

Qualifications and experience

- 1 My full name is Aaron Ross Hakkaart.
- 2 I am the Planning Manager – District Plan Review at Timaru District Council (TDC).
- 3 I hold a Master of Planning and Bachelor of Arts from the University of Otago. I am an intermediate member of the New Zealand Planning Institute.
- 4 I have eleven and a half years' experience in planning and policy, which includes experience working within local government and the private sector. Within local government, I have experience in resource consenting as well as having participated in district plan review processes, with a specific focus on providing input and oversight at a strategic level.
- 5 Within the private sector I prepared resource consent applications, assisted Mackenzie District Council in managing their day-to-day statutory requirements, and provided input into the Timaru District Plan review processes on behalf of the Timaru District Council's Infrastructure Group during the early drafting of the proposed plan.
- 6 I have been in the role of Planning Manager – District Plan Review at TDC for two months. In this role I manage and progress the review of the Timaru District Plan. I understand the overall strategy and approach towards the review and seek to ensure the review continues in a timely and efficient manner.
- 7 In preparing this evidence I have reviewed the Proposed District Plan and related documents, including the section 32 reports.
- 8 While I am giving this evidence on behalf of the Council, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 9 My evidence has been prepared on behalf of TDC. It addresses:
 - (a) The approach to the District Plan review;
 - (b) Consultation during the development of the proposed district plan;
 - (c) The on-going relationship with rūnaka;
 - (d) Provisions that have immediate legal effect;

- (e) The layout and structure of the proposed district plan;
- (f) The notification process; and
- (g) The rationale for the approach being taken to the hearing of submissions.

Summary of evidence

- 10 In my evidence I have outlined the process that Timaru District Council has undertaken in producing the Draft Timaru District Plan, and the subsequent steps taken to reach the hearings stage which has now commenced.
- 11 Having commenced the District Plan Review in 2014 it has taken nearly ten years to reach this point, and I acknowledge the time and effort of everyone that has contributed to the project to date. As I outline in my evidence there is a real need for the district plan to be reviewed to address multiple issues that have arisen during its lifetime, including the need to give effect to new planning instruments and comply with national planning standards.
- 12 A full District Plan Review is a large undertaking for any Council and the process outlined in this evidence demonstrates that Timaru District Council sought to undertake the review in line with best practice, and in a manner that gave the community the opportunity to be involved at all steps of the process and working collaboratively with rūnaka. I acknowledge that as with any significant and lengthy process different people will hold different views as to the success of the approach taken by Timaru District Council and the subsequent notified outcome.
- 13 The plan has been prepared in accordance with the National Planning Standards and to give effect to national direction that was in force at the time of notification. Section 42A reports will consider national direction that has subsequently come into force and make recommendations where there is scope to do so. A range of provisions already have legal effect. In relation to Hearing A matters, the strategic directions provisions have been informed by the Timaru District 2045 Growth Management Strategy.
- 14 I also confirm that all submissions and further submissions received following the re-notification of the summary of submissions have been considered by the section 42A report authors.
- 15 As the process now progresses through the hearings stage, I will seek to ensure that the hearing process is well supported and thorough reporting is provided, and that communication amongst all parties involved is clear and builds on the work that has occurred previously. Council has engaged expert planning consultants to assist with the reporting process. I thank the panel for your direction and look forward to the progression of the hearings process which is scheduled over the coming months.

Timaru District Plan review - approach

- 16 The Timaru District Plan (the district plan) became fully operative in 2005 after being publicly notified in 1995. Since becoming operative the district plan has been subject to 22 Plan Changes (both public and private).
- 17 Following an exercise to assess the best means to review the district plan, Timaru District Council resolved to commence a full review of the district plan on 28 October 2014. Although some components of the district plan had been reviewed or changed within the last ten years, a full district plan review was deemed necessary, given that:
 - (a) Significant portions had not been subject to review within this timeframe.
 - (b) Plan monitoring found that parts of the district plan were not effective or efficient.
 - (c) Several national and regional statutory planning documents that the district plan is required by the RMA to give effect to had also changed or were released and had yet to be given effect to by the district plan.
 - (d) The National Planning Standards were released and require district plans to be set out in accordance with a new format and definitions.
 - (e) There were several environmental issues and demographic changes that had emerged or changed during that time that the district plan did not appropriately respond to.

- 18 In resolving to progress a full review of the district plan Council directed that the review be progressed in accordance with the process displayed in Figure 1 below:



Figure 1 – An illustration of the Council approved district plan process, with an update speech bubble to reflect the current status.

Consultation during development of the Proposed Timaru District Plan

- 19 As illustrated in Figure 1, consultation during the development of the Proposed District Plan occurred across Phases 1 - 3. These phases were:
- Scoping Consultation: the first stage of consultation engaged the public, stakeholders, and statutory organisations to develop a Growth Management Strategy for the district. This was followed by an issues and options stage of consultation, public submissions, and a hearing, which lead to the Growth Management Strategy being adopted in 2018.
 - Issues and Options Consultation: the major issues for the district were consulted on through 17 discussion documents, which informed preferred options for the district. This ultimately fed into the draft proposed plan.
 - Consultation on the Draft Proposed Plan: the draft proposed plan was consulted on from October 2020.
- 20 Within each of the above phases there were a variety of consultation opportunities offered, including: making written comment, public open days, stakeholder meetings, and one-on-one meetings with Council staff/ consultants. Consultation opportunities were widely publicised through a variety of media including through newspaper and radio advertisements, Council’s website, the district plan review list, and social media.

Requiring authorities were invited to give Council notice as to whether designations were required to be included in the plan.

- 21 All feedback received during the consultation phases was considered during the development of the proposed plan. To address the submissions received on the Draft District Plan, the feedback was summarised and workshopped with elected members. Elected members provided staff with direction and the Proposed District Plan was finalised.
- 22 A Technical Working Group was also involved in the drafting and formulation of the Draft District Plan. This group involved representatives of internal Council departments, Environment Canterbury and rūnaka. Where more targeted stakeholder groups were required, these were formed, examples included heritage and biodiversity working groups.

The on-going relationship with rūnaka

- 23 Throughout the district plan review process Council and rūnaka have sought to collaborate and work with each other to ensure mana whenua issues are identified, addressed, and managed. There is also a joint understanding of the need to recognise the current and historic relationships that exist with the land; with this not currently achieved by the operative district plan.
- 24 The relationship between Council and rūnaka has developed throughout the district plan review process. As with any new relationship there has been ups and downs, as a joint understanding of the issues have been gained and understanding of how to best approach these within the framework of a district plan has been explored.
- 25 I attend this hearing on behalf of Timaru District Council alongside representatives of local rūnaka. Council looks forward to the continuing the journey we have begun and working together in a collaborative manner throughout the hearings process to ensure issues are responded to in the most appropriate manner.

Provisions with immediate legal effect

- 26 Aspects of the Proposed District Plan that had immediate legal effect pursuant to section 86B(3) of the Resource Management Act 1991 were identified prior to notification and identified within the notified plan. The provisions with immediate legal effect pursuant to section 86B(3) are:
 - (a) Activities on the Surface of Water – all rules and schedule 13 (Schedule of Fish Spawning Areas).
 - (b) Historic Heritage – all rules and schedules 3 – 4 (Historic Heritage Items and Historic Heritage Areas).

- (c) Ecosystems and Indigenous Biodiversity – all rules and schedule (SNA).
- (d) Versatile Soils – all rules.
- (e) Sites and Areas of Significance to Māori – all rules and schedule SASM.
- (f) Drinking Water Protection – all rules.

27 Additionally, after a request from Council, the Environment Court made an order that the following provisions of the Proposed District Plan have immediate legal effect upon notification (dated 9 September 2022):

- (a) Rule SUB-R3 of the subdivision chapter as it applies to the Rural General Zone only and standard SUB-S1.3.1 that stipulates the minimum allotment size for the General Rural Zone;
- (b) Rules TRAN-R5 and TRAN-R6 of the Transport chapter only as they relate to standards TRAN-S4 and TRAN-S7 that pertain to accessible vehicle parking requirements and minimum loading requirements.

Structure of the Proposed District Plan

28 The Proposed District Plan has been set out to comply with the National Planning Standards as set out below.

Part 1 - Introduction and General Provisions

29 This part provides a location for information including a foreword, contents, purpose of the plan, a description of the district, and how the plan works. It includes definitions, glossaries, and a summary of national direction instruments to assist the user of the Plan. It also provides context and process-related information in relation to mana whenua.

Part 2 - District-wide Matters

30 Strategic Directions:

- (a) This section sets out the overarching directions for the sustainable management of growth, land use and development of the Timaru District. The section is arranged in two chapters: Strategic Directions and Urban Form and Development. The strategic directions:
 - (i) are strategically important for achieving integrated management and for ensuring the RMA's purpose is achieved;
 - (ii) give effect to relevant higher order documents such as national policy statements and the Canterbury Regional Policy Statement; and

- (iii) provide a basis for how decisions relating to resource use will be made in the District over the life of the Plan.
- (b) Focusing as it does on high level strategic directions, this section leaves the articulation of activity-specific and location-specific objectives and policies to the subsequent chapters of this Plan.
- (c) These provisions have been informed by the Timaru District 2045 Growth Management Strategy which addresses growth and development in the district and sets out a spatial framework for its management. They support achieving a district that has a sustainable lifestyle, a thriving and innovative economy and a strong identity.

31 District Wide

- (a) The remaining chapters of Part 2 contain objectives, policies and rules that apply across the district such as subdivision, transport, heritage and noise etc. District-wide chapters often relate to values and risks such as Outstanding Landscape Areas and High Flood Hazard Areas, which are identified on the planning map as overlays. However, other district-wide chapters relate to specific activities that are not spatially identified as overlays as they occur across the district.

32 Part 3 - Area Specific Matters

- (a) Part 3 of the Plan addresses matters that are area specific. For example, residential and commercial areas require a different management approach as different outcomes are anticipated for those areas. The different types of area specific provisions are:
 - (i) **Zones:** A zone spatially identifies and manages an area with common environmental characteristics or where certain environmental outcomes are sought, by bundling compatible activities together and controlling those that are incompatible. All land in the district is part of a 'zone' on the planning maps.
 - (ii) **Precincts (multi-zone):** A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s) (e.g. Washdyke Precinct in the General Industrial Zone).
 - (iii) **Development Areas:** A development area spatially identifies and manages areas that are provided for future development. Additional provisions apply to these areas to enable integrated and coordinated development.
 - (iv) **Designations:** Designations are used to show land that has been designated for a particular purpose by a Requiring Authority. Designations are generally

associated with a public work, project, or a utility operation. Designations supersede District Plan provisions.

33 Part 4 – Appendices and Maps

- (a) Part 4 of the Plan contains planning maps, schedules and technical information.

Notification of the Proposed Timaru District Plan and summary of submissions

- 34 The Proposed Timaru District Plan was notified in accordance with the requirements of the Resource Management Act 1991. The submission period on the proposed plan ran from 22 September 2022 until 15 December 2022. A summary of decisions requested (summary of submissions) was publicly notified on 24 July 2023.
- 35 Following the notification of the summary of submissions document, Council identified that several submission points contained errors. In response the summary was re-notified in March 2024. All submissions received prior to the re-notification were accepted and will be addressed appropriately. Submissions received during the second notification period will also be addressed, with no late further submissions received.

Timaru District Plan Review - approach to hearings

- 36 In establishing an approach to hearing the submissions received, Council assessed the topics and grouped them accordingly. The grouping of topics has allowed for the creation of a hearings schedule that addresses the notified version of the plan whilst also allowing time for any variations to be progressed that may be necessary.
- 37 At the time of writing no variations have been confirmed, and prior to progressing any variations, consideration will be given to the timing and impact on the existing district plan review work program; including the stage that hearings have reached and the impact of a variation on the delivery of a timely decision.
- 38 Resources have been allocated to the existing topics and workstreams exist that are progressing towards the completion of necessary reporting. Council has engaged expert planning consultants to assist with the co-ordination, preparation and peer review of section 42A reports.
- 39 I note that, since notification, a number of pieces of national direction have been issued by central government. Council's section 42A reports will consider all national direction in force as at the date of publication of those reports and make recommendations where there is scope to do so within the submissions.
- 40 Council staff and consultants are working towards achieving the requirements of Minute 6 issued by the panel. As per paragraph 17 of Minute 6, this includes seeking additional information, where deemed necessary to ensure s42A reporting to the panel is thorough and based on the best information available.

Conclusion

- 41 Timaru District Council has pursued a full review of the District Plan in accordance with the decisions made at the commencement of the project in 2014. The process being followed is comprehensive and ensures that Council's obligations under the Resource Management Act 1991 are met. Hearing A is the first step towards hearing the submissions received and the completion of the hearings schedule allowing for decisions to be issued.

Aaron Hakkaart

22 April 2024