that the Energy and Infrastructure rules take precedence over the area-specific rules, there is no explicit direction given in the PDP in respect of policies. In the absence of such direction, the area-specific policies apply to regionally significant infrastructure, including the National Grid, and the Energy and Infrastructure policies and area-specific policies are to be read together. As presently drafted, the development or upgrade of the National Grid would be assessed as inconsistent with Policies GRZ-P4 and MRZ-P6.</p> <p>Seek to address this through:</p> <ul style="list-style-type: none"> - specifically providing for the National Grid or regionally significant infrastructure in the 'other activities' policies in the area-specific chapters of the PDP (as per submission) OR - including an explicit direction in the Energy and Infrastructure Chapter to make it clear that the Energy and Infrastructure objectives and policies 'apply instead', 'take precedence' or 'prevail over' the area-specific provisions OR 			

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
- including the 'other activities' policies in a 'carve out' provision similar to that described in Ms McLeod's supplementary evidence for Hearing A (include a clause in the relevant Energy and Infrastructure policy or policies states that " <i>in the event of conflict between Policy X and Policies GRZ-P4, MRZ-P6, RUZ-P7, RLZ-P9 and SETZ-P4, Policy X prevails</i> ")			
If the relevant clause in Policies GRZ-P5 and MRZ-P7 are retained (noting recommendation is to delete these clauses), the policies should be amended to refer to 'consistency with' the relevant 'other activities' policy, as opposed to 'compliance with'.	GRZ-P5 MRZ-P7	Resolved	Transpower [159.93, 159.95] – Evidence of Ainsley McLeod, para 31.
Large Format Retail Zone provisions	LFRZ-P6 LFRZ-R13	Resolved	Alliance [173.127, 173.128] – Hearing Statement.
Large Format Retail Zone provisions	LFRZ-O2	Resolved	ECan [183.158] – Hearing Statement.
Setback from rail corridor – Add new standard to all zones which are adjacent to the rail corridor requiring new buildings and structures to be setback 5m from the rail corridor boundary	GRZ-S3, MRZ-SZ, LFRZ-S3, MUZ-S3, TCZ-S3, new standard in CCZ.	Outstanding	KiwiRail [187.85] – Evidence of Alexander Gifford, paras 6.1 – 6.15 and 7.1 - 7.3.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Rezoning of eastern part of 226 Evans Road to LFRZ and realignment of boundary between LFRZ and GRZ	Zoning of 226 Evans Road	Resolved	Harvey Norman [192.1, 192.2, 192.10, 192.16-192.38] – Evidence of Natasha Rivai, paras 3.1, 3.3, 3.11, 3.12 and 4.1.
15m setback recommended for buildings in the LFRZ from boundaries adjoining GRZ.	LFRZ-S3.3	Resolved – based on recommended change above.	Harvey Norman [192.1] – Evidence of Natasha Rivai, para 3.2.
<p>Design guidelines applying to LFRZ</p> <ul style="list-style-type: none"> - The option of a timber and concrete finish for development in this LFRZ should not be excluded - The proposed extent of window elements is simply not practical for some LFR activities given the size of these buildings, and the amount of glazing required should reflect the scale and nature of LFR buildings. 	Appendix 9	Outstanding	Harvey Norman [192.39] – Evidence of Natasha Rivai, paras 3.4 – 3.10.
Zoning of Foodstuffs sites	<p>Zoning of 11 Chalmers Street</p> <p>Zoning of 10m-wide strip of land (1155m², Lot 1 DP 578393) between Hobbs Street and Ranui Avenue adjacent to PAK'nSAVE.</p>	Resolved	Foodstuffs [193.2, 193.3] – Evidence of Mark Allan, paras 10-74.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Policy framework for residential activities	NCZ-P2 TCZ-P2 MUZ-P4	Resolved	Fuel Companies [196.84, 196.85, 196.86] – Hearing Statement, paras 6-16.
Zoning of submitters site and height limits in CCZ	Zoning of 22 The Terrace, Timaru CCZ-S1	Resolved	22 The Terrace [202.1, 202.2] – Hearing Statement
Application of MUZ to Ara's Timaru Campus, and a Tertiary Education Precinct, with precinct specific provisions.	Zoning of Ara's Timaru Campus Recommended policy PRECX-P1 relating to the Tertiary Education Precinct Recommended changes to MUZ-R8 and MUZ-R10 relating to the Tertiary Education Precinct	Resolved	Te Pūkenga [215.1-215.3, 215.5-215.13] – Evidence of Ryan Brosnahan, paras 7-11.
The framework applying in the MRZ in relation to Bidwill Hospital. Do not support application of a precinct but support (with amendment) the related policy recommended for the precinct. Seek a permitted activity for any health facilities and activities operated by the Bidwill	Recommended Bidwill Hospital Precinct Recommended Policy PRECX-P1 New rules sought in MRZ relating to Health facilities and activities	Outstanding	Bidwill [225.1, 225.4, 225.5, 225.6, 225.7] – Evidence of Mark Geddes, paras 12-36.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Trust Hospital as first preference; or as second preference, a permitted status for health facilities and activities; with a controlled status applying for new buildings greater than 300m ² in gross floor area.			
Changes recommended to better align Operative provisions applying to Commercial 2A Zone to the former showgrounds site (recommended "PRECX – Former Showgrounds Precinct")	Application of a "Former Showgrounds Precinct" to the site LFRZ-R1, LFRZ-R2, LFRZ-R5.1, LFRZ-R6.1, LFRZ-R8 and MFRZ-S5	Resolved	Redwood [228.1 - 228.6] – Evidence of Hannah Hoogeveen, para 21.
Inclusion of rules applying to PRECX – Former Showgrounds Precinct to better align PDP provisions with the current Commercial 2A Zone: <ul style="list-style-type: none"> - Permitting gymnasiums and recreation activities, subject to an overall 6000m² limit, to reflect that under Commercial 2A zone these would have been captured as "places of assembly" - Allowing for a 6% exceedance of the gross floor area standards as a discretionary activity. 	LFRZ-S5	Resolved – based on recommended change above.	Redwood [228.1, 228.3] – Evidence of Hannah Hoogeveen, paras 25-44.
Application of a Precinct within PRECX – Former Showgrounds Precinct, within which	New rule and sub-precinct in LFRZ	Outstanding	Redwood [228.1] – Evidence of Hannah Hoogeveen, paras 45-58.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
residential activity would be restricted discretionary.			
Inclusion of healthcare facilities and community facilities as a restricted discretionary activity within the PRECX – Former Showgrounds Precinct.	New Rule in LFRZ within Former Showgrounds Precinct	Outstanding	Redwood [228.1] – Evidence of Hannah Hoogeveen, paras 59-77.
Inclusion of one visitor accommodation as a restricted discretionary activity within the PRECX – Former Showgrounds Precinct.	New Rule in LFRZ within Former Showgrounds Precinct	Outstanding	Redwood [228.1] – Evidence of Hannah Hoogeveen, paras 78-80.
Inclusion of a standard requiring minimum outlook space within the General Residential Zone, if the minimum site sizes are removed.	New standard in GRZ	Outstanding (<i>note this is dependent on request which pertains to Subdivision Chapter</i>).	Kāinga Ora [229] – Evidence of Joshua Neville, paras 4.2-4.4.
Concern that clause 4 of GRZ-P1 seeks to 'maintain' existing character or amenity, resulting in built form being required to reflect the existing character and amenity of a zone, rather than the amenity or character which the plan anticipates. This creates a higher barrier for consenting, and favours the status quo.	GRZ-P1	Resolved – based on recommended change above.	Kāinga Ora [229.64] – Evidence of Joshua Neville, paras 5.2-5.5.
	MRZ-O2	Outstanding – noting that evidence states that recommendation (para 5.1) is	Kāinga Ora [229.88] – Evidence of Joshua Neville, para 5.1

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
		not agreed but evidence does not traverse the matter further.	
<p>Outdoor living space should also reflect the unit size, and that if a unit was only one to two bedrooms, outdoor living space of 50m², with a minimum dimension of 5m would restrict opportunities onsite for housing choice and variety.</p> <p>As an alternate to reducing minimum outdoor living space, amend the matter of discretion to refer to <i>“provision of sufficient outdoor living space, which reflects the anticipated occupancy of the associated dwelling.”</i></p>	GRZ-S8	Resolved* – based on recommended change above.	Kāinga Ora [229.82] – Evidence of Joshua Neville, paras 5.6-5.9
Provide for an option for the outdoor living space for residential units above the ground floor to be made up of both private and communal space	MUZ-S5 CCZ-S5	Outstanding	Kāinga Ora [229.135, 229.161] – Evidence of Joshua Neville, paras 5.10-5.13
Various other matters raised in Kāinga Ora submission	Zoning of the site at Grey Ave; outlook space and minimum unit size standards.	Resolved	Kāinga Ora [229.85, 229.86, 229.112, 229.113, 229.122, 229.123, 229.137, 229.138, 229.150, 229.151, 229.164, 229.165] – Evidence of Joshua Neville, paras 2.6 – 2.8 and 6.1-6.3.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Retirement villages framework	GRZ-P3, MRZ-P5, GRZ-R11 and MRZ-R12 in terms of the express recognition of the functional and operational needs of retirement villages; the focus on anticipated character, qualities and amenity values; and activity status. MRZ-O2	Resolved*	RVA [230.3, 230.4, 230.7, 230.12, 230.13] – Hearing Statement, paras 3-5
Application of a specific framework for retirement villages as being a more efficient and effective means of enabling retirement villages and therefore managing the housing supply crisis.	Suite of new provisions in all zones that provides for residential activities.	Outstanding	RVA [230.1 – 230.13, 230.22] – Hearing Statement, para 6.
Notification provisions applying to retirement villages. The Council Officer incorrectly assumed the RVA sought notification preclusions where there has been a breach of standards. The RVA sought limited notification to be applied to retirement villages for breaches of standards.	GRZ-R11 MRZ-R12	Outstanding – noting that recommended change above may resolve issue.	RVA [230.12, 230.13] – Hearing Statement, paras 8-14.
The recommended amendment to the stem of GRZ-P3 and MRZ-P5 is out of scope and	GRZ-P3 MRZ-P5	Resolved – based on recommended change above.	RVA [230.3, 230.4] – Hearing Statement, paras 15-17.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
narrows the field of benefits available for consideration.			
Matters of discretion should explicitly allow for consideration of the benefits of retirement villages.	GRZ-R11 MRZ-R12	Resolved – based on recommended change above.	RVA [230.12, 230.13] – Hearing Statement, para 18.
The site should be rezoned LCZ and LCZ-O1 amended to include reference to “ <i>the convenience needs of people passing through the area</i> ” and LCZ-R4 amended to provide for 500m ² total gross floor area per site rather than 450m ² total gross floor area OR The NCZ provisions be amended so that NCZ-P1.1 includes reference to “ <i>the convenience needs of people passing through the area</i> ” and NCZ-R1 applies to any single/separate commercial premise up to 300m ² in GFA and the limit changes to 500m ² per site.	Zoning 192, 194, 196, 204, 206 and 208 Evans Street, and 4 Grants Road, Timaru.	Outstanding	Willowridge [235.1] – Evidence of Mark Geddes, paras 11-36.
The site should be rezoned TCZ	Zoning of 27 Hally Terrace, Temuka	Outstanding	Aitken et al [237.5] – Evidence of Mary Clay, paras 9-23.
The site should be rezoned TCZ as recommended.	Zoning of 168 King Street, Temuka	Resolved	Aitken et al [237.9] – Evidence of Mary Clay, para 24.