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 |

## Liz White – Response to Minute 48

8 October 2025

**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 reports on the:

(a) Residential and Commercial and Mixed Use Zones (Hearing B);

(b) Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes chapters (Hearing D);

(c) Sites and Areas of Significance to Māori and Māori Purpose Zone (Hearing E);

(d) Light and Noise (Hearing F); and

(e) Cross-plan submissions / Sweep Up (Hearing H).

2 The purpose of this statement is to respond to the directions contained in Minute 48.

## Panel directions – Minute 48

3 The Panel made a number of directions or asked me to address specific questions. These are set out in **Appendix A**, along with my response to each.

## Amended provisions

4 The amendments proposed in this response are set out with yellow highlighting and in double underline and double strikethrough in the updated chapters contained in the s42A Officers Final Reply Consolidated Set of Provisions (10 October version).

Liz White
8 October 2025

## APPENDIX A

## Response to Specific Directions / Questions in Minute 48 – Panel Request for Information and Clarification from s42A Authors

| Para | Direction | Officer's Response |
|---|---|---|
| [7] | During the hearing the Panel have noted errors in the final reply provisions relating to GRUZ-R16, Intensive Primary Production, Blandswood references in the OSZ and PREC 4, and SUB-S9 and in NOISE-O2. All s42A Reply Report authors to advise of any further changes to correct errors, inconsistences or integration issues, and provide updated final reply chapters that reflect these changes in a way that differentiates the changes from the previous version. | GRUZ-R16: The recommendation in my Interim Reply for Hearing E (Row (c) of Appendix C) is correct. This was unintentionally omitted from the Officers Final Reply Consolidated Set of Provisions, but has now been corrected in the updated 10 October version.<br><br>NOISE-O2: There was an error in the Officers Final Reply Consolidated Set of Provisions, where NOISE-O2 had not been updated to reflect the recommended amendments in paragraph 29 of my Final reply report. This has been corrected in the 10 October version.<br><br>In addition to those provisions set out above, the following errors have also been identified and corrected in the 10 October version:<br><br>- The deletion of ECO-R6 (relating to subdivision in SNAs) as recommended in Mr Boyes s42A Report: Subdivision and Development Areas (at para 7.1.28).<br>- The deletion of NATC-R6 (relating to subdivision of land containing a riparian margin) as recommended in Mr Boyes s42A Report: Subdivision and Development Areas (at para 7.1.28).<br>- Addition of reference to wai taoka and wai tapu in MW2.1.7 and MW2.1.9, as recommended in my Interim Reply for Hearing E Sites and Areas of Significant to Māori and Māori Purpose Zone (at Appendix C, Row (e)).<br>- The deletion of the survey reference column in Schedule 7 as recommended in my s42A Report for Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes (at para 7.2.26). |
| [11](a) | In regard to changes to LIGHT-R1.4 agreed between Ms White and Ms Williams for the Director | In the s42A Report for Hearing F – Light and Noise (apars 7.7.5 – 7.7.7) I recommended that the definition of outdoor lighting be amended so that it only applied to "fixed" exterior or interior lighting emitting directly into the outdoor environment. This was on the basis that "*light emitting from movable sources would have only temporary* |

| Para | Direction | Officer's Response |
|---|---|---|
| | General of Conservation (and taking into consideration your recommended clarification to the definition of Outdoor Lighting to only apply to fixed lighting sources, not moveable sources in response to submissions concerned about other light sources), are pivot irrigators fixed or moveable? Please clarify the drafting of the rule. Please also consider if any scope, or fairness issues arise with extending the outdoor lighting requirements to pivot irrigators. | *effects, and form an efficiency point of view, it will be extremely difficult to monitor and enforce requirements relating to movable sources*".<br><br>Subsequent to this, in our JWS, Ms Williams and I recommended that pivot irrigators be exempt from the application of standards otherwise applying within the Bat Protection Area (BPA) Overlay, on the basis of advice received from Mr Wilson (a lighting design expert) that the application of the standards recommended to pivot irrigators would be impractical, and the effects from this type of lighting could be mitigated through restricting it to amber or red-coloured lighting.<br><br>Having considered these two recommendations, I accept that if the Panel accepts the recommended changes to the definition, then the lighting rules applying the BPA would not capture pivot irrigators because this type of lighting is not fixed (it is moveable). As such the need for an exemption for this type of lighting is not required as it would not be subject to this rule. I consider this to be appropriate, on the basis of the reasons given for my recommended changes to the definition; and given the intent behind the exemption for pivot irrigators was to reflect that the application of the standards otherwise applying to lighting in the BPA would not be practical for irrigators. The Officers Final Reply Consolidated Set of Provisions (10 October version) have therefore been amended to remove the previous addition to PER-2 of recommended LIGHT-R1.4. |
| [11](b)(i) | In collaboration with s42A author Ms Williams,<br><br>(i) Undertake a cross check of the consistency of the use of the terms 'practicable' and 'possible' across the Proposed Plan and advise if any further recommended changes are necessary. | The use of the terms 'practicable' and 'possible' across the PDP are highlighted in the attached document. Many of these have been recommended to be added or amended by s42A Report Authors for relevant topics. In some cases, the use of the term as notified has not been submitted on. Ms Williams and I have not identified any particular inconsistencies in the use of these terms, noting that in some cases there would be limited scope to change them. |

| Para | Direction | Officer's Response |
|---|---|---|
| [11](b)(ii) | In collaboration with s42A author Ms Williams,<br><br>(ii) Review Table 2 in the General Approach Chapter and advise if any further changes are necessary. | As explained in the answer to Panel questions, the intent of the recommended changes to Table 2 were to set out the relationship between chapters, consistent with (and consolidating in one place) the 'Notes' taken from the rules section of chapters which include such a note. However, as noted by the Panel, the specific wording used was not in all cases consistent with the specific wording used in each individual chapter, and the table would therefore need to be updated to more accurately replicate the wording in each rules section. After further discussion with Ms Williams, we consider that the table should be removed, with the wording in the chapter reverting back to simply highlighting that the way the rules relate to each other is set out in the rule notes, and therefore a Plan user must review the notes relevant to their activity. The avoids the potential for any conflict to arise.<br><br>The removal of the table, and consequential changes to the text is set out in the Officers Final Reply Consolidated Set of Provisions (10 October version). |
| [11](c) | The SASM category descriptions in MW2.1.7 and MW2.1.9 do not mention the glossary terms for 'wai taoka' and 'wai tapu', however these terms in the glossary refer to MW2.1.7 and MW2.1.9. Does MW2.1.7 and MW2.1.9 require updating to address this inconsistency, and if so, advise of any further recommended changes. | In my Interim Reply for Hearing E[1], I recommended the following:<br><br>*I do however note, that the glossary terms for 'wai taoka' and 'wai tapu' refer to MW2.1.7 and MW2.1.9 respectively. The glossary notes for wāhi tapu and wai tapu, that the former is the term used to refer to such places where they are land-based and latter is used to refer to waterways (and the same for wāhi toaka and wai toaka). However, MW2.1.7 and MW2.1.9 only refer to wāhi tapu and wāhi toaka (despite referring within them to examples of sites that are waterway-based). I therefore recommend that MW2.1.7 and MW2.1.9 are expanded to refer to wai taoka and wai tapu, i.e. to change "wāhi taoka" to "wāhi taoka/wai taoka" and "wāhi tapu" to "wāhi tapu/wai tapu" throughout these sections.*<br><br>However, this was unintentionally omitted from the Officers Final Reply Consolidated Set of Provisions, but has now been corrected in the 10 October version. |

[1] Appendix C, Row (e).

| Para | Direction | Officer's Response |
|---|---|---|
| [11](g) | (i) Are there any known rock art sites within the wāhi tapu overlay SASM 8 and 9, that are not also within an SNA?<br><br>(ii) If the answer to (g)(i) is yes, please clarify whether your evaluation in your supplementary evidence, Table 1, was intended to apply to 'rock art sites' outside of an SNA as distinct from the broader 'rock art overlay' outside of SNAs? Or, do your conclusions apply to both.<br><br>(iii) If the answer to (g)(i) is no, or you do not know, have we understood your evidence recorded in Table 1 correctly to mean that you are of the opinion that for those parts of the rock art overlays identified as wāhi tapu overlay SASM 8 and 9 that are outside of the SNA overlay, SASM-R1.3 is more efficient and | (i) I am unable to advise the Panel on whether known rock art sites are always within an SNA, noting that SNAs have been identified due to the presence of indigenous vegetation or habitats of indigenous fauna, and not in relation to the presence of rock art.<br><br>(ii) – N/A<br><br>(iii) Yes you have correctly understood that the view I have expressed in Table 1 is that for those parts of the rock art overlays identified as wāhi tapu overlay SASM 8 and 9 that are outside of the SNA overlay, SASM-R1.3 as recommended is more efficient and effective than the notified rule SASM-R1.3, in achieving the objectives of the PDP (including, but not limited to recognising and protecting the values of these SASMs from inappropriate use and development as per SASM-O3).<br><br>In considering the effects of earthworks within the mapped wāhi tapu rock art sites (para 8.9.27 of my s42A Report) and the specific detail of the rule framework, I referred to the detail contained within 2018 Report[2]. The 2018 Report does not identify earthworks generally, within the "rock sensitivity zone", as presenting a risk to the rock art and/or the associated wāhi tūpuna freshwater environment. In particular, the detailed Matrix "for screening the potential impacts of land and water management decisions on rock art sites" only refers to the effects of earthworks in relation to earthworks directly affecting the rock art panels / rock face stability – not earthworks in the wider buffer area. I note that earthworks which affect rock art panels themselves would be subject to the Historic Places Act. As such, it does not appear to me that earthworks in the wider overlay would compromise the values of these particular wāhi tapu overlays. Relying on this, alongside the controls already applying in those parts of SASM-8 and SASM-9 which are within an SNA (to manage effects on the values associated with indigenous biodiversity), and the GRUZ zoning of these overlays, is the basis for my recommendation on the specific rules package applying to earthworks in these particular wāhi tapu overlays. |

[2] *Guideline for implementing a land-based taonga risk and vulnerability assessment in the context of freshwater environments: Māori Rock Art.* (November 2018). Gyopari, M. & Tipa, G. With contributions from Symon, A. & Scott, J.

| Para | Direction | Officer's Response |
|---|---|---|
| | effective to protect the identified wāhi tapu cultural values than the notified rule SASM-R1.3?<br><br>The Panel is still unclear on why you have recommended a more stringent 2000m2 area limit for SASM-R1.1 (wāhi tūpuna overlay) for all earthworks, including primary production activities and ancilliary rural earthworks, where as, for SASM 8 and 9 wāhi tapu overlays, SASM - R1.3, has no limit for primary production activities and ancillary rural earthworks. Please clarify your opinion, with reference to the cultural values that are recognised and provided for in the wāhi tūpuna and wāhi tapu overlays. Why do wāhi tūpuna overlays warrant an area cap on primary productive activity and ancilliary rural activity earthworks but wāhi tapu overlays SASM 8 and 9 do not warrant the same cap outside | In terms of wāhi tupuna, my understanding is that these areas are landscapes that hold significant cultural value (refer MW2.1.9). As such, earthworks have the potential to modify the landscape or landforms, which can impact on connections to whakapapa, history and cultural traditions.[3] The specific limit recommended – of 2,000m$^2$ – is intended to assist in protecting the values in these overlays from inappropriate use and development, while better aligning with the activities anticipated in the underlying zoning.<br><br>Taking into account the values associated with these different overlay areas, and the potential impact from earthworks on these values, I consider that the recommended rule package recognises and provides for the relationship of Māori and their culture and traditions with these sites (as per s6(e) of the RMA) and aligns with the achievement of SASM-O1 and SASM-O3, alongside other relevant PDP objectives, including GRUZ-O1. I similarly consider that the recommended rules are appropriate to implement SASM-P5 and SASM-P6 which directs protection of the *identified* values of these areas.<br><br>If the Panel considers that it is appropriate to apply the same earthworks volume limit to wāhi tapu overlay SASM 8 and 9, this can be achieved by adding "Wāhi tapu overlay – SASM8 and SASM9 only" to the left-hand column of SASM-R1.1, and amending the left-hand column of SASM-R1.3 to refer to "Wāhi tapu overlay (excluding SASM8 and SASM9)". |

[3] Aoraki Environmental Consultancy Ltd (2020). Timaru District Plan Review: Report on Sites and Areas of Significance to Māori, p. 43.

| Para | Direction | Officer's Response |
|---|---|---|
| | of SNA ovelays? Does the outcome you have recommended achieve, RMA, s6(e), SASM O1, O3 and SASM-P5 and P6 (final reply version)? | |
| [11](h) | If the answer to (g)(i) above is yes, are there, in your opinion, any gaps or risks under SASM-R4 (Temporary Events) for rock art sites within wāhi tapu overlay SASM-8 and SASM-9 that are not located within an SNA? | If there are known rock art sites within the wāhi tapu overlay SASM 8 and 9 that are not also within an SNA, I accept that there is some potential risk to these sites, but I consider that the risk is low because the rock art panels are subject to the Historic Places Act (HPA). As such, any destruction, damage or modification to the rock art panels, including that which could arise from a temporary event, would be subject to that Act. |
| [11](i) | Provide any further drafting improvements to simplify the architecture of SASMR2 for plan users, i.e. SASM-R2.2 applies to wāhi tapu overlays and lists exclusions. Please consider whether the drafting would improve if the rule stated which SASMs it applies to. | I have considered the sites that SASM-R2.1 apply to and note that it would apply to every wāhi taoka site either in part or in full. I therefore consider the rule should continue to list the excluded zones. I have however identified that the rule as notified (and carried forward in my recommended edits) refers to the Port Zone, but as no part of any wāhi taoka site is within the Port Zone, this exclusion is not necessary and should be removed.<br><br>For SASM-R2.2, I note that the exemptions recommended would result in the rule applying only to SASM1a, SASM4a and SASM-4c. I agree that it would be more efficient from a drafting perspective to list these sites, rather than the longer list of excluded sites.<br><br>The Officers Final Reply Consolidated Set of Provisions (10 October version) have therefore been updated to reflect this. |
| [11](j) | The SASM rules refer to wāhi tūpuna, wāhi taoka, wāhi tapu, and wai taoka overlays, whereas Schedule 6 uses the term "areas." | Reference to overlays in the rules is consistent with rules in other district-wide matters (e.g. "Significant Natural Areas Overlay" in the ECO Chapter and "ONL overlay" in the NFL Chapter). I consider that it would be simplest |

| Para | Direction | Officer's Response |
|---|---|---|
| | Please clarify which nomenclature is correct. | (and more consistent with the approach in Schedules 7-10) to remove reference to "Areas" from Schedule 6 altogether.<br><br>The Officers Final Reply Consolidated Set of Provisions (10 October version) have therefore been updated to reflect this. |