

OFFICER'S REPORT FOR:

Hearing Panel:

SUBJECT:

Overarching matters  
Proposed Timaru District Plan: Part 1 -  
Introduction and General Definitions

PREPARED BY:

Alanna Hollier, Senior Policy Planner

REPORT DATED:

5 April 2024

DATE OF HEARING:

8 May 2024

## 1 Executive Summary

1. Part A of this report includes an introduction to the Proposed Plan and overarching matters. Part B of the report considers submissions received by Timaru District Council (TDC) in relation to Part 1 of the Proposed Plan and definitions that affect multiple topics across the Proposed Plan that do not require expert input. Overall, 263 original submission points are considered within this report.
2. There are 16 chapters in Part 1 of the Proposed Plan and submissions are dealt with by chapter. The report outlines recommendations in response to the matters raised in these submissions.
3. There were 263 original submission points received on Part 1 of the Proposed Plan and 101 further submissions. The submissions received were diverse and sought a range of outcomes.
4. Of all the Part 1 chapters, the Mana Whenua chapter received the most submission points. 20 original submission points were received on this chapter and they largely sought further clarity, or to add further information. The majority of these submission points were from Te Rūnanga o Ngāi Tahu.
5. 58 definitions have been considered general definitions and are considered within this report. These definitions occur across multiple chapters of the Proposed Plan, and do not require expert input beyond planning expertise. This report assesses 175 original submission points either seeking new definitions, or to amend or delete existing definitions in the Proposed Plan. 86 further submissions were received on these definitions. Due to the definitions considered within this report applying to multiple chapters of the Proposed Plan, recommendations made in this report may be reconsidered in later topics in the context of the provisions which rely on these definitions.
6. I have recommended various changes to Part 1 of the Proposed Plan, and to the definitions considered in this report, to address the relief sought in submissions and these are summarised below:
  - a. To amend a number of definitions and include new definitions;
  - b. To amend text in various Part 1 chapters, including the Mana Whenua chapter; and
  - c. To apply consequential amendments throughout Part 1 where submissions to amend Part 1 have been accepted.
7. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in Appendix A and Appendix A1 to this report. The recommended responses to each submission point can be found in Appendix B.
8. No Section 32 report was written specifically for Part 1. Where amendments are recommended to a definition, or where the recommendation is to insert a new definition to the Proposed Plan, a s32AA assessment has been undertaken. The level of assessment undertaken corresponds to the scale and significance of the anticipated effects of the change.

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## APPENDICES

7.1	Appendix A - Recommended Amendments to Part 1 - Introduction and General Provisions (with the exception of Definitions which can be found in Appendix A1 below)
7.2	Appendix A1 - Recommended Amendments to Part 1 – Definitions
7.3	Appendix B – Recommended Responses to Submissions and Further Submissions
7.4	Appendix C – Reverse Sensitivity Definition Section 32AA
7.5	Appendix D – Recommendation changes within this Section 42A report compared to Section 42A report published on 2 November 2023
7.6	Appendix E – Incomplete Further Submissions lodged on the Proposed Plan

## 2 Interpretation

9. All Section 42A reports will utilise a number of abbreviations for brevity as set out in Table 1 and 2 below:

**Table 1: Abbreviations**

Abbreviation	Means
AEC	Te Rūnanga o Ngāi Tahu and Aoraki Environmental Consultancy
ECan	Environment Canterbury/Canterbury Regional Council
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Planning Standard
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSUD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
Operative Plan	Operative Timaru District Plan
Proposed Plan	Proposed Timaru District Plan
RMA	Resource Management Act 1991
RPS	Operative Canterbury Regional Policy Statement
TDC	Timaru District Council / territorial authority

**Table 2: Abbreviations of Submitters' Names**

### *Original Submitters*

Submitter No.	Submitter name	Abbreviation
10	John McKenzie	McKenzie, J
15	Michael Sidhom	Sidhom, M
36	Peter Bonifacio	Bonifacio, P
42	Timaru District Council	TDC
47	ANSTAR Limited	ANSTAR
53	Helicopters South Canterbury 2015 Limited	Helicopters Sth Cant.
60	Milward Finlay Lobb	MFL
66	Bruce Speirs	Speirs, B
100	David J Moore and Judith Moore	Moore, D J and J
105	Peel Forest Estate	Peel Forest
106	Minister / Ministry of Education	MoE

<b>Submitter No.</b>	<b>Submitter name</b>	<b>Abbreviation</b>
107	Lineage Logistics New Zealand Limited	Lineage Logistics
113	Kerry McArthur	McArthur, K
114	Heritage New Zealand Pouhere Taonga	Heritage NZ
115	Te Kotare Trust	Te Kotare
116	Z Energy	Z Energy
132	New Zealand Agricultural Aviation Association	NZAAA
134	New Zealand Motor Caravan Association	NZMCA
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
152	Radio New Zealand	Radio NZ
156	Royal Forest and Bird Protection Society	Forest and Bird
159	Transpower New Zealand Ltd	Transpower
162	(formerly Enviro Waste Services Limited)	Enviro NZ
164	Zolve Environmental Ltd	Zolve
165	Fonterra Limited	Fonterra
166	Penny Nelson, Director-General of Conservation, Tumuaki Ahurei	Dir. General Conservation
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
172	Silver Fern Farms Limited	Silver Fern Farms
173	Alliance Group Limited	Alliance Group
174	Rooney Holdings Limited	Rooney Holdings
176	Connexa Limited	Connexa
181	Opuha Water Limited	OWL
182	Federated Farmers of New Zealand Inc.	Federated Farmers
185	Te Rūnanga o Ngāi Tahu	Te Rūnanga o Ngāi Tahu
187	KiwiRail Holdings Limited	KiwiRail
189	Waipopo Huts Trust	Waipopo Huts
191	GJH Rooney	Rooney, GJH
192	Harvey Norman Properties (NZ) Limited	Harvey Norman
193	Foodstuffs South Island Limited	Foodstuffs
196	BP Oil, Mobil Oil NZ Ltd, Z Energy	BP Oil et al
208	Spark New Zealand Trading Ltd	Spark
209	Chorus New Zealand Ltd	Chorus
210	Vodafone New Zealand Ltd / One.NZ	Vodafone
213	Southern Wide Helicopters	Southern Wide Helicopters
214	Groundswell NZ	Groundswell
216	Simstra Family Trust	Simstra Family
219	Timaru Town Centre Ratepayers Action Group	Timaru TC Ratepayers
223	Timaru Civic Trust	Timaru Civic Trust
224	Aggregate and Quarry Association	AQA
239	Ara Poutama Aotearoa, The Department of Corrections	Dept. Corrections
240	Te Tumu Paeroa, Office of the Māori Trustee	Te Tumu Pareora
242	Woolworths New Zealand Limited	Woolworths

Submitter No.	Submitter name	Abbreviation
245	Horticulture NZ	Hort NZ
247	NZ Pork Industry Board	NZ Pork
249	Rooney Group Ltd	Rooney Group
250	Rooney Farms Ltd	Rooney Farms
251	Rooney Earthmoving Limited	Rooney Earthmoving
252	Timaru Developments Ltd	TDL
255	NZ Frost Fans Limited	NZ Frost Fans

**Further Submitters**

Submitter No.	Submitter name	Abbreviation
60	Milward Finlay Lobb	MFL
94	Port Blakely Limited	Port Blakely
132	New Zealand Agricultural Aviation Association	NZAAA
152	Radio New Zealand	Radio NZ
156	Royal Forest and Bird Protection Society	Forest and Bird
159	Transpower New Zealand Ltd	Transpower
165	Fonterra Limited	Fonterra
166	Penny Nelson, Director-General of Conservation, Tumuaki Ahurei	Dir. General Conservation
172	Silver Fern Farms Limited	Silver Fern Farms
173	Alliance Group Limited	Alliance Group
175	PrimePort Limited	PrimePort
182	Federated Farmers of New Zealand Inc.	Federated Farmers
185	Te Rūnanga o Ngāi Tahu	Te Rūnanga o Ngāi Tahu
229	Kainga Ora – Homes and Communities	Kainga Ora
245	Horticulture NZ	Hort NZ
247	NZ Pork Industry Board	NZ Pork
252	Timaru Developments Ltd	TDL
265	New Zealand Helicopter Association	NZHA
266	UAVNZ	UAVNZ
272	Glenys & John Travers	Travers, G and J
274	South Pacific Sera Limited	South Pacific Sera
276	Isobel Grace Uruquart	Uruquart, I G
277	Shaun Hunter	Hunter, S
278	Rooney Group Limited, Rooney Holdings Ltd, Rooney Earthmoving Ltd and Rooney Farms Ltd	Rooney Group et al
280	Nic Twaddle, Amy Alison and Robert Whittam	Twaddle, N et al

**3 Introduction****3.1 Purpose**

10. This report is prepared under section 42A of the RMA.
11. Part A of the report addresses the following matters:

- the background and history to the Proposed Plan;
  - changes to planning legislation and policy since notification of the Proposed Plan;
  - Immediate legal effect of rules;
  - the structure of the proposed plan;
  - the framework of how subsequent Section 42A reports will generally address submissions (subject to any further directions from the Hearings Panel).
12. Part B of the report considers submissions received in relation to Part 1 - Introduction and General Provision matters of the Proposed District Plan. Part 1 Matters include:
- **Introduction** (Foreword or Mihi, Contents, Purpose, Description of the District)
  - **How the Plan Works** (Statutory Context, General Approach, Cross Boundary Matters and Relationships between Spatial Layers)
  - **Interpretation** (Definitions, Abbreviations, Glossary)
  - **National Direction Instruments** (New Zealand Policy Statements and New Zealand Coastal Policy Statement, National Environmental Standards, Regulations)
  - **Mana Whenua** (Mana Whenua)
  - **General High Level Submissions** (These submissions do not relate to a specific chapter within Part 1. They are high level submissions against the whole Proposed Plan)
13. This report also makes recommendations in response to issues that have emerged from submissions. It includes recommendations to either retain provisions without amendment, delete, add to, or amend the provisions, in response to these submissions. All recommended amendments are in red and shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report. **Appendix A1** contains the recommended amendments for the Definitions. It is in a separate table because of the number of definitions requiring amendment. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations in this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

## 3.2 Authors

### 3.2.1 Alanna Hollier

14. My full name is Alanna Marise Hollier. I am a Senior Planner for Timaru District Council. I hold the qualifications of a Master of Arts in Coastal Geography from the University of Auckland. I am an Associate member of the New Zealand Planning Institute.
15. I have worked in the field of planning and resource management for seven years and have experience in plan making and policy analysis. For six of those years I was a policy planner at the Canterbury Regional Council, where I worked with some District Councils around the implementation of the Canterbury Regional Policy Statement 2013. In this role I drafted submissions on district council plan changes and district council notified consents. I also have

experience providing expert planning evidence at district council hearings. For the last year I have worked at Timaru District Council, primarily involved in the Timaru District Plan Review.

16. My role in preparing this report is that of an expert in planning. I was not responsible for the drafting of any chapters of the Proposed Plan.
17. Although this is a Council hearing, I have read the Code of Conduct for Expert Witness contained in the Practice Note issued by the Environment Court effective 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence.
18. Other than when I state that I am relying on the evidence of another person, this evidence is 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 in this report.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

## **4 Part A - Overarching Matters**

### **4.1 Background**

20. The operative Timaru District Plan (Operative Plan) first became operative in 2005. The Operative Plan has been subject to 22 plan changes. Further background to the development of the Proposed District Plan (Proposed Plan) can be found in the general s32 report.

### **4.2 Proposed Timaru District Plan**

21. The Proposed Plan is structured according to the National Planning Standards 2019:
  - Part 1 – Introduction and General Provisions
  - Part 2 – District-Wide Matters
  - Part 3 – Area-Specific Matters
  - Part 4 – Appendices and Schedules
22. The NPS requires that plans must be in an online interactive formation (ePlan) and must include a GIS viewer which includes all spatial layers, can enable users to search for a specific property and enable users to select which spatial layers are displayed. The ePlan must be accessible from the local authority's website<sup>1</sup>.

### **4.3 Notification of the Proposed Plan**

23. Council publicly notified the Proposed Plan on 22 September 2022. The submission period ran until 15 December 2022. During this time the Council received 255 submissions, which resulted in approximately 5,300 individual submission points. 46 submissions were received after the closing of the submission period and were considered late submissions. On 23 June 2023, the

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<sup>1</sup> National Planning Standards (2019), Standard 16 Electronic Accessibility and Functionality Standard, page 67-68.

Hearing's Panel accepted all late submissions and the Panel also directed not to accept any late submissions after 23 June 2023.

24. The Summary of Decisions Requested was notified on 24 July 2023 and the further submission period closed on the 11 August 2023. 97 further submissions were received.
25. Following the further submission period, a number of submissions were identified as being summarised incorrectly. The first addendum that corrected the Summary of Decisions Requested was notified on the 14 September 2023 through to the 28 September 2023. One further submission was received during this period on the addendum.
26. A number of further errors were identified within the Summary of Decisions Requested. Due to this, the summary of Decisions Requested was renotified in full on the 4 March 2024 until the 18 March 2024. Further submissions already received prior to the full renotification are still considered within the appropriate topic, and associated hearing, unless otherwise requested by the further submitter. 15 further submissions were received. All were from existing further submitters.

#### 4.4 National direction changes

27. The following national direction changes have occurred since notification of the Proposed Plan.

**Table 3: National Direction changes**

<b>Instrument</b>	<b>Changes</b>	<b>How it is being addressed within Proposed Plan officers' reports</b>
National Policy Statement on Indigenous Biodiversity 2023	Now operative	Not addressed in the Proposed Plan.  Officers' reports will consider this NPS if it is raised in submissions.
Natural and Built Environment Act, August 2023	Now repealed	Not addressed in the Proposed Plan.
Spatial Planning Act, August 2023	Now repealed	Not addressed in the Proposed Plan.
National Policy Statement on Highly Productive Land, September 2022	Now operative	This NPS is not specifically addressed in the Proposed Plan. However, the versatile soil chapter does address versatile soils.  Transitional highly productive land in accordance with the NPS is identifiable in the ePlan.  Addressed within this report as it relates to submission points raised by submitters.

Water Services Entities Act 2022	Now repealed	Not addressed in the Proposed Plan.
Proposed National Policy Statement on Natural Hazard Decision Making 2023	Out for public consultation until November 2023	Not addressed in the Proposed Plan. Addressed within this report as it relates to submission points raised by submitters.
National Policy Statement on Urban Development 2020 (Updated May 2022)	Now Operative	National Policy Statement on Urban Development 2020 prior to the 2022 update has been considered as part of the Proposed Plan.  The 2022 update has not been addressed in the Proposed Plan.  The NPS UD is not addressed in this report as there are no relevant submissions.
National Environmental Standards for Commercial Forestry 2023	Now Operative	Has not been addressed in the Proposed Plan.  Addressed within this report as it relates to submission points raised by submitters.
National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023	Now Operative	Not addressed in the Proposed Plan.  Not addressed in this report as there are no relevant submissions.
National Adaptation Plan 2022	Now Operative	Has not been addressed in the Proposed Plan.  Addressed within this report as it relates to submission points raised by submitters.
Emissions Reduction Plan 2022	Now Operative	Has not been addressed in the Proposed Plan.  Addressed within this report as it relates to submission points raised by submitters.

#### 4.5 Immediate legal effect of rules

28. The Council applied to the Environment Court for an order under s86D RMA seeking that certain subdivision and transport rules would have immediate legal effect upon notification of the Proposed Plan or issuing of the Order. The Order was granted on 20 September 2022.
29. Table 4 below details the provisions the Environment Court Decision deemed to have immediate legal effect:

**Table 3: Provisions deemed to have immediate legal effect by Environment Court Order**

Chapter	Matter	Rule
Subdivision Chapter	Subdivision within the General Rural Zone	SUB-R3, SUB-S1.3.1 and associated General Rural Zone map
Transport Chapter	Accessible parking and loading spaces	TRAN-R5 as it relates to TRAN-S7 TRAN-R6 as it relates to TRAN-S4

30. For completeness the rules of the following chapters automatically have immediate legal effect under Section 86B RMA:

**Table 4: Rules default to having immediate legal effect under the RMA**

Chapter	Applicable Rules
Please note, where a rule has immediate legal effect, except as specifically stated below, all associated standards, schedules, maps and definitions will also have immediate effect	
Activities on the Surface of the Water Chapter	All rules
Historic Heritage Chapter	All rules
Ecosystems and Indigenous Biodiversity Chapter	All rules
Versatile Soils Chapter	All rules
Sites Areas of Significance to Māori Chapter	All rules
Drinking Water Protection Chapter	All rules
Natural Character Chapter	NATC-R1 and NATC-R3

31. Rules having immediate legal effect means that a resource consent is required for an activity that breaches that rule from when the Proposed Plan is notified. However, that does not constrain the ability of the Hearings Panel to amend those rules in response to submissions.

## 4.6 Designations

32. In accordance with Clause 4, Schedule 1 of the RMA, Requiring Authorities with existing designations in the Operative Plan were invited to give notice of their intention for their designations to be rolled over in the Proposed Plan with, or without modification, or withdrawn. The Proposed Plan has generally included the requiring authorities requests, with amendments made to meet the requirements of the Planning Standards.
33. There are also new designations proposed in the Proposed Plan with all notices received from the Requiring Authorities under s168 and s168A of the RMA being included in the Proposed Plan in accordance with s170 of the RMA.

## 4.7 Approach to Section 42A reports

34. Council reporting officers intend to follow the approach of one Section 42A report per topic of the Proposed Plan, with some exceptions (e.g., this report contains overarching matters that apply to all hearings of the Proposed Plan and also addresses several chapters in Part 1 of the Proposed Plan). The Part 1 chapters will be grouped under headings as outlined in section 3.1 of this report.
35. In drafting the Section 42A reports, integration of topics has been discussed, and as a result, some Section 42A reports have reallocated submission points to another chapter where the matter would more logically fit. This approach ensures that the submission point is considered within the chapter in which the provision falls. The Section 42A reports will acknowledge any reallocated submission points.

## 5 Part B - Part 1 INTRODUCTION AND GENERAL PROVISIONS

36. A total of 263 original submission points were received on Part 1 of the Proposed Plan. The submissions received were diverse and sought a range of outcomes.

### 5.1 Groupings of submissions

37. This report groups and addresses submissions consistent with the Contents Page for Part 1 of the Proposed District Plan, which is set out as follows:
  - **Introduction** (Foreword/Mihi, Contents, Purpose, Description of the District)
  - **How the Plan Works** (Statutory Context, General Approach, Cross Boundary Matters and Relationship between Spatial Layers)
  - **Interpretation** (Definitions, Abbreviations, Glossary)
  - **National Direction Instruments** (New Zealand Policy Statements and New Zealand Coastal Policy Statement, National Environmental Standards, Regulations, Water Conservation Orders)
  - **Mana Whenua** (Mana Whenua)
  - **General High Level Submissions** (These submissions do not relate to a specific chapter within Part 1. They are high level submissions against the whole Proposed Plan)

38. Under each grouping, the chapters will be dealt with separately.

### 5.2 Procedural Matters

39. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on any chapter of Part 1.

#### 5.2.1 Submissions considered to be outside of scope

40. Sidhom, M [15.1] seeks infrastructure be extended to the end of Pages Road that is currently zoned Rural. Extension of Council infrastructure is not a matter that can be dealt with in a District Plan and therefore I do not consider this submission to be within the scope of the Proposed Plan. As this is the case, I recommend the panel reject the submission by Sidhom, M [15.1]. More details are provided in GROUP TOPIC 6 - General High-Level Submissions.

41. South Pacific Sera [274.6FS] seek to extend the original submission of NZAAA [132.3] to include all modes of transport. This further submission extends scope beyond that which was sought in the original submission. Under RMA Schedule 1, clause 8(2) a further submission must be limited to a matter in support of or in opposition to the original submission and cannot expand its scope. Further analysis of the further submission is provided in GROUP TOPIC 6 - General High-Level Submissions 3 – Interpretation Section, 5.8.1.2 New Definition Requests.
42. Two further submissions have been lodged on the Proposed Plan that were not complete:
  - a. The further submission from Urguart, I G [276] was incomplete and the revised submission submitted was not in a readable resolution hence staff were unable to assess if the submitter meets the criteria to make a further submission;
  - b. The further submission from Twaddle, N et al [280] did not include any submission points, but the submitter details only.
43. The two incomplete further submissions lodged by Urguart, I G [276] and Twaddle, N et al [280] are contained within **Appendix E** to this report.

### **5.2.2 Changes within this Section 42A report compared to the Section 42A report published on 2 November 2023**

44. In Minute 6 the Hearing Panel directed that the author(s) of the revised Section 42A reports for Hearing A identify any changes to the initial report recommendations from the previous versions published on the 2 November 2023 in an appendix to the revised reports. These changes are contained within **Appendix D** to this report.

## **5.3 Key Issues in Contention**

45. A number of submissions and further submissions were received on Part 1 and general definitions. The submissions received were diverse and sought a range of outcomes.
46. The following are the key issues in contention:
  - a. Definitions. This report assesses 175 submission points relating to definitions, either seeking new definitions, or to amend or delete existing definitions in the Proposed Plan.
  - b. The Mana Whenua chapter received 20 submission points relating to a variety of issues, with the majority of submissions from Te Rūnanga o Ngāi Tahu. Submissions from Te Rūnanga o Ngāi Tahu seek further clarity, or to add further information.
  - c. The Description of the District chapter received 17 submission points and 5 further submission points. Issues raised included but were not limited to; how infrastructure in the District 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.
47. I address each of these key issues in this report, as well as any other issues raised in submissions.

## 5.4 Statutory Considerations

### 5.4.1 Resource Management Act 1991 (RMA)

48. The assessment under the RMA for the Proposed Plan includes the matters identified in sections 74-76 of the RMA. This includes whether:

- it is in accordance with the Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

49. In addition, assessment of the Proposed Plan must have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

### 5.4.2 Trade Competition

50. Under the RMA, councils are not to have regard to trade competition in preparing or changing plans (RMA s74(3) and s6 Schedule 1). There are no known trade competition issues raised within the submissions and trade competition is not considered relevant to the Part 1 matters of the District Plan and the definitions contained within this report.

## 5.5 Consideration of Submissions and Further Submissions

### 5.5.1 Report Structure

51. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in Appendix B - Recommended Responses to Submissions. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A and for definitions within Appendix A1.

### 5.5.2 Consideration of submissions

52. Where submissions for a particular topic have also been made on other or consequential sections of the Proposed Plan these submissions have for the most part been reported on in the relevant topic or chapter report. For example, matters relating to the airport noise contour are recommended to be discussed in the noise chapter report, which may in turn require

consequential amendments on other chapters. This was done to ensure that submissions are considered in the context of the relevant technical information.

53. Some submissions are high-level or so general that they could not be allocated to a specific topic or chapter, although components of the general relief can be considered in general topics or chapters. These submissions are addressed in this report with recommendations made accordingly. Other general submissions such as requiring consistency throughout the plan will be dealt with in the last sweep-up hearing.
54. This report does not individually address submissions in support of the provisions. However, where I am recommending changes to a provision in response to another submission, I have correspondingly recommended that the submissions in support of a provision are accepted in part.

### **5.5.3 Treatment of further submissions**

55. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to supporting or opposing the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission (for example, they provide additional contextual information related to the original submission point). Further submissions are not listed within Appendix B. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:

- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
- Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission is recommended to be accepted, the further submission is recommended to be rejected.
- Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

### **5.5.4 Format for the Consideration of Submissions**

56. For each chapter within Part 1, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
  - A brief summary of the relevant submission points.
  - An analysis of those submission points.
  - Recommendations, including any amendments to plan provisions and the related assessment under Section 32AA.
57. Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP

arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.

58. Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.
59. The RMA requires a Section 32AA evaluation where there are changes proposed since the Section 32 assessment was completed. This evaluation must be undertaken in accordance with Section 32(1) – (4). The only provisions contained within this report are the definitions. The other amendments proposed within this report relate to contextual and introductory chapters and do not require a Section 32AA evaluation.
60. A Section 32AA evaluation is only undertaken where changes to definitions are recommended or where new definitions proposed by submitters have been recommended to be inserted into the Proposed Plan. The level of Section 32AA analysis is commensurate with the recommended changes to the Proposed Plan.

## 5.6 GROUP TOPIC 1 – Introduction Section Submissions

### 5.6.1 Forward or Mihi

#### 5.6.1.1 Matters raised by submitters

61. Two submission points were received in relation to this chapter, one in support and one seeking amendments.
62. Fonterra [165.9] seeks to amend the wording of the first paragraph to add “*the potential adverse effects of*”.

#### 5.6.1.2 Assessment

63. In response to Fonterra [165.9], the Foreword or Mihi is a welcome to the plan. It is a non-regulatory welcome statement that sets the scene for the plan and does not provide direction to, or affect the interpretation of the plan provisions (Objectives, policies and rules). For this reason I consider the proposed amendment by Fonterra [165.9] is unnecessary.

#### 5.6.1.3 Summary of recommendations

64. I recommend that the submission by:
  - a. Fonterra [165.9] is **rejected**.
65. I recommend that the submission in support of the Forward or Mihi chapter is **accepted**.

#### 5.6.1.4 Recommended changes to the District Plan

66. No changes are proposed.

### 5.6.2 Contents

#### 5.6.2.1 Matters raised by submitters

67. Two submissions were received on the Contents chapter, one in support and one requesting amendment.

68. Speirs, B [66.1] seeks to amend the chapter to ensure planning maps are acknowledged, 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'.

#### 5.6.2.2 Assessment

69. When a plan viewer wishes to view the Proposed Plan, a choice is given at the first screen to choose either the plan (text), or maps. The Contents chapter only refers to chapters because of the selection the viewer would have made to go to the text in the Plan and not the maps. The National Planning Standards 2019 (NPS) states within Standard 4, District Plan Structure Standard that '*chapters and sections that are grey in table 4 must be included if relevant to the district plan*'<sup>2</sup>. This includes a Maps chapter within Part 4 – [Appendices and Maps] (Part 4) of District Plans when static maps are used. The Proposed Plan does not include static maps. I recommend rejecting this part of the Speirs, B [66.1] submission as listing maps would be inconsistent with the Planning Standards, and unnecessary as they can be viewed through the e-plan viewer.
70. Speirs, B [66.1] also seeks to add 'FC – Financial Contributions' and 'FDA – Future Development Areas' to the Contents chapter. It is an error that these chapters were not included as they are included within Part 2 - General District-Wide Matters (Part 2) of the Proposed Plan. In order that the Contents chapter is consistent with Part 2, I recommend that the headings 'Financial Contributions' and 'Future Development Areas' should be added to the Contents chapter. I recommend accepting this part of submission 66.1.
71. Lastly, Speirs, B [66.1] also seeks to add the 'Development Areas' heading, and list the four Development Areas in the Contents chapter. While the left-hand navigation pane lists the Development Areas when viewing the Proposed District Plan provisions online, the Contents chapter does not list the Development Areas. There are four Development Areas specified within Part 3 – Area Specific Matters (Part 3) of the Proposed Plan. In order that the Contents chapter is consistent with Part 3, I recommend that the heading 'Development Areas' should be added, followed by reference to each of the four Development Areas. I recommend accepting this part of submission 66.1.

#### 5.6.2.3 Summary of Recommendations

72. I recommend that the submission from Speirs, B [66.1] is **accepted in part**.
73. I recommend that the submission in support of the Contents chapter is **accepted in part**.

#### 5.6.2.4 Recommended changes to the District Plan

74. Amend the Contents chapter as follows:

[...]

#### **PART 2 - DISTRICT-WIDE MATTERS**

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<sup>2</sup> Ministry for the Environment (2019) *National Planning Standards*, Standard 4 District Plan Structure Standard, Clause 14, Page 14.

[...]

**GENERAL DISTRICT-WIDE MATTERS**

*ASW - Activities on the surface of water*

*CE - Coastal Environment*

*EW - Earthworks*

*DWP - Drinking Water Protection*

*FC - Financial Contribution*

*FDA - Future Development Areas*<sup>3</sup>

*LIGHT - Light*

*NOISE - Noise*

*RELO - Relocation of Buildings and Shipping Containers*

*SIGN - Signs*

*TEMP - Temporary activities*

[...]

**PART 3 - AREA-SPECIFIC MATTERS**

**ZONES**

[...]

***Special Purpose Zones***

*MPZ - Māori purpose zone*

*PORTZ - Port zone*

**DEVELOPMENT AREAS**

*DEV1 - Broughs Gully Residential Development Area*

*DEV2 - Gleniti Residential Development Area*

*DEV3 - Washdyke Industrial Development Area*

*DEV4 - Temuka North West Residential Development Area*<sup>4</sup>

[...]

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<sup>3</sup> Speirs, B [66.1].

<sup>4</sup> Speirs, B [66.1].

### **5.6.3 Purpose**

#### **5.6.3.1 Matters raised by submitters**

75. Only one submission in support was received on the Purpose chapter.

#### **5.6.3.2 Summary of recommendations**

76. As only one submission in support was received on the Purpose chapter, I recommend it is **accepted**.

#### **5.6.3.3 Recommended changes to the District Plan**

77. No amendments are proposed.

### **5.6.4 Description of the District**

#### **5.6.4.1 Matters raised by submitters**

78. 17 submissions were received on the Description of the District chapter. Nine submissions were in support and eight submissions request amendments.

79. Transpower [159.2] seeks to change the wording in the Infrastructure section of the chapter from 'Electricity Transmission Network' to 'The National Grid'.

80. Enviro NZ [162.1] seeks to add the Redruth Landfill and the Resource Recovery Facility to the list of Regionally Significant Infrastructure and an additional sentence to the narrative to explain the significance.

81. TDC lodged two submissions [42.10 and 42.9] which seek to amend the Settlement Patterns, Growth and Development section of the Description of the District chapter:

- a. Amend the Infrastructure section, to change references to the integration of infrastructure and land use, to state '*integration and co-ordination*'.
- b. Include reference to the sources of TDCs drinking water supplies.

82. Hort NZ [245.3] seek amendments to the Rural Areas section of the Description of the District chapter to align with the NPS-HPL, particularly in reference to Highly Productive Land and High Class Soils.

83. Fonterra [165.12] seek various amendments to the Rural Areas section of the Description of the District chapter relating to strategic rural industry and the interplay between residential use and development within the Rural Zone. They also seek a couple of amendments in line with the NPS-HPL.

84. Heritage NZ [114.2] seek to delete the word 'site' within the Natural and Heritage Environments section of the Description of the District chapter.

85. Te Rūnanga o Ngāi Tahu [185.9] request that the place of Mana Whenua be recognised within the Description of the District chapter through moving the text within the Takata Whenua section within the Settlement Patterns, Growth and Development section.

#### **5.6.4.2 Assessment**

86. Te Rūnanga o Ngāi Tahu [185.9] highlights that as the first settlers of the area, Kāi Tahu should be noted at the beginning of the Description of the District. They also mention that as the term Takata Whenua is not used as a heading anywhere else in the plan, it could be removed. There are a number of sections within the Description of the District chapter beginning with the Settlement Patterns, Growth and Development section. The Takata Whenua section concludes the chapter.
87. I believe that the Takata Whenua section should be included in the beginning of the Settlement Patterns, Growth and Development section to recognise Kai Tahu as Takata Whenua. The text contained within the Takata Whenua section does broadly describe Kāti Huirapa's past and current settlement and use of the Timaru District, so the section can appropriately sit within the Settlement Patterns, Growth and Development section. Due to the drafting style of each of these sections differing, it is my view that the Settlement Patterns, Growth and Development section would benefit from sub-section headings to maintain readability. This additional amendment is recommended as a consequential amendment to the primary relief sought under Te Rūnanga o Ngāi Tahu's submission [185.9]. I recommend Te Rūnanga o Ngāi Tahu's submission [185.9] be accepted.
88. Transpower [159.2] and Enviro NZ [162.1] seek changes to the wording in the Infrastructure section as they relate to the definition of Regionally Significant Infrastructure, which is referred to in this section. This section simply refers to the definition, and amending this part of the Description of the District chapter would result in inconsistencies with this definition. As such, I recommend to reject the submissions by Transpower [159.2] and Enviro NZ [162.1].
89. I do note that both submitters are also seeking amendments to the definition of 'Regionally Significant Infrastructure'. These submissions will be addressed in a later hearing, and it is important to note that my recommendation is interim in light of consideration of the 'Regionally Significant Infrastructure' definition as notified in the Proposed Plan.
90. TDC [42.9] seek to amend sections of the Description of the District chapter to include reference to the sources of TDC's drinking water supply. This amendment would provide background and context to the Drinking Water Supply Protection chapter, as such I recommend accepting this submission.
91. TDC [42.10] also seek an amendment for consistency (inclusion of the word coordinated) with wording in the Strategic Directions chapter. Strategic Direction SD-O8 directs that '*new network infrastructure is integrated and **coordinated** [emphasis added] with new development and the growth of existing development*'. I consider it appropriate to amend this chapter as requested by TDC [42.10] and I recommend accepting this submission.
92. Hort NZ [245.3] seeks various amendments to the Rural Areas section in order to improve alignment with the NPS-HPL. Fonterra [165.12] also seek some amendments to this section in line with the NPS-HPL. Currently this section refers to versatile soils, which differ in definition to Highly Productive Land (as defined by the NPS-HPL). I am aware that giving effect to the provisions of the NPS-HPL within the Proposed Plan is a specific consideration for the Versatile Soils chapter.
93. I am in two minds on whether to amend the Description of the District chapter in line with the NPS-HPL at this stage of the Proposed Plan review. On one hand, the Description of the District chapter does not include provisions, but does provide guidance to the Part 2 and Part 3 chapters of the plan which do contain provisions. As such, I consider this chapter could be amended

without pre-determining the approach taken within the Versatile Soils chapter. However, I note that there are other submissions made to provisions within the Versatile Soils chapter that relate to the implementation of the NPS HPL within the Proposed Plan.

94. It is my view that giving effect to the requirements of the NPS-HPL is best considered within the context of the Versatile Soils chapter, acknowledging that the Description of the District chapter could be amended concurrently with the Versatile Soils chapter to ensure consistency across the Proposed Plan. This way, a decision can be reached in light of all other submissions relating to implementation of the NPS-HPL. For this reason I recommend that the submissions seeking amendments to the Description of the District chapter in line with the NPS-HPL are made concurrently with decisions on the Versatile Soils chapter. I recommend no decision is made on the submission by Hort NZ [245.3] and the parts of the submission by Fonterra [165.12] that relate to the NPS-HPL.
95. Fonterra [165.12] seek various amendments to the Rural Areas section of the Description of the District chapter primarily to provide for '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.*

96. Regarding providing for 'strategic rural industry' within the Description of the District chapter, this is not a type of industry that is currently specifically provided for, or mentioned within the Proposed Plan. For this reason I do not recommend to amend the Description of the District chapter to refer to 'strategic rural industry'. I do note that Fonterra is seeking a new Special Purpose Zone, and that if this is accepted then this recommendation will need to be reviewed.
97. Moving to the matter of referring to 'rural industry' within the Rural Areas section of this chapter. Rural industry is defined in the Proposed Plan as:

*'means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production'.*

98. The definition makes it clear that to be classified as 'rural industry' an activity must be undertaken within a rural environment. Based on this definition I see no need to specify within the Description of the District that rural industry have a 'functional or operational need' to locate in Rural Areas, as if they are located outside of these areas, this definition would no longer apply.

99. Regarding the other two recommended insertions of 'rural industry' to the Rural Areas section of this chapter, I agree that these are appropriate. Objective GRUZ-O1 specifically provides for rural industry where it is associated with primary production, as follows:

*'The General Rural Zone predominantly provides for primary production, including intensive primary production, as well as a limited range of activities that support primary production, including associated rural industry, and other activities that require a rural location'.*

100. I note, as above, that the definition of 'Rural Industry' also specifies that these activities support, service, or are dependent on primary production. For this reason I recommend to amend the Rural Areas section of the Description of the District chapter in two instances. For clarity, the amendments I am referring to are:

*'New residential land uses may be impacted by existing farming activities and rural industry';*

*and,*

*'A balance is needed between these activities to maintain the ability of farming activities and rural industry to continue in a rural environment'.*

101. Fonterra [165.12] seek the following amendment *'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~~'* as they do not support that a 'balance' is required between rural lifestyle and rural activities. The Rural Areas section of the Description of the District chapter outlines the context for all the Rural Zones including the Rural Lifestyle Zone, Rural General Zone and the Settlement Zone. Rural Residential (including rural lifestyle) development is enabled within some of these zones, and is still provided for within the Rural General Zone. I do not see it as appropriate to amend the Description of the District chapter to refer to rural lifestyle development being restricted within rural areas as this contradicts the plan provisions contained within the Rural Zone chapters. Furthermore, how, and the extent to which, any development is allowed for within the rural zones is a matter for the rural zone chapters. It is not appropriate to outline this within the Description of the District. I therefore recommend that this part of Fonterra's submission is rejected.
102. Fonterra [165.12] also seek a minor amendment to the Rural Areas subsection of the Description of the District chapter by replacing 'impacted by' with 'incompatible with'. For completeness, the amendment sought by Fonterra is as follows: *'New residential land uses may be incompatible with ~~impacted by~~ existing farming activities and rural industry occurring in the working rural environment'.*
103. The terminology 'incompatible with' is nomenclature that has emerged more recently within the planning field. It is my view that the terms 'impacted by' and 'incompatible with' have two different applications. The Oxford dictionary considers 'incompatible as 'two different things that are so different in nature they cannot co-exist'. This is not reflective of the provisions relating to the rural areas in Timaru. 'Impacted by' suggests that residential activities will be affected by farming but there are options to manage adverse effects, so they can co-exist. GRUZ-O4 directs that intensive primary production (and other intensive activities) generate no or minimal adverse effects on sensitive activities (which includes residential land uses). GRUZ-P5 also includes requirements for sensitive activities to include mitigation measures to reduce

reverse sensitivity effects from primary production. Residential activities are broadly enabled within both the RLZ and SETZ. It is my view that the use of 'impacted by' is more reflective of the rural zone provisions and therefore I recommend to reject this submission.

104. Heritage NZ [114.2] seeks to remove the hyperlink to the word 'site' within the Natural and Heritage Environments section as it is argued that the definition of 'site' in relation to heritage is not accurate. The submitter states that a heritage site does not necessarily align with the limits of a title or legally defined allotments. Further that the misinterpretation could be avoided by removing the [hyper] link to the NPS definition of 'site' when related to heritage resources.
105. I agree that the word 'site' in the context of heritage [hyper] linking to the legal definition of 'site' as defined by the NPS is not appropriate within the context of historic heritage. The heritage section also refers to Māori heritage not being confined by legal allotments/title. For completeness, the term 'heritage site' is used three times within the Description of the District chapter and nowhere else in the Proposed Plan. The concern I have is that even if the hyperlink to the definition of 'site' is removed, the term is still defined within the Proposed Plan and would still apply.
106. The Historic Heritage Chapter provisions relate to 'Historic Heritage Items' and 'Historic Heritage Areas', both of which are defined within the Proposed Plan. Replacing references of 'historic sites' in the Description of the District chapter to 'Historic Heritage Items' and 'Historic Heritage Areas', as appropriate, will achieve consistency with the Historic Heritage Chapter.
107. Therefore, I recommend accepting in part Heritage NZ's [114.2] submission. I also recommend for the sake of clarity that changes of minor effect (under Schedule 1, Clause 16(2) RMA), are made to this section of the Description of the District Chapter to amend reference to 'items' or 'heritage items' to 'historic heritage items' to align with the associated definition in the Proposed Plan.

#### **5.6.4.3 Summary of recommendations**

108. I recommend that the submissions from:
- a. Te Rūnanga o Ngāi Tahu [185.9] and TDC [42.9 and 42.10] are **accepted**.
  - b. Heritage NZ [114.2] and Fonterra [165.12] be **accepted in part**.
  - c. Enviro NZ [162.1] and Transpower [159.2] be **rejected**.
  - d. I recommend that **no decision** is made on the submission by Hort NZ [245.3].
  - e. I recommend that **no decision** is made on the part of Fonterra's [165.12] submission that relates to the NPS-HPL.
109. Given the changes recommended for this chapter, I recommend that the submissions in support of the Description of the District as set out in Appendix B are **accepted in part**.

#### **5.6.4.4 Recommended changes to the District Plan**

110. Make the amendments as shown under the Settlement Patterns, Growth and Development section:

##### ***Settlement Patterns, Growth and Development***

##### ***Kāti Huirapa settlement and development***

Timaru District lies within the traditional boundaries of the Ngāi Tahu iwi. The Ngāi Tahu hapū who hold mana whenua in Timaru District are Kāti Huirapa, whose rohe extends over the area from the Rakaia River in the north to the Waitaki River in the south. Arowhenua is the site of the tipuna marae of Kāti Huirapa, and the Papatipu Runanga that represents the hapū is Te Runanga o Arowhenua. Mana whenua rights and obligations held by Kāti Huirapa include rangatiratanga and kaitiakitanga in relation to management of natural and physical resources.

Kāti Huirapa history with the land goes back more than 70 generations, when, according to tradition, Rākahautu came to Te Wai Pounamu from Hawaiki in the canoe Uruao. Their traditional way of life was closely related to the natural environment. Natural resources were important to feed, clothe and equip people, and landmarks and landscapes provided visible connections to tradition and history. Travel routes and permanent or seasonal settlement sites extended along the coast and inland along the river systems, and rock art in limestone shelters provides reminders of travel routes and stories told along the way.

Alienation of land and development of the district since the 1840s has curtailed the ability to maintain traditional connections with and use of land and resources. However Kāti Huirapa have an ongoing concern and close relationship with land, waterways, mahika kai sites, and other taonga, which remain culturally and spiritually important. Te Rūnanga o Arowhenua maintains its obligations to ensure that the health and survival of these resources and areas are maintained for future generations.

As part of the Canterbury land purchases, reserves were set aside to enable Ngāi Tahu to live and sustain themselves on their ancestral lands. However use of this land has been subject to severe restrictions in the past. Kāti Huirapa have ongoing aspirations to establish and sustain settlement on their ancestral land at Waipopo and Arowhenua.<sup>5</sup>

### **Population growth and future development**

The population of the Timaru District was 46,296 in 2018. [...]

111. Make the amendments as shown under the Infrastructure section:

#### **Infrastructure**

The district contains the following Regionally Significant Infrastructure:

[...]

The Council own and operate four water pumping stations, two reservoirs, a water treatment plant, and a network of approximately 300km of pipelines. The Council is also involved in the operation of a number of rural water supply schemes and drinking water supply sources<sup>6</sup>, including Downlands Water Supply Scheme, the

<sup>5</sup> Te Rūnanga o Ngāi Tahu [185.9]

<sup>6</sup> TDC [42.9]

*Te Moana Downs Water Supply Scheme, and the Ōrāri Water Supply Scheme. The Council maintains reticulated stormwater systems in Timaru, Temuka, Geraldine, Pleasant Point, Winchester, Cave, and Milford-Ōhapi. The stormwater systems consist of a combination of pipes, drains, kerb and channels, sumps, and soakpits.*

*[...]*

*The, at times, ad hoc development of the district has put a strain on local infrastructure. In particular, it is inefficient to extend piped water and wastewater services when they may only be servicing a small number of properties. Strategic integration and co-ordination<sup>7</sup> of infrastructure and land use could reduce this strain. The GMS has recommended zoning specific areas adjoining Timaru and other townships for rural lifestyle use to reduce the inefficiency of infrastructure provision to rural residential properties that have previously developed sporadically.*

112. Make the amendments as shown under the Rural Areas section:

**Rural Areas**

*Rural areas are dominated by agricultural land use, with some areas of horticulture and viticulture. [...]*

*In recent years, rural lifestyle blocks have gained popularity, and subdivisions to supply this property market has resulted in the fragmentation of rural land, and the loss of productive land to rural residential use. This increase in rural residential activities, and urban creep into areas that have traditionally been farmed can, in some locations, cause conflict between landowners. New residential land uses may be impacted by existing farming activities and rural industry<sup>8</sup> occurring in the working rural environment. A balance is needed between these activities to maintain the ability of farming activities and rural industry<sup>9</sup> to continue in a rural environment.*

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<sup>7</sup> TDC [42.10]

<sup>8</sup> Fonterra [165.12]

<sup>9</sup> Fonterra [165.12]

113. Make the amendments as shown under the **Heritage Sites** section:

**Historic Heritage Sites-Areas and Items**<sup>10</sup>

*The Timaru District has a number of historic heritage sites-areas and items<sup>11</sup> arising from historical settlement and activities.*

*[...]*

*It is important that historic heritage sites-areas<sup>12</sup> and items remaining from early occupation of the district [...]*

114. Make the amendments as shown under the **Takata Whenua** section:

**~~Takata Whenua~~**

*~~Timaru District lies within the traditional boundaries of the Ngāi Tahu iwi. The Ngāi Tahu hapū who hold mana whenua in Timaru District are Kāti Huirapa, whose rohe extends over the area from the Rakaia River in the north to the Waitaki River in the south. Arowhenua is the site of the tipuna marae of Kāti Huirapa, and the Papatipu Runanga that represents the hapū is Te Runanga o Arowhenua. Mana whenua rights and obligations held by Kāti Huirapa include rangatiratanga and kaitiakitanga in relation to management of natural and physical resources.~~*

*~~Kāti Huirapa history with the land goes back more than 70 generations, when, according to tradition, Rākahautu came to Te Wai Pounamu from Hawaiki in the canoe Uruao. Their traditional way of life was closely related to the natural environment. Natural resources were important to feed, clothe and equip people, and landmarks and landscapes provided visible connections to tradition and history. Travel routes and permanent or seasonal settlement sites extended along the coast and inland along the river systems, and rock art in limestone shelters provides reminders of travel routes and stories told along the way.~~*

*~~Alienation of land and development of the district since the 1840s has curtailed the ability to maintain traditional connections with and use of land and resources. However Kāti Huirapa have an ongoing concern and close relationship with land, waterways, mahika kai sites, and other taonga, which remain culturally and spiritually important. Te Rūnanga o Arowhenua maintains its obligations to ensure that the health and survival of these resources and areas are maintained for future generations.~~*

*~~As part of the Canterbury land purchases, reserves were set aside to enable Ngāi Tahu to live and sustain themselves on their ancestral lands. However use of this land has been subject to severe restrictions in the past. Kāti Huirapa have ongoing~~*

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<sup>10</sup> Heritage NZ [114.2]

<sup>11</sup> Heritage NZ [114.2]

<sup>12</sup> Heritage NZ [114.2]

~~aspirations to establish and sustain settlement on their ancestral land at Waipope and Arowhenua.~~<sup>13</sup>

## 5.7 GROUP TOPIC 2 - How the Plan Works Section Submissions

### 5.7.1 Statutory Context

#### 5.7.1.1 Matters raised by submitters

115. Eight submissions were received in relation to the Statutory Context chapter; four in support and four to amend.
116. OWL [181.7] seeks to replace the reference to the Health and Safety in Employment Act 1992 with the Act that replaced it; the Health and Safety at Work Act 2015. OWL also seeks that the 'Other Planning Documents and Legislation Considered' list is reviewed in full to ensure this list references current legislation, and that any consequential changes are made to the Proposed Plan where outdated legislation has been used to inform the development of the Proposed Plan.
117. OWL [181.6] seeks to include the text of the omitted footnotes in the discussion under the sub-heading 'Treaty of Waitangi / Te Tiriti o Waitangi' and 'Māori Issues of Significance'.
118. Te Rūnanga o Ngāi Tahu [185.10] seeks reference to statutory acknowledgements, Te Rūnanga o Ngāi Tahu, relevant iwi documents, and/or engagement with Kāti Huirapa within this chapter.
119. TDC [42.12] seeks to reference the Water Services Act 2021.

#### 5.7.1.2 Assessment

120. The submission from OWL [181.7] has three parts. The first part seeks to update reference to the Health and Safety at Work Act from 1992 to 2015 to reference the current version. I recommend amending the Statutory Context chapter to reference the current version of the Health and Safety at Work Act.
121. The second part requests a full review of the legislation contained within the 'Other Planning Documents and Legislation Considered' list to ensure it references only current, not repealed legislation. Upon reviewing this list, one error was identified, being incorrect reference of the date for the Reserves Act 1977, which has been incorrectly written as 1997. I recommend amending the reference to the Reserves Act.
122. The third part of OWL's submission [181.7] requests consequential changes to the Proposed Plan where repealed legislation has been used to inform the development of the Proposed Plan. The Health and Safety at Work Act 2015, with the correct date used, is referred to within the Hazardous Substances, General Residential Zone and Mixed Density Residential Zone chapters of the Proposed Plan. The Reserves Act 1977, with the correct date used, is referred to within the 'Esplanade Reserve' definition. As such no consequential amendments are required with the dates referred to within the Statutory Context being minor errors.
123. Based on the analysis above, I recommend that OWL's [181.7] submission be accepted in part.

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<sup>13</sup> Te Rūnanga o Ngāi Tahu [185.9]

124. With regard to OWL's [181.6] submission, the footnotes are not omitted, instead they appear when you scroll up or down the page (i.e. they are electronic and are not there constantly). Each footnote includes the footnote numbers to allow reference to its position within the e-plan text. As no footnotes are missing I recommend rejecting this submission.
125. As raised by Te Rūnanga o Ngāi Tahu [185.10], I agree that reference to statutory acknowledgements, Te Rūnanga o Ngāi Tahu, relevant iwi documents, and/or engagement with Kāti Huirapa can be given within the Statutory Context chapter. Standard 6 of the NPS, Introduction and General Provisions Standard, states the following in regards to iwi matters and the Statutory Context chapter:

*5. If the following matters are addressed, they must be located in the Statutory context chapter:*

*[...]*

*b. how Māori and Treaty of Waitangi matters in Part 2 of the RMA including but not limited to sections 6(e), 6(f), 6(g), 7(a) and 8, are addressed*

*c. information or a reference and link to information, required by any existing or pending Treaty of Waitangi settlement legislation or related statutory documents*

*[...]<sup>14</sup>*

126. In line with the above guidance provided in the NPS, I recommend to accept Te Rūnanga o Ngāi Tahu's submission [185.10].
127. TDC [42.12] requests the Water Services Act 2021 be included in the list of "Other Planning Documents and Legislation" that Council has had regard to in preparing the Proposed Plan. As this legislation has been considered in preparing the Proposed Plan, it is appropriate to list this legislation as sought in this submission. I recommend this submission be accepted.

### **5.7.1.3 Summary of recommendations**

128. I recommend that the submissions by:
- a. Te Rūnanga o Ngāi Tahu [185.10] and TDC [42.12] are **accepted**
  - b. OWL [181.7] is **accepted in part**.
  - c. OWL [181.6] is **rejected**.
129. Given the changes I am recommending, I recommend that the submissions in support of Statutory Context as set out in Appendix B are **accepted in part**.

### **5.7.1.4 Recommended changes to the District Plan**

130. The Statutory Context chapter be amended as follows:

*[...]*

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<sup>14</sup> Ministry for the Environment (2019) *National Planning Standards*, Standard 6 Introduction and General Provisions, Clause 5, Page 27.

**Treaty of Waitangi / Te Tiriti o Waitangi and Māori Issues of Significance**

[...]

These matters are addressed in the Plan as follows:

- *The Mana Whenua chapter recognises the status of Kāti Huirapa as the hapū holding customary authority in the Timaru District. It describes Kāti Huirapa values, interests and concerns that are relevant in respect to the matters in Sections 6(e) and (f), Section 7(a) and Section 8 of the RMA. Section MW3 also describes resource management-related requirements of the Ngāi Tahu Claims Settlement Act 1998. Section MW3.2 specifically identifies the Statutory Acknowledgement Areas present in the District<sup>15</sup> and Section MW4 identifies relevant iwi planning documents to be taken into account in resource management decision-making in Timaru District;*
- [...]
- *Provision for the relationship of Kāti Huirapa with the district as a whole, and their kaitiakitanga role in regard to sustaining the environment, is integrated into objectives, policies and rules across the Plan.*

These provisions were developed with the involvement of Kāti Huirapa. Involvement included:

- *drafting of the Mana Whenua chapter;*
- *preparation of research reports to inform drafting of the Sites and Areas of Significance to Māori and Māori Purposes Zone chapters;*
- *representation on the Environmental Services Committee, Heritage Biodiversity, Mana Whenua, Steering Groups and the Council's Technical Working Group.*

The Iwi Management Plans that apply to the Timaru District at the time of notification are the:

- *Iwi Management Plan of Kāti Huirapa*
- *Te Rūnanga o Ngāi Tahu Freshwater Policy*
- *Hazardous Substances New Organisms Policy*
- *Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region*<sup>16</sup>

*The Council is committed to a process of ongoing liaison and consultation with the Mana Whenua, the registered iwi authority,<sup>17</sup> to discuss issues of relevance to them. Council undertakes to enter this relationship exercising utmost good faith, to make informed decisions and actively protect Māori interests through its obligations under the RMA.*

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<sup>15</sup> Te Rūnanga o Ngāi Tahu [185.10]

<sup>16</sup> Te Rūnanga o Ngāi Tahu [185.10]

<sup>17</sup> Te Rūnanga o Ngāi Tahu [185.10]

### **Other Planning Documents and Legislation Considered**

The Council is required by sections 74(2) and 74(2A) of the RMA to have regard to other relevant planning documents or management plans. In preparing the Plan, the Council have had regard to the following:

- New Zealand Heritage List Rarangi Korero
- [...]
- ~~Health and Safety in Employment at Work Act 1992~~ 2015<sup>18</sup>
- Reserves Act 1997<sup>19</sup>
- [...]
- Fisheries (Declaration of Waitarakao Mātaitai Reserve) Notice 2014 and Fisheries (Declaration of Opihi Mātaitai Reserve) Notice 2014
- Water Services Act 2021<sup>20</sup>

## **5.7.2 General Approach**

### **5.7.2.1 Matters raised by submitters**

131. Four submissions were received to the General Approach chapter. All were to amend the chapter.
132. OWL [181.8, 181.12] seeks to amend the General Approach and Definitions chapters by including an explanatory note addressing the approach that has been taken in defining terms and providing links to the definitions where they appear in the text of chapters.
133. TDC [42.11] seeks reference to water quality as a further example of the overlapping responsibilities of the Council and the Canterbury Regional Council.
134. Transpower [159.3] seeks to amend Figure 1, Step 2 by amending the text from 'National grids' to 'the National Grid Yard'.

### **5.7.2.2 Assessment**

135. Hyperlinks are used both within the General Approach chapter and throughout the Proposed Plan. The hyperlinks shown within the plan link to defined terms within the Definitions chapter of the Proposed Plan. Where a definition is from other legislation, such as the RMA, this is described within the definition itself. It is unclear which terms the submitter considers should hyperlink to a definition, that do not already. Consequently, in lieu of specific detail from the submitter as to which hyperlinks are missing, I recommend to reject this part of the submissions by OWL [181.8, 181.12].

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<sup>18</sup> OWL [181.7]

<sup>19</sup> OWL [181.7]

<sup>20</sup> TDC [42.12]

136. OWL [181.8, 181.12] is also seeking an explanatory note to be included addressing the approach taken to defining terms (definitions). For completeness within this report, I note the following regarding definitions:
137. Definitions are a key part of the rules and should be referred to;
- a. The definitions can be viewed by clicking on the defined term within the plan text or provision;
  - b. A range of definitions were used in the proposed plan including from various Acts, National Policy Statements, National Environmental Standards, and the National Planning Standards;
  - c. Where a definition is from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions chapter;
  - d. Where a term defined by the National Planning Standards is used in a plan provision, the National Planning Standard definition of that term has been used.
  - e. Where a term has been adopted into the Proposed Plan from another statute (ie, the RMA), it is standard practise to refer to the section of that statute to which the definition originates (e.g. 'Plantation Forestry has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017').
138. It is not standard practise to include an explanatory note outlining the approach taken to defining terms within the General Approach chapter. However, the NPS allows for other matters that assist with the use of a plan to be included within the General Approach chapter.<sup>21</sup> However, this constitutes a minor amendment that would improve understanding around the development or sourcing of definitions for the Proposed Plan. Consequently, I recommend to accept this part of the submissions by OWL [181.8, 181.12], and recommend that the submissions by OWL [181.8, 181.12] are accepted in part overall.
139. TDC [42.11] considers it appropriate to add water quality as a further example of the overlapping responsibilities between TDC and the Regional Council. The control of the use of land for the purpose of the maintenance and enhancement of water quality are Regional Council functions under RMA Section 30(1)(c)(ii). District Councils have functions to establish and implement provisions to 'achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district' under RMA Section 31(1)(a). Various aspects of land uses can be controlled by District Councils to avoid, remedy or mitigate the direct, cumulative or potential effects on water quality, thereby promoting achievement of the integrated management of water quality. This can include the management of stormwater, wastewater, protection of drinking water supplies and, the use of potentially contaminated land through building and resource consent requirements (such as design, location and on-going maintenance).

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<sup>21</sup> Ministry for the Environment (2019) *National Planning Standards*, Standard 6 Introduction and General Provisions, Clause 6, Sub-Clause g, Page 27.

140. Given the above, I agree that it is appropriate to add water quality as an additional responsibility as it will highlight this interrelationship with the Regional Council's statutory responsibilities. I recommend accepting submission TDC [42.11].
141. 'The National Grid Yard', is a defined term meaning the area beneath and immediately next to transmission lines and associated poles and foundations. However, there is no overlay in the Proposed Plan named the National Grid Yard, to which the text Transpower [159.3] wishes to amend relates. The national grid related overlay is called the National Grid Line in the Proposed Plan, as prescribed within the NPS<sup>22</sup>. I recommend amending Figure 1, Step 2 to match the name of the overlay 'National Grid Line', and thereby accepting this submission in part.

### 5.7.2.3 Summary of recommendations

142. I recommend that the submissions by:
- TDC [42.11] is **accepted**.
  - OWL [181.8 and 181.12] and Transpower [159.3] are **accepted in part**.

### 5.7.2.4 Recommended changes to the District Plan

143. Amend **Figure 1, Step 2** as follows:

*Location relevant District-wide matters chapters (e.g. Infrastructure and Energy) and overlays (e.g. National ~~grids~~ Grid Line<sup>23</sup>).*

144. Amend the section Part 1 – Introduction and General Provisions as follows:

#### **Part 1 – Introduction and General Provisions**

*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.*

*A range of definitions are used within the plan including from national legislation (such as the RMA), the National Planning Standards, and definitions developed by the Timaru District Council. Where the definition is:*

- from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions chapter;*
- adopted into the Proposed Plan from another statute (ie, the RMA), reference to the section of that statute to which the definition originates (e.g. 'Plantation Forestry has the same meaning as in section 3 of the Resource Management*

<sup>22</sup> Ministry for the Environment (2019) *National Planning Standards*, Standard 13 Mapping Standard, Clause 2, Table 20, Page 52.

<sup>23</sup> Transpower [159.3]

(National Environmental Standards for Commercial Forestry) Regulations 2017') is specified at the beginning of the definition.<sup>24</sup>

145. Amend the first paragraph under the **Integrated Management** heading as follows:

***Integrated Management***

*The Timaru District Council and Canterbury Regional Council have some overlapping responsibilities under the RMA, e.g. management of natural hazards, and water quality.<sup>25</sup>*

[...]

**5.7.3 Cross Boundary Matters chapter**

**5.7.3.1 Matters raised by submitters**

146. One submission in support was received on the Cross Boundary Matters chapter.

**5.7.3.2 Summary of recommendations**

147. As only one submission in support was received on the Cross Boundary Matters chapter, I recommend it is accepted.

**5.7.3.3 Recommended changes to the District Plan**

148. No amendments are proposed.

**5.7.4 Relationships between Spatial Layers**

**5.7.4.1 Matters raised by submitters**

149. Four submissions were received on the Relationships between Spatial Layers chapter; three to amend and one in support.
150. Forest and Bird [156.8] seek to amend the District Wide Overlays section to reflect that not all district wide matters have overlays.
151. Forest and Bird [156.7] considers the explanation of District Wide Overlays needs further clarification and seeks an amendment to reflect that the district wide overlay rules also apply in addition to rules on activities in the Area Specific Layers, and to remove use of the word "spatial" in 'Figure 4 - Example of Planning Map with Different Layers' as it is confusing.
152. Waka Kotahi [143.1] seeks to amend Fig 4 so that wording in the second paragraph describing the layers is amended to read, 'have precedent over the...' instead of the current word 'alters'.

**5.7.4.2 Assessment**

153. In response to Forest and Bird's [156.8] submission that not all district wide matters have overlays, this is correct. Not all district wide matters have overlays, rather the District Wide

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<sup>24</sup> OWL [181.8 and 181.12]

<sup>25</sup> TDC [42.11]

Layers relate to risk and value only, such as hazards, and historical, cultural and natural heritage. Other general district wide matters are discussed in Part 2 of the Proposed Plan - District Wide Matters. I believe that this amendment will add clarity for plan users and therefore I recommend accepting Forest and Bird's submission [156.8].

154. Forest and Bird [156.7] seek to add clarity to the paragraph under the heading 'District Wide Overlays' by explaining that the district wide overlay rules apply in addition to rules on activities in the Area Specific Layers. I agree that this wording helps to clarify that rules in the District Wide Layers do also apply to Area Specific Layers. I recommend accepting this part of Forest and Bird's submission [156.7].
155. The second part of the Forest and Bird submission [156.7] relates to the word 'spatial'. 'Spatial' is a term regularly used in planning nomenclature that denotes occupying space. Spatial layers are included in the National Planning Standards, Framework for District Councils, at section 12 - District Spatial Layers Standard. The Proposed Plan is therefore required to use this term. Each layer contains different rules and Figure 4 indicates a hierarchy of spatial layers. I contend that the word 'spatial' in conjunction with planning layers is a common and appropriate term. I do not agree that use of the term 'spatial' is confusing and instead recommend that the word 'spatial' remains in Figure 4. I recommend rejecting this part of Forest and Bird's submission [156.7]. Overall I recommend to accept in part Forest and Bird's submission [156.7].
156. I believe that the relief sought in Waka Kotahi's submission [143.1] assists in clarifying the relationship depicted in Figure 4. The word 'alters' which is currently in the text suggests that a higher layer actually changes lower layer rules. This is not correct. A higher layer does not change rules in a lower layer, however higher layer rules do prevail over lower layer rules. The proposed wording offered in the submission 'have precedent over the...' is the correct way of representing the relationship shown in Figure 4. However, in a further submission by Transpower [159.73FS] alternative wording of 'prevails' has been suggested, which in my view is more appropriate than 'precedent over' due to how these two words are defined within the Oxford Dictionary, with 'precedent' commonly being used when relating to an earlier event or time. I recommend accepting Waka Kotahi's [143.1] submission in part, with preference for using 'prevails' as per Transpower's further submission [159.73FS].

#### 5.7.4.3 Summary of recommendations

157. I recommend that the submissions by:
- a. Forest and Bird [156.8] is **accepted**.
  - b. Forest and Bird [156.7] and Waka Kotahi [143.1] are **accepted in part**.
158. Given the changes I am recommending, I recommend that the submission in support of the Relationships between Spatial Layers chapter, is **accepted in part**.

#### 5.7.4.4 Recommended changes to the District Plan

159. Amend the Relationships between Spatial Layers chapter as follows:

[...]

##### **District Wide Overlays**

*The Plan includes district wide overlays in areas with a particular characteristic, risk or value that needs to be managed at a district-wide scale. These district wide*

overlays normally span across or occur in multiple zones. The associated rules provide more specific provisions relating to the characteristic, risk or value of interest to be managed. Not all district wide matters have an associated overlay.<sup>26</sup> These rules apply in addition to rules on activities in the Area-Specific Layers.<sup>27</sup>

[...]

**Figure 4 - Example of Planning Map with Different Spatial Layers**

When there is a conflict between the provisions of different spatial layers, the following principles apply:

1. When there is a conflict between overlays, or between an overlay and an area-specific spatial layer, the most stringent provision applies;
2. When there is a conflict between area-specific spatial layers, layers with a higher ranking in the below figure ~~alters~~ prevails over the<sup>28</sup> relevant provisions in the layers underneath it.

[...]

## 5.8 GROUP TOPIC 3 - Interpretation Section Submissions

### 5.8.1 Definitions

160. Not all submissions on definitions are considered in this report. This report considers definitions that affect multiple topics and chapters throughout the District Plan only. Those definitions specific to one topic or chapter and those that require specialist knowledge have been allocated to the chapter they relate to. For example, submissions received relating to the definition of riparian margin, have been allocated to Ecosystems and Indigenous Biodiversity chapter.
161. Definitions are important to the interpretation of objectives, policies and rules of the Proposed Plan. Any recommended amendments to a defined term are likely to have consequences for how that term is applied elsewhere in the Proposed Plan. Conversely, there will be amendments recommended to other parts of the Proposed Plan that will have a bearing on the interpretation of definitions. Therefore, recommendations on definitions in this report are not final. They may be changed as further s42A reports are prepared. For example a definition may be affected by a submission to a provision in another chapter, or reconsideration of submissions on a definition may be relevant when considering how that term is used in a particular provision. The final sweep up hearing will provide a final recommendation on any definitions that may require a change.
162. The definitions in the Proposed Plan have been generated from a variety of sources including the: National Planning Standards; national and regional legislation (including the RMA) and the

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<sup>26</sup> Forest and Bird [156.8]

<sup>27</sup> Forest and Bird [156.7]

<sup>28</sup> Waka Kotahi [143.1] and Transpower [159.73FS]

Timaru District Plan. Depending on the source of the definition, there may be limited scope for Council to make amendments as per the relief sought by submitters.

163. 175 submission points and 86 further submission points were received in relation to definitions and have been considered in this report. The Definitions section is grouped into three subsections; National Planning Standard definitions, Council proposed definitions and then new definitions sought by submitters.

#### 5.8.1.1 Matters raised by submitters

164. Table 6 below indicates which definitions are considered in this report, how many submissions were received on each definition considered, and the source of the definition.

**Table 5 - Submissions posed on definitions and the source of the definition**

Provision	Total Submissions Received	Support	Amend	Oppose
Entire Chapter	3	2	1	0
<b>National Planning Standard's definitions</b>				
Building	3	1	2	0
Commercial Activity	1	1	0	0
Community Corrections Activity	1	1	0	0
Earthworks	9	2	6	1
Educational Facility	1	1	0	0
Functional need	9	8	1	0
Habitable room	1	1	0	0
Height	1	0	1	0
Industrial Activity	3	3	0	0
Land disturbance	6	5	1	0
Mining	1	1	0	0
Minor Residential Unit	1	0	1	0
Noise	1	1	0	0
Operational Need	10	9	1	0
Sign	1	1	0	0
Structure	5	5	0	0
Wastewater	1	1	0	0
Wetland	1	0	1	0
<b>Timaru District Council definitions</b>				
Access way/Accessway	3	2	1	0
Active Transport	1	1	0	0
Bank	2	0	0	2
Department of Conservation Activity	2	1	1	0
Impervious surface	1	1	0	0
Infrastructure	4	4	0	0
Large Format Retail	1	1	0	0
Maintenance	10	10	0	0
Plantation Forestry	3	0	3	0
Public Transport	2	2	0	0
Railway Line	1	1	0	0
Repair	8	8	0	0

Provision	Total Submissions Received	Support	Amend	Oppose
Replacement	8	7	1	0
Retail Activity	2	2	0	0
Reverse Sensitivity	14	10	4	0
Road Boundary	1	1	0	0
Sensitive Activity	11	0	11	0
Sensitive Environment	9	2	5	2
Service Station	1	0	1	0
Shelter Belt	3	1	2	0
State Highway	1	0	1	0
Supermarket	1	1	0	0
Trade Supplier	1	1	0	0
Undermine	1	0	0	1
<b>New definitions requested by submission</b>				
Activities sensitive to Transmission Lines	1	-	1	-
Aircraft	2	-	2	-
Ancestral Lands	1	-	1	-
Archaeological Site	1	-	1	-
Camping	1	-	1	-
Camping Ground	1	-	1	-
Coastal Environment	1	-	1	-
Conservation Activity	2	-	2	-
Crime Prevention Through Environmental Design (CPTED)	2	-	2	-
Domestic Garden	1	-	1	-
Greenhouses	1	-	1	-
Helicopter Landing area	2	-	2	-
Household	1	-	1	-
Infrastructure	1	-	1	-
Risk	1	-	1	-
Water Infrastructure	1	-	1	-

### 5.8.1.2 Assessment

165. All submissions in support of a definition where there are no submissions to amend or oppose that definition are accepted. Reasons given for support include that the definition is clear, it supports the RMA definition, or it is appropriate and submitters wish to retain it as notified. The summary of submissions for each of these submissions, and the recommendation made on them in this report can be found in **Appendix A1**.
166. The remainder of the assessment section deals with submissions requesting amendments to definitions in the Proposed Plan, submissions in opposition and requests for new definitions.

### National Planning Standards Definitions

167. The National Planning Standards include a number of mandatory definitions which Council must use in the Proposed Plan. Submissions were received on 18 of the NPS definitions, where

amendments are sought on 8 of them. The NPS states 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. There is no discretion for Council to choose whether to apply the definition, nor is there discretion for Council to alter the meaning of any term set out in the Definitions List. Similarly, if a different term is used in the same context as a term from the Definition List, Council must use the term from Standard 14 and the definition applies. Council is unable to consider requests to alter these definitions, or define a term that is a synonymous to a term in the NPS Definition List. I recommend that all submission points requesting changes to, or the deletion of a NPS definition be **rejected**.

### **Timaru District Council Definitions**

168. **Access Way/Accessway** - MFL [60.1] requests a correction to the date referenced to Unit Titles Act from 1972 to 2010. I recommend accepting this submission as it corrects an error.
169. **Section 32AA**: As this is a minor change which corrects an error no full Section 32AA assessment is required.
170. **Bank** - Road Metals [169.1] and Fulton Hogan [170.1] request this definition be deleted on the basis that it relates to areas that are defined by the RMA as the 'bed' of a river, making it unclear how to interpret these terms within the PDP.
171. It is my opinion that the definition of 'bank' is required within the Proposed Plan to accurately determine which plan provisions may apply to specific activities. For example, rules ECO-R1, ECO-R2 and ECO-R3 are triggered within 20m of the bank of a waterbody. The area that is defined as 'riparian margin' is defined by its association to what is considered the bank. More indirectly, the definition of 'sensitive environment' relies on the definition of 'riparian margin'. Deletion of the definition of 'bank' would result in less effective and efficient provisions, as what constitutes the bank would need to be determined in each case, and then the appropriate distances applied to determine where a definition applies, or if a rule is triggered. This also reduces certainty, and increases risk in that what constitutes the bank, and the extent of the bank, may be interpreted differently by different consent planners and could undermine achievement of other desired outcomes such as biodiversity enhancement.
172. I appreciate that District and Regional Councils have different functions, responsibilities and jurisdiction as it relates to beds of lakes and rivers, margins and neighbouring land. However, I do not consider that the definition of 'bank' can be completely disassociated from the definition of 'bed'. Canterbury Regional Council v Dewhirst directly discussed that the '*meaning of 'bed' of a river cannot realistically be separated from the meaning of river and its banks*'. However, two concepts were seen as crucial in distinguishing between the 'banks' and the 'bed'. Firstly, an acclivity or elevation of land above the level of the adjacent land or water, that prevents water from flowing into neighbouring land. Secondly, that '*bed comprises the space between the banks occupied by the river at its fullest flow*'. Both of these elements are included within the Proposed Plan definition of 'bank'.
173. As the case law establishes that the definition of what is, or is not bed, is contingent on the identification of the bank, and the assessment of the fullest flow of a river, I see the deletion of the definition of bank as less certain, efficient and effective in ascertaining jurisdiction. What constitutes 'bed', 'bank' and 'fullest flow' would all have to be defined within every consent process that related to one of these terms, or every determination of whether a plan rule

applied. For consents, case law would have to be interpreted or considered in each consent assessment, or some other definition could be used, which increases risks of inconsistent treatment of activities occurring within the bed (for example, if an SNA covered part of a waterbody), or outside of the bed (for example within the riparian margin). For assessing whether a rule is triggered, there is additional uncertainty that 'bank' would be distinguished from 'bed' appropriately. For these reasons, I recommend to reject the submissions by Road Metals [169.1] and Fulton Hogan [170.1].

174. **Department of Conservation Activity** - The Dir. General Conservation [166.6] seeks to delete the definition of 'Department of Conservation Activity' and replace it with a broader definition for 'Conservation Activity'. This assessment will consider the deletion of the definition of 'Department of Conservation Activity' and the new, proposed definition for 'Conservation Activity' will be assessed alongside other submissions for this same definition within the 'New Definition Requests' section of this report.
175. The notified definition of 'Department of Conservation Activity' refers to Appendix 1 of the Proposed Plan which includes a long and detailed list of activities specifically provided for in the Canterbury (Waitaha) Conservation Management Strategy 2016. The submitter also states that in the introduction of the Natural Open Space Zone (NOSZ) there is an explanation of the RMA requirements which exempt activities for land managed under the Conservation Act 1987. For clarity, the submitter is referring to Section 4(3) RMA. The submitter considers it is not necessary for this to be repeated as a definition due to the appendix and information within the introduction of the NOSZ. I agree with the Dir. General Conservation's submission [166.6] that DOC is empowered under its own Act to undertake activities on land it manages and does not require the Proposed Plan to authorise those activities.
176. The only provision directly affected by deleting this definition is policy NOSZ-P3, which includes a qualifier that conservation activities are enabled where consistent with a Department of Conservation plan or strategy, as follows:

***'NOSZ-P3: Department of Conservation Activities***

*Enable conservation activities that are consistent with a Department of Conservation plan or strategy for the area and do not generate significant adverse effects on the surrounding area or adjacent sites'.*

177. As this policy directly applies to Department of Conservation Activities, I believe the definition for 'Department of Conservation Activities' can be deleted without undermining the effectiveness of this policy. Furthermore, the policy wording is consistent with RMA Section 4(3). I recommend to accept this part of the submission by the Dir. General Conservation [166.6]. Forest and Bird [156.13] support this definition. As I recommend to delete this definition, I recommend to reject Forest and Bird's [156.13] submission.
178. Section 32AA: I consider the deletion of this definition will not have any greater environmental, economic, social, and cultural effects than the notified provisions as DOC is already empowered under its own Act to undertake activities on land it manages and does not require the Proposed Plan to authorise those activities.
179. **Plantation Forestry** - Helicopters Sth Cant. [53.9] and NZAAA [132.7] seek to amend this definition to include agricultural aviation activities as part of forestry infrastructure. Federated

Farmers [182.20] seek to amend the definition of 'Plantation Forestry' from being at least 1 ha of continuous forest cover to a minimum of 50 ha.

180. The definition in the Proposed Plan comes from the NES Plantation Forestry. Under RMA Section 43B(3) a rule or resource consent (where it relates to matters covered in an NES) can only be more lenient if expressly stated in the national environmental standard. The NES PF includes no such statement for the definition of Plantation Forestry. For this reason the definition of 'Plantation Forestry' cannot be amended from being a minimum of 1 ha of continuous forest cover to a minimum of 50 ha. I recommend to reject submission by Federated Farmers [182.20]. Similarly, adding '*and agricultural aviation activities*' as a part of forestry infrastructure extends the scope, and the leniency of the definition. I recommend to reject submission Helicopters Sth Cant. [53.9] and NZAAA [132.7].
181. It is worth noting that a new version of the NES for Plantation Forestry came into force on 3 November 2023 (there are some provisions coming into force in early 2024) being the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.<sup>29</sup>. There are no changes to the Plantation Forestry definition in this version, from the version that commenced on 1 May 2018.
182. A small amendment has been recommended to the definition of 'Plantation Forestry' to ensure the source of the definition is correctly referenced within the Definitions chapter of the Proposed Plan as expected by the NPS, as required by the NPS.
183. Section 32AA: This amendment falls within the ambit of correcting a minor error as outlined within RMA Schedule 1, Section 16(2). As this is a minor change, no full Section 32AA assessment is required.
184. **Replacement** - Transpower [159.18] seeks to amend the definition of 'Replacement' by explicitly distinguishing it from upgrading or repair, by adding the words at the end of the definition '*but excludes repair and upgrading*'. I note that the definition of 'Repair' is explicit in that it does not include upgrading or replacement. However, the definition of 'Upgrading / Upgrade' includes replacement. I believe that the recommended amendment adds consistency across the definitions of the Proposed Plan in relation to 'but excludes repair', and recommend that the submission by Transpower [159.18] is accepted in part.
185. It is worth noting that there are instances within the provisions of the plan where 'replacement' is considered as a sub-set of repair, such as HH-R1 and HH-R2. Consideration will need to be given as to how the recommended amendments to this definition impacts these rules and whether changes are required to align with the definition. Similarly, there are provisions that refer to both 'replacement' and 'repair' (SASM-R1, SASM-R3 and ECO-R1) and others that refer to 'replacement' (NH-R5 and CE-R9). Where the term 'replacement' is used in isolation within the provisions, consideration will need to be given on whether it was intended to include repair.
186. Section 32AA: I consider the recommended amendments to this definition are minor in nature. I consider the recommended amendment will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from

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<sup>29</sup> Amendments have been enacted through the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023.

plan consistency and improved plan interpretation. As no substantive change is proposed, I have not assessed the change further.

187. **Reverse Sensitivity** - Alliance Group [173.9], Silver Fern Farms [172.10] and KiwiRail [187.13] seek various amendments to this definition to extend the scope of 'existing activity' beyond 'lawfully established activities' and to consider reverse sensitivity effects on the future development, expansion, upgrading and maintenance of the existing activity. Transpower [159.19] seeks minor amendments to improve English.
188. Silver Fern Farms [172.10] and Alliance Group [173.9] seek to amend the 'Reverse Sensitivity' definition as follows:

*Reverse sensitivity means the potential for the operation of an ~~existing permitted, consented or lawfully established activity, and the future development or expansion of that activity~~ to be compromised, constrained, or curtailed by the ~~more recent possible or proposed establishment, intensification or alteration of another activity~~ which may be sensitive to the actual, potential or perceived adverse environmental effects generated by ~~an existing~~ that activity.*

189. KiwiRail [187.13] seeks to amend the 'Reverse Sensitivity' definition as follows:

*Reverse sensitivity means the potential for the development, upgrading, operation and maintenance of an approved, existing lawfully permitted ~~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 approved, existing or permitted activity.*

190. Transpower [159.19] seeks minor amendments to improve English, as follows:

*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 that~~ that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the ~~an~~ existing activity.*

191. Two court cases (both resource consents) have been identified as relevant to considering not only extending the scope of the definition beyond 'existing lawfully established activities' but also the extent to which future development and growth may be able to be considered.
192. Strata Title Admin Body Corporate v Auckland Council considered a retrospective resource consent application to convert a commercial building to residential units in an industrial area. The key issue considered was whether the use of the residential units will cause reverse sensitivity effects on industrial and commercial activities to establish, operate, and develop. The key provision of relevance was a regional policy statement policy which provided for residential activities, or other sensitive activities only where they did not constrain land capacity for industrial activity and there was no likelihood of reverse sensitivity issues arising. This direction was applied in other planning documents. The Court accepted that "*the presence of residential activities would affect the way a consent authority would assess any future applications from local businesses for discretionary consent applications*" and concluded that reverse sensitivity effects were likely to arise and not be able to be mitigated.

193. *Kombi Properties Ltd v Auckland Council [2021]* considered an application for a residential activity in a light industrial zone, where the neighbouring properties were either undeveloped or tenancies uncertain. The relevant provisions sought that *'light industrial activities locate and function effectively within the zone'*, and that activities that may compromise the efficiency and functionality of the zone are avoided. Specifically, one policy *'seeks to avoid reverse sensitivity effects from activities that may constrain the establishment and ongoing operation of light industrial activities'*. The case noted that while the intended uses of the sites were identified, that this could change and therefore that it was difficult to envisage the future environment. The case concluded on this matter that *'the policy framework gives priority to the efficient functioning of current and future light industrial use within the zone as against potentially incompatible activities...'*. The Court held that the presence of residential activities may constrain the establishment of new industrial activities elsewhere in the zone, and that *'this would be an impediment to the efficient functioning of industrial activities'* in the zone.
194. The term *'Reverse sensitivity'* is used in some 13 chapters throughout the Proposed Plan. The Proposed Plan applies a mixed approach, with the application of *'reverse sensitivity'* depending on the spatial area within which it is applied and the activities to which it relates. The stringency in how reverse sensitivity is applied also varies, as well as the level of future development that can be considered.
195. A key matter in both the Strata and Kombi cases was they were supported by strong policy direction that prioritised industrial and commercial activities in the business and light industrial zones, over other uses. Similar policy direction within the Proposed Plan is seen in the GIZ, PORTZ and treatment of Regionally Significant Infrastructure:
- GIZ-O3 details that use and development in the GIZ is not compromised by the establishment of sensitive activities, and GIZ-P6 avoids the establishment of other activities (including residential activities) unless the activity would not result in reverse sensitivity effects that may constrain industrial activities.
  - EI-O4 directs that the operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by the adverse effects of subdivision, use and development, including reverse sensitivity;
  - SUB-P5 specifically only allows subdivision that does not result in reverse sensitivity effects that would compromise the operation of regionally significant infrastructure /facilities and legally established intensive primary production;
  - PORTZ-P1 enables activities compatible with the purpose of the Port Zone where industrial activities will not undermine the operation of the Port, including avoiding any activities that may give rise to reverse sensitivity effects on the Port, and only allowing residential activities where they avoid reverse sensitivity effects on the Port and industrial activities;
  - TRAN-O3 seeks that Land Transport Infrastructure is not compromised by incompatible activities that may result in conflict or reverse sensitivity effects;
  - NOISE-O2 details that The Airport, Raceway, State Highway, railway lines and the Port and activities located within commercial, mixed use and Industrial zones are not constrained by reverse sensitivity effects arising from noise sensitive activities.

196. However, there are other zones such as the MRZ and MUZ that have a lighter approach when managing reverse sensitivity effects. This is commonly seen where reverse sensitivity effects emanating from activities within one zone, on another, such as the GIZ, should be minimised:
- MRZ-P1 enables residential activities, where amongst other matters, potential reverse sensitivity effects on adjacent commercial, mixed use zones or the GIZ are minimised;
  - MUZ-P4 provides for residential activities where they minimise potential reverse sensitivity effects on commercial or existing industrial activities.
197. Based on the mixed approach applied within the Proposed Plan, the current drafting of the definition of reverse sensitivity is inconsistent with various policy frameworks of the Proposed Plan and limits the application of various provisions. The current drafting precludes the assessment of reverse sensitivity effects from the establishment of new activities on the future growth or development of existing activities. It is clear that the plan provisions consider reverse sensitivity beyond 'existing lawfully established' activities. Reverse sensitivity effects are unable to be assessed for permitted or consented activities that could establish, or are approved but not built, based on the current drafting of the definition.
198. Silver Fern Farms [172.10], Alliance Group [173.9] and KiwiRail [187.13] seek various amendments to extend the scope of the definition, such as:
- Inserting 'permitted', 'consented' or 'approved' alongside 'lawfully established activity' when considering the existing activity;
  - Inserting 'and the future development or expansion of that activity' when referring to the existing activity;
  - Listing development, upgrading and maintenance alongside operation when referring to the existing activity;
  - Replacing 'existing lawfully established activity' with 'existing lawfully permitted activity' when referring to the existing activity.
199. While amendments to the definition are required to allow consideration of the varied approaches taken to manage reverse sensitivity effects, limitations are still required to prevent perverse or unintended consequences, whether it be excessive limitations placed on the establishment and location of sensitive activities or that the future development of activities is protected even where they are not enabled within a zone. The amendments sought by Alliance Group [173.9] and Silver Fern Farms [172.10] include no limit on which development is considered, whether the development is in line with that anticipated within a specific spatial area or not. Furthermore, applying each individual amendment within the definition will result in a complex, lengthy definition.
200. In my view, amending the definition in a general manner that provides a connection with the policy and rule frameworks of the Proposed Plan not only allows for the incorporation of a number of amendments sought by the submitters, but also accommodates the various approaches in the plan and allows limits to be set on how reverse sensitivity effects are considered. I recommend the following amendments to the definition of reverse sensitivity:
- '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'*

201. Amending the definition by using 'or activities otherwise anticipated by the Plan' allows for the assessment of reverse sensitivity effects on future development, or changes in use, where this is expressed in the zone policies. The listing of 'lawfully established, permitted or consented activity' signals to plan users that reverse sensitivity applies to these activities, but highlights that 'or activities otherwise anticipated by the Plan' applies to a nuanced set of activities. I believe this list also captures the intention of what was sought from KiwiRail [187.13] of 'lawfully established permitted activities'. This amendment also captures 'upgrading' and 'maintenance' as these activities are commonly anticipated as permitted activities in most zones.
202. Regarding the Proposed Plan provisions, the amendments above establish a connection between the definition and the zone rule framework. Permitted activities can be efficiently enabled, while also allowing for assessment of reverse sensitivity effects if applicable through matters of control or matters of discretion. It then ensures that activities requiring consent are effectively managed as reverse sensitivity can be assessed as it relates to that activity, be it for an activity anticipated within the zone, or an activity that may be more contrary to the functionality and efficiency of the zone.
203. Regarding the insertion of the term 'intensification' requested by Alliance Group [173.9] and Silver Fern Farms [172.10]. I believe that intensification is captured within the term 'alteration' already used within the definition. I see no need to add another term. I do not recommend this amendment is applied to the 'reverse sensitivity' definition.
204. Silver Fern Farms [172.10] and Alliance Group [173.9] seek to add 'possible or proposed' in relation to the more recent activity. I disagree with this amendment as while an activity is 'possible' within a zone or environment, it does not mean it will occur in every case, and if the activity does occur, the level to which it occurs can only be anticipated. Similarly, while an activity is proposed does not mean it will always be approved (if relating to a consent), as it can be rejected by the consent authority, or withdrawn by the applicant. Rules and standards of the Proposed Plan will likely apply for the establishment of a new activity, or the alteration of an existing activity. The rules of the Proposed Plan will then determine the extent to which effects from this activity are considered, including reverse sensitivity. In some cases, reverse sensitivity may not need to be considered, such as where the effects are likely to be less than minor, or narrowly confined and largely known enough to be managed through specific conditions and/or matters of control. Lastly, the amendments recommended to this definition, do go some way in achieving the relief sought by the submitters on this matter. I do not recommend this amendment is applied to the 'reverse sensitivity' definition.
205. Based on the above assessment I recommend to accept in part the submissions by Alliance Group [173.9], Silver Fern Farms [172.10] and KiwiRail [187.13]. Due to the tracked changes recommended the amendments proposed by Transpower [159.19] to improve English are not required, and consequently I recommend to reject this submission.
206. There may be various amendments to provisions throughout the Proposed Plan to align with the amendments to the 'Reverse Sensitivity' definition, particularly due to the extended scope of the definition to cater for the various plan approaches. Specific consideration will need to be given to assessing whether further certainty needs to be provided for within plan policies, rules and matters of control or discretion based on the reliance on a broader definition.

207. Section 32AA: The Section 32AA for the definition of 'Reverse Sensitivity' is contained within **Appendix C** to this report due to its length.
208. **Sensitive Activity** – There is a lot of confusion around this definition with submissions to increase the activities it relates to, and queries regarding the exceptions. A mistake has been made with the exceptions referring to alphabetical items whereas the list they refer to is in numerals. MoE [106.6], BP Oil et al [196.11], Radio NZ [152.20], Silver Fern Farms [172.11] and Alliance Group [173.10] all seek amendments to correct the numerical listing within the definition. I accept that the exceptions should refer to the corresponding numerical item in the list above and recommend amendments be made to correct this. I recommend to accept the submissions by 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]. I recommend the correction be applied.
209. Transpower [159.20] seeks to remove reference to electronic transmission and Speirs, B [66.7] seeks to delete all the words after list item number seven. These amendments are sought due to confusion as to what 'electronic transmission' means<sup>30</sup> and the consideration that this is an error.<sup>31</sup> Transpower [159.20] seeks the reference to 'electronic transmission' deleted in the first instance, but also suggests that the use of this term is clarified. Transpower [159.20] also seek to replace the ampersand (&) with the word 'and' to correct grammatically incorrect English. I recommend to accept the replacement of the ampersand with the word 'and'.
210. The wording 'electronic transmission' is a mistake and should read 'electricity transmission' i.e. powerlines. This means that marae are not considered a sensitive activity when it comes to powerlines and places of assembly are not considered a sensitive activity in reference to powerlines and noise. In response to these submissions I recommend to replace 'electronic transmission' with 'electricity transmission' to correct this error and therefore clarify that these activities were intended to be captured within this definition. I recommend to accept in part Transpower's [159.20] submission and reject the submission by Speirs, B [66.7].
211. Section 32AA: I consider the recommended amendments to this definition are minor in nature. I consider the recommended amendment will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration. As no substantive change is proposed, I have not assessed the change further.
212. Fonterra [165.21] seek to amend clause a., (subclause f. not applicable in relation to electronic transmission) and delete clause b., (subclause g. not applicable in relation to noise or electronic transmission) and to make the definition more succinct and to remove the exception that 'place of assembly' is not considered sensitive in relation to noise. I disagree with amending clause b., as proposed by Fonterra, as I believe that 'place(s) of assembly' are not sensitive to noise. 'Place of assembly' is defined in the Proposed Plan as:

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<sup>30</sup> Transpower Ltd [159.20]

<sup>31</sup> Speirs, B [66.7]

*means land and buildings used for gathering of people, including cinemas. Theatres, concert venues, conference and private function facilities, arts and cultural centres, places of worship, community centres and halls.*

213. All of the land uses and buildings listed within this definition generate their own levels of noise, with some of the buildings listed also being commonly built and designed to dampen noise entering and emanating from the building, such as cinemas, theatres and concert venues. As the activities are typically noise generating, I do not agree that they should be able to be considered sensitive to noise. As I do not recommend changes to clause b., the amendments proposed to clause a., would no longer aid in making the definition more succinct. I recommend to reject Fonterra's [165.21] submission.
214. Silver Fern Farms [172.11] and Alliance Group [173.10] seek to amend the 'Sensitive Activity' definition by excluding seasonal workers accommodation and caretaker dwellings from Residential Activities in clause 1 as sometimes they are established on industrial sites. 'Caretaker dwellings' is not a term used within the Proposed Plan, and as such does not need to be exempt from the definition. 'Seasonal workers accommodation' is defined as follows:
- 'means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a primary production activity, rural industry or post-harvest facility'.*
215. There are a few provisions that relate to 'seasonal workers accommodation' in the Proposed Plan. In the GRUZ, Policy GRUZ-P9 specifically exempts seasonal workers accommodation from being considered within Policy GRUZ-P5 which relates to sensitive activities. In the RLZ and the MPZ seasonal workers accommodation is a discretionary activity, under Rules RLZ-R18 and MPZ-R15, respectively.
216. Seasonal workers accommodation is still captured under the definition of 'residential activity' and can be sensitive to other activities that are not rural industry, primary production or associated with a post-harvest facility. A level of health and safety measures still need to be maintained for seasonal workers accommodation as it is still a form of living accommodation. Adding this exemption to the sensitive activity definition not only creates duplication with Policy GRUZ-P9 but risks reducing amenity and living conditions for seasonal workers, as nuisance effects can still be generated from other activities (i.e. industrial, community or commercial activities), including from other zones. For these reasons I recommend to reject this part of the submissions by Silver Fern Farms [172.11] and Alliance Group [173.10].
217. KiwiRail [187.14], Hort NZ [245.25] and NZ Pork [247.8] seek to add various activities to the list of sensitive activities; as follows:
- Residential units (Hort NZ [245.25]);
  - Residential visitor accommodation (Hort NZ [245.25], NZ Pork [247.8]);
  - Supported residential care activity (Hort NZ [245.25], NZ Pork [247.8]);
  - Recreation activities (Hort NZ [245.25], NZ Pork [247.8]);
  - Educational activities (NZ Pork [247.8]);
  - Retirement home (KiwiRail [187.14]);
  - Community facility (KiwiRail [187.14]);

- Change of 'Place of Assembly' to 'Place of Worship' (KiwiRail [187.14]).
218. I note that if these amendments were to be applied in full, this would result in all the permitted activities within the General Rural Zone and the Māori Purpose Zone to be classed as sensitive activities.
219. Sensitive activities are referred to within SD-O9 and various Part 2 and Part 3 chapters of the Proposed Plan. Its use in SD-O9 relates to managing adverse effects of sensitive activities on primary production. In Part 2 (District-Wide Matters) the definition of sensitive activity is largely applied to avoid reverse sensitivity effects on regionally significant infrastructure (such as the National Grid) or other significant infrastructure (such as Major Hazard Facilities). This approach is applied both within the policies (HS-P3) and the rules. The latter of which usually includes setback controls on sensitive activities (HS-R3). Within Part 3 (Zones) the application is more bespoke as the application of the definition is tied to the character and qualities of the zone sensitive activities are occurring within. The provisions within the GIZ chapter primarily place controls on sensitive activities so they do not undermine the activities anticipated to occur within these zones (GIZ-O3.2). The GRUZ chapter requires that specific rural activities (such as primary production) have no or minimal adverse effects on sensitive activities (GRUZ-O4), and more broadly a higher level of amenity is required around sensitive activities (GRUZ-O2). Within the RLZ, the approach largely calls for effects on sensitive activities to be avoided in the first instance (RLZ-P8). The primary control used to minimise adverse effects on sensitive activities across these zones is controlling the location of other activities in relation to sensitive activities, commonly through setbacks applied in the standards (GRUZ-S4, GRUZ-S5) or rules (RLZ-R4, RLZ-R5, MPZ-R4, MPZ-R5).
220. Section 18A of the RMA directs that policy statements and plans are worded in a way that is clear and concise. The drafting style of the 'sensitive activity' definition achieves this by listing broader activities which can include a number of activities. I see the following requests as already being provided for within the definition as follows:
221. Hort NZ [245.25] seeks to include 'residential units' within this definition. It is my view that 'residential activities' would include 'residential units' within this context.
222. Hort NZ [245.25] and NZ Pork [247.8] seek to include 'residential visitor accommodation'. The definition of 'visitor accommodation' is broad enough that it would include 'residential visitor accommodation'.
223. NZ Pork [247.8] seek to add 'educational activities' to this definition. It is my view that 'educational activities' are covered within the definition for 'educational facility'. Furthermore, educational activities is not a defined term within the Proposed Plan, whereas the definition for 'educational facility' is a definition prescribed in the NPS and must be used.
224. Hort NZ [245.25] and NZ Pork [247.8] seek to add 'supported residential care activity' into this definition. 'Supported residential care activity' falls within the definition of residential activity as it means *'land and buildings in which residential accommodation ... are provided by another person or agency for residents'*. It is clearly linked to residential activities.
225. Expanding on each activity does not aid in the application or implementation of this definition, and as such, my recommendation is to reject the above submissions.
226. KiwiRail [187.14] seek to add 'community facility' to this definition. The definition of 'community facility' is very broad and includes the use of land or buildings for sporting,

recreational and worship purposes. The introduction to the Noise chapter specifically discusses reverse sensitivity concerns of sensitive activities potentially constraining the ongoing operation of noise generating activities. Community facilities are considered noise generating activities in this explanation. Community facilities require resource consent as a restricted discretionary or discretionary activity within zones that provide primarily for residential use, such as the General Residential and Rural Lifestyle Zones. Policy RLZ-P5 specifically only allows community facilities where they have a functional need to operate in the RLZ, and are designed and located to minimise adverse effects on existing activities and the character and qualities of the zone. As community facilities are managed throughout the Proposed Plan to minimise adverse effects on currently defined sensitive activities, I do not agree that community facilities should be defined as a sensitive activity. I therefore recommend to reject this amendment.

227. KiwiRail [187.14] seek to add 'papakāika (papakāinga)' to this definition. Papakāika (Papakāinga) is very broadly defined within the Proposed Plan and includes a number of activities that can generate a variety of adverse effects, such as primary production, recreation activities and community facilities. This definition includes residential, home business, recreation activities and facilities, and primary production. Activities that fall within the definition of papakāika that are sensitive are already captured within the definition of 'Sensitive Activity' such as residential activities, preschools and marae. Other activities within the definition of papakāika are not considered sensitive, such as primary production, recreation activities and community facilities, and therefore are not required to be managed as such. I do not see it as appropriate to include Papakāika (Papakāinga) as a sensitive activity. I therefore recommend to reject this amendment.
228. Hort NZ [245.25] and NZ Pork [247.8] seek to add 'recreation activities' to this definition. The Proposed Plan definition of 'recreation activity' includes organised sports and both commercial and non-commercial recreation activities. There are a number of provisions within the plan where the effects (including nuisance) of recreation activities are managed, including provisions within the GRZ, GRUZ, RLZ and SETZ. Within the GRUZ, RLZ and SETZ recreation activities are permitted where they meet the standards including boundary setbacks for any buildings and structures. Where this setback is not met, matters of discretion consider the extent to which there are nuisance effects (including, noise, smell and privacy) among other matters. A key difference occurs in Rule GRUZ-R11 where organised sporting events are considered as a sensitive activity and required to comply with the setbacks of Standard GRUZ-S4. Non-compliance with that standard is a discretionary activity. With this in mind, it is my view that the Proposed Plan primarily seeks to manage the effects (including nuisance) of recreation activities, and where this differs treats specific activities within this definition as sensitive. For this reason, the sensitive aspect of recreation activities is already addressed by the PDP. Accordingly, I recommend to reject adding 'recreation activities' to the definition of 'sensitive activities'.
229. KiwiRail [187.14] seek to replace 'Place of Assembly' to 'Place of worship', which reduces the scope of the definition. I disagree with this amendment as there are other activities that would be captured under 'Place of Assembly', such as cultural centres, and conference and private function facilities, that would be sensitive to the effects of land use and development aside from places of worship. Based on the above I recommend to reject the submissions by Hort NZ [245.25], NZ Pork [247.8] and KiwiRail [187.14].

230. **Sensitive Environment** – TDC [42.3] and Heritage NZ [114.8] seek to replace item e. 'heritage item extent' with 'heritage setting'. Heritage setting is defined in the Proposed Plan and is defined to include land around and adjacent to a heritage item. However, the list provided within the 'Sensitive Environment' definition to which these submissions relate refers to map overlays. The NPS prescribes spatial layer (including overlays) names, symbols and colours that must be used when a plan uses that layer.<sup>32</sup> This applies to both the 'heritage item extent' and 'heritage item' listed within this definition. I cannot alter the name of these overlays, and do not recommend to amend the definition as requested by TDC [42.3] and Heritage NZ [114.8] as then the map layers will not be correctly referred to. For this reason I recommend rejecting submissions 42.3 and 114.8.
231. Speirs, B [66.8] seeks amendment to clause 2a. The submitter considers the area within 100m from the edge of the riparian margin is not specific enough as it does not specify which edge the distance is to be measured. However, which edge the riparian margin is measured from is irrelevant. The design of this clause is to allow for measurement from either edge, and in either direction. I recommend to reject this submission.
232. Forest and Bird [156.31] seek to amend the Proposed Plan so that areas important for highly mobile species are included within this definition. I do not consider this amendment appropriate. The NPS-IB identifies a list of Specified Highly Mobile Fauna within Appendix 2. The provisions relating to the identification of areas of Specified Highly Mobile Fauna (where they occur outside SNAs) rest largely with Regional Councils, with engagement required with landowners, District Councils and takata whenua<sup>33</sup>. Where identifying these areas will help manage adverse effects a map is to be inserted into regional policy statements (as well as a description of each area)<sup>34</sup>. This process has yet to be undertaken within Canterbury. It would be inappropriate to amend the PDP in line with this request at this time. Consequently, I recommend rejecting Forest and Bird's submission [156.31]. It is worth noting that the definition of Sensitive Environment includes Significant Natural Areas (SNAs) which would include habitat for Specified Highly Mobile Fauna. Also, if accepted, the inclusion of the Bat Protection Overlay would also aid in achieving the essence of Forest and Bird's [156.31] submission.
233. Dir. General of Conservation [166.11] seeks to include the Bat Protection Overlay as a 'sensitive environment' by listing it alongside other overlays identified in the Planning Maps under clause 1. The omission of the Bat Protection overlay from clause 1 of this definition is an error. For this reason I recommend accepting this submission.
234. Section 32AA: There are economic costs from the inclusion of the bat overlay in the definition of sensitive environment as new land uses and development will be required to meet additional standards and potentially apply additional mitigation measures. There are environmental benefits in that this amendment will aid the protection of bats and the habitats that are

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<sup>32</sup> Ministry for the Environment (2019) *National Planning Standards*, Standard 13 Mapping Standard, Clause 2, Page 51.

<sup>33</sup> Ministry for the Environment (2023) *National Policy Statement for Indigenous Biodiversity*, Clause 3.20, Pages 27-28.

<sup>34</sup> Ministry for the Environment (2023) *National Policy Statement for Indigenous Biodiversity*, Clause 3.20, Page 28.

- identified within the overlay. The risk of not acting is that bat habitat will not be appropriately protected from subdivision, land use and development and these ecological values could be undermined or lost. The addition of the Bat Protection Overlay to the Sensitive Environment definition will help implement objectives ECO-O1, ECO-O2 and SD-O2.
235. Road Metals [169.5] and Fulton Hogan [170.5] oppose the definition and seek to have it deleted. Their concern is that the definition is too broad, and not all overlays listed within the definition apply to each activity. They have particular concern regarding duplication related to quarries in the GRUZ, as quarries are already a discretionary activity and effects on a sensitive environment would already need to be considered. Fulton Hogan [170.5] suggest the alternative of including overlays/activities which trigger additional assessment in the relevant plan rule.
236. Both submissions state that this definition is only used within two contexts in the PDP, being the General Rural Zone (GRUZ-O5, GRUZ-P6, GRUZ-P7) and Hazardous Substances (HS-P1, HS-P4, HS-R1) chapters. This is incorrect. The definition is also used within the Energy and Infrastructure (EI-O2, EI-O3, EI-P2), Transport (TRAN-P4), Natural Hazard (NH-R3, NH-R9), Subdivision (SUB-P2, SUB-P14, SUB-R1, SUB-R2, SUB-R3), Coastal Environment (CE-R9) and Port Zone (PREC-O1) chapters.
237. The extensive use of the term 'sensitive environment' throughout the plan necessitates its definition. A number of the district wide chapters where this definition is used manage activities that occur across all zones of the District, and would therefore require all spatial layers, overlays and other matters to be listed. If it was deleted, the overlays, spatial layers and other matters within the definition would need to be written into every provision where it is currently referenced in order to achieve consistency across the plan. This would create confusion for plan users, and bulky provisions. This does not reflect best practice for plan drafting.
238. Regarding Road Metals' [169.5] and Fulton Hogan's [170.5] request to delete the 'Sensitive Environment' definition as it creates duplication in relation to quarries as they are already a discretionary activity in the General Rural Zone, it is important to note there are also permitted and restricted discretionary consent pathways provided for quarries and quarrying activities within the General Rural Zone.
239. Quarries and quarrying activities are enabled as a permitted activity where the amount of material extracted falls below a specific threshold in Rule GRUZ-R16. Clause 1 of Policy GRUZ-P6 guides the application of this rule where permitted quarries, or quarrying activities are required to protect the environment and sensitive activities. There is no specific reference to the 'Sensitive Environment' definition, rather effects on the environment are considered more broadly. This is reflected in the permitted activity conditions PER-1 – PER-3 of Rule GRUZ-R16.
240. Clause 2 of Policy GRUZ-P6 applies to consented mining and quarrying activities and only allows mining and other quarrying activities (ie, not small scale as managed in the preceding clause) where adverse effects on sensitive environments and sensitive activities are avoided, or if they cannot be avoided, then they are minimised. The restricted discretionary rule GRUZ-R23 then narrows the application of the 'Sensitive Environment' definition, by carving out specific sensitive environments within condition RDIS-3 that require a higher level of protection. If undertaken within these environments, then a discretionary consent pathway applies. It is important to note that all the sensitive environments referred to in this condition are Section 6 matters under the RMA, except for effects on visual amenity landscapes, which are a Section 7 matter. The inclusion of this Section 7 matter is due to the significant adverse effects that the

expansion of existing, consented quarries can have on visual amenity landscapes that can prevent achievement of maintaining and enhancing amenity values, as called for in RMA Section 7(c). The 'sensitive environment' definition (applied through policy GRUZ-P6) then still provides broad guidance as to which other sensitive environments need to be considered through the rule GRUZ-R23 matters of discretion when considering resource consents as an restricted discretionary activity.

241. In regards to the discretionary activity rule GRUZ-R24, or through rule GRUZ-R23 if the conditions of the rule are not met, reference to the 'Sensitive Environment' definition within Policy GRUZ-P6 still provides guidance to the consent planner assessing discretionary consents for quarries and quarrying activities, that all environments under this definition need to be assessed for their relevance to that application. For the above reasons, I recommend to reject Road Metals' [169.5] and Fulton Hogan's [170.5] submissions.
242. **Service Station** – BP Oil et al [196.13] seeks clarity as to whether Service Stations are Retail Activities. There is a note at the end of the definition of Service Stations saying that they are a subset of Retail Activity. However, on checking the Retail Activity definition, service stations are excluded. I agree that the note at the bottom of the Service Station definition should be amended to refer to the definition of commercial activity, not retail activity. I recommend that this submission is accepted.
243. Section 32AA: Amending this definition corrects an error. This amendment is effective and efficient as the definitions now clearly define how service stations are captured within the Proposed Plan, and removes contradiction across definitions of the Proposed Plan. This amendment better achieves SD-O6 in ensuring that commercial activities, including service stations are located and managed appropriately within the Timaru District.
244. **Shelter Belt** – Federated Farmers [182.27] seek to add to the benefits of shelter belts in this definition. I note the operative word in this definition is 'primarily'. I recognise that the presence of shelterbelts provide secondary benefits such as those identified by Federated Farmers. However, shelter belts are not planted primarily to create ecological habitats, provide food source in drought-like events or shelter from extreme climatic events which are the changes to the definition sought. I therefore recommend rejecting this submission.
245. Hort NZ [245.27] seek to include recognition of the importance of shelterbelts in managing spray drifts. Again, while I agree that shelterbelts may well provide this function, it is not the primary reason they are planted. I recommend rejecting this submission.
246. I note this definition includes a typographical error and recommend that this is corrected under Schedule 1, Clause 16(2) RMA.
247. **State Highway** – Waka Kotahi [143.17] seeks to amend a typographical error in the Proposed Plan by deleting '*i&nbspection*' found in the first sentence of this definition. I recommend accepting this submission.
248. Section 32AA: As this is a minor change that corrects an error, no full Section 32AA assessment is required.
249. **Undermine** – Speirs, B [66.10] opposes this definition as it is too broad and subjective and wants it deleted. The definition 'undermine' is used numerous times across many different chapters of the Proposed Plan. The proposed definition ensures that this term is applied consistently

across different activities and zones. Furthermore, if the definition was deleted it would default to a dictionary definition. Under the Oxford Dictionary there are various definitions for 'undermine' the majority of which are not appropriate for use within a District Plan context. It is my view that not defining this term would cause ambiguity in its application and has a greater potential to result in perverse outcomes across the District. I recommend rejecting this submission.

### ***New Definition Requests***

250. Hort NZ [245.35] request a definition for '**activities sensitive to transmission lines**'. The definition lists schools, residential buildings and hospitals as activities sensitive to transmission lines. I note that this reflects the definition of 'sensitive activities' as defined in the NPSET.
251. The drafting of the definition of 'sensitive activity', particularly the insertion of the exception clauses, has been undertaken in a manner to align with the NPSET. The NPSET defines 'sensitive activities' as 'includes schools, residential buildings and hospitals', but does not define the terms used within this definition. The Proposed Plan definition of sensitive activity excludes the consideration of marae and places of assembly from being considered sensitivity activities in relation to electricity transmission through the exception clauses. The rest of the clauses of the Proposed Plan definition of 'sensitive activity' align with the definition of 'sensitive activities' in the NPSET. In the case of healthcare facilities, as these are defined to be sensitive activities where they include overnight care within the Proposed Plan, these are considered to be consistent with the term 'residential buildings' in the definition of 'sensitive activities' in the NPSET.
252. As the definition of 'sensitive activity' already aligns with the NPSET, I see no need to duplicate this definition by adding a new definition for 'activities sensitive to transmission lines' and recommend that the submission by Hort NZ [245.35] is rejected.
253. Two submissions by Helicopters Sth Cant. [53.3] and NZAAA [132.2] request a definition for '**Aircraft**'. The definition proposed by the submitters is the same as that used in the RMA. I see merit in including this definition within the Proposed Plan for ease of reference, and recommend to accept the submissions by Helicopters Sth Cant. [53.3] and NZAAA [132.2].
254. Section 32AA: I consider the addition of this definition is minor in nature as it applies an RMA definition. I consider the recommended amendment will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be the benefit of improved plan interpretation. As no substantive change is proposed, I have not assessed the change further.
255. Te Tumu Paeroa [240.2] seeks to add a definition for '**Ancestral Lands**'. The submitter notes that 'Ancestral lands' and 'Māori Land' appear to be used interchangeably in the Proposed Plan. The submission seeks either to add a new definition of 'Ancestral Lands' or amend the Proposed Plan to use a singular term for 'Ancestral Lands' and 'Māori Lands'.
256. I do not consider that the terms indicated above are used interchangeably in the Proposed Plan. When the term Ancestral Land is used it is used in a general sense. Māori Land is defined within the Proposed Plan with specific links to the Te Ture Whenua Māori Land Act 1993 described in the definition. I recommend rejecting this submission.

257. I do note that other submissions have raised points surrounding ancestral land. These submission points will be addressed in a later hearing, and it is important to note that my recommendation is interim in light of consideration of these other submissions.
258. Heritage NZ [114.3] requests a definition for **Archaeological Site**. I believe this would be useful given that the term is used within the plan and there can be confusion about what constitutes an archaeological site. The proposed definition comes directly from the Heritage New Zealand Taonga Act 2014. I recommend accepting submission 114.3 to include the definition to avoid ambiguity or misunderstanding.
259. 'Archaeological site' is referred to throughout the Proposed Plan. There are two instances where 'archaeological area' is used within policies NH-P9 and EI-P2. These two instances are broad references to areas or environments that can have adverse effects on regionally significant infrastructure or natural hazard mitigation works. The use of 'archaeological areas' in these instances are interchangeable with 'archaeological sites' and I recommend as a consequential amendment to the insertion of this new definition that these policies are amended to read 'archaeological sites'.
260. Section 32AA: There are social, cultural and environmental benefits as this amendment enables adequate protection of archaeological sites through applying a clear, and widely used definition of what constitutes archaeological sites. There are no additional costs. The risk of not acting is that these resources are not accurately defined and could result in the cumulative loss of archaeological sites over the lifetime of the Proposed Plan. Accurate definition of 'archaeological sites' better ensures achievement of EW-O1 and EW-P3.
261. NZMCA [134.4 and 134.5] request two new definitions for **'Camping'** and **'Camping Ground'**. As raised by the submitter, application of the word 'camping' can differ across circumstances, ranging from a recreational pursuit to a commercial enterprise. The term 'camping' is only used once within the description of ONL-2 in SCHED8 – Schedule of Outstanding Natural Landscapes. Every other use of the term 'camping' is used as 'camping ground' or 'camping area'. As the introduction of a definition of camping would not assist the application of objectives, policies, rules or standards within the Proposed Plan, I do not recommend inserting a definition of camping.
262. Camping Ground is used within the DWP and OSZ chapters. Camping area is used within the GRUZ chapter within the rule relating to seasonal workers (GRUZ-R19). The application of this term here differs to the use of camping ground in the other two cases as it relates to temporary housing for seasonal workers, rather than for recreational or holiday purposes. Within the OSZ, Rule OSZ-R12 is a discretionary activity. As the discretion can be applied widely by the consent planner, the nature of camping ground captured by this rule could be assessed on a case-by-case basis (ie, whether for commercial or recreational purposes etc). Lastly, Rule DWP-R1 only requires that the camping ground be connected to a community wastewater treatment system, and if not then restricted discretionary consent is required. As a zone rule would also apply for the establishment of a new camping ground, such as OSZ-R12, the purpose of Rule DWP-R1 is primarily to ensure any camping ground sufficiently provide for wastewater treatment, and would not contaminate drinking water supply.
263. The definition proposed by the submitter, while originating from the Camping-Grounds Regulations 1985, is so broad that it could create a number of unintended consequences for the consideration of camping grounds within the Proposed Plan. For example, 'means any area of

land used', (i.e. camping ground could occur wherever a tent is placed) 'for the purposes of placing or erecting on land temporary living places' (i.e. does not specify tent, caravan or motorhome), and 'by 2 or more families or parties' (which may not always be applicable). Furthermore, the insertion of a definition for 'Camping Ground' would not provide sufficient guidance to the application of DWP-R1 to necessitate its definition within the Proposed Plan. Based on the above, I recommend to reject the submissions by NZMCA [134.4 and 134.5].

264. The Dir. General Conservation [166.13] seeks to add a definition for **Coastal Environment** consistent with the CRPS. The CRPS does not define the coastal environment, and specifically notes that *'The coastal environment will vary from place to place depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned'*.<sup>35</sup> The Regional Coastal Environmental Plan (2020 reprint) applies a similar definition.<sup>36</sup> The NZCPS relates to a broader definition of coastal environment, and refers to coastal features and processes that fall outside the jurisdiction of District Councils.
265. The words 'Coastal Environment' comes up many times in the Proposed Plan and has a general meaning. Where it relates to a rule, the Coastal Area is often defined in the maps as an overlay e.g. the Coastal Environment Overlay, the Coastal Erosion Overlay or the Coastal High Natural Character Areas. It is worth noting that the title of the Coastal Environment overlay cannot be changed as it is prescribed by the NPS. 'Coastal Environment' is also referred to more broadly within objectives, policies, introductory text and as a chapter heading. Due to the broad, general application of the words 'Coastal Environment', the presence of the Coastal Environment overlay, and the many ways in which this term is applied within the PDP I do not recommend to insert a definition for 'Coastal Environment' and recommend this submission is rejected.
266. Helicopters Sth Cant. [53.4], NZAAA [132.3] and the Dir. General Conservation [166.6] all request a new definition for **Conservation Activity**. The Dir. General Conservation's [166.6] submission notes that the term 'Conservation Activity' is used but no definition is given of what this would include. 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.
267. 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. The amended definition proposed by the Dir. General Conservation [166.6] is 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*

<sup>35</sup> Canterbury Regional Council (2021 reprint) *Canterbury Regional Policy Statement*, Chapter 8 – The Coastal Environment, Page 121.

<sup>36</sup> Canterbury Regional Council (2020 reprint) *Regional Coastal Environment Plan for the Canterbury Region*, Appendix 1 Definition of Terms, Page 180.

- Pest and weed control
- Track construction and maintenance
- Fencing.

268. This proposed definition places additional limits on what is considered a 'conservation activity' than what is allowed for within these permitted activity rules. The definition proposed by the Dir. General Conservation 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 of the activities listed within the proposed definition from the Dir. General Conservation [166.6] as well additional activities such as conservation education.
269. Within the NOSZ chapter various rules permit the activities listed within the proposed definition from the Dir. General Conservation [166.6]. Limited permitted activity conditions apply to each rule, and a further consent pathway is provided where these conditions are not met, providing for a broad framework enabling conservation activities across this zone.
270. One of the reasons the Dir. General Conservation [166.6] proposed the new definition for 'Conservation Activity' was to clarify within the Proposed Plan, that other agencies or persons could undertake activities for conservation purposes. None of the Proposed Plan rules specify that conservation activities have to be undertaken by the Department of Conservation. Based on the above, I recommend to reject this part of the submission (to insert a definition of Conservation Activity) by the Dir. General Conservation [166.6]. However, based on the assessment in the Timaru District Council definitions section of this report, to delete the 'Department of Conservation Activity' definition, this submission is recommended to be accepted in part overall.
271. Regarding the new definition of Conservation Activity requested by Helicopters Sth Cant., [53.4] and NZAAA [132.3]:

'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'.

272. There is such a broad range of activities that could be considered as conservation activities that this presents complexity when drafting a definition. Either the definition has to be drafted at such a broad level that it fails to provide much direction to the application of the plan rules without potentially giving rise to unintended consequences, or an exhaustive list needs to be provided. It is my opinion that detailing which activities fall within the terms of a conservation activity within the zone rules provides more certainty in allowing for conservation activities to occur within the District while still protecting ecological values and integrity. Furthermore, this can be tailored depending on the outcomes anticipated per zone. As a high level of specificity is provided through the plan rules, a new broad definition provides no additional guidance to

the plan and extends the scope of activities considered as 'conservation activities' beyond that which is anticipated by the plan rules.

273. I do not consider it appropriate to include 'the intermittent use of aircraft for conservation purposes' as sought by Helicopters Sth Cant. [53.4] and NZAAA [132.3]. The rules relating to conservation activities do not preclude the use of aircraft for conservation purposes. Other provisions, such as GRUZ-R14 relate to the use of aircraft and allow for ten take-offs and landings per month and therefore the Proposed Plan already allows for a level of intermittent use of aircraft where specific criteria can be met. I do not see the need to duplicate this within the definition.
274. South Pacific Sera [274.6FS] supports NZAAA's [132.3] original submission to insert a new definition for conservation activity but seeks to extend the definition to include all modes of transport, rather than specifically aircraft. This further submission extends scope beyond that which was sought in the original submission. Under RMA Section 8(2) a further submission must be limited to the scope of the original submission. In the same vein as above, the provisions that enable conservation activities do not preclude the use of certain modes of transport, instead they manage the conservation activity being undertaken.
275. Amending the definition as sought by Helicopters Sth Cant. [53.4] and NZAAA [132.3] unnecessarily limits the definition in such a way that is not reflected in the associated plan provisions. As such, I recommend to reject the submissions by Helicopters Sth Cant. [53.4] and NZAAA [132.3].
276. Based on the above recommendations to submissions, no new definition of Conservation Activity is recommended to be added to the Proposed Plan. For the avoidance of doubt, if the Hearing Panel were of mind to insert a new definition of Conservation Activity, my preference would be for the definition provided by DOC without the listed examples. It is worth noting that if the Panel do recommend to add a definition that consequential changes may be required to rules in various chapters.
277. Timaru Civic Trust [223.2] and Timaru TC Ratepayers [219.15] seek to add a definition for **Crime Prevention through Environmental Design (CPTED)**. The definition they seek to add is from the International CPTED Association (ICA). This term cannot be a definition because it refers to a national guideline document – National Guidelines for Crime Prevention through Environmental Design in New Zealand. Automatic hyperlinks to the guideline are also included in the ePlan where this term is included. In the appendices to the Proposed Plan, Appendix 3 is the National Guidelines for Crime Prevention through Environmental Design in New Zealand and this Appendix gives readers a good understanding of what CPTED is. There is already an abbreviation contained within the Proposed Plan for CPTED as well. Consequently, I do not see the benefit in also adding a definition and recommend that the submissions by Timaru Civic Trust [223.2] and Timaru TC Ratepayers [219.15] are rejected.
278. Forest and Bird [156.14] seek to add a definition for '**Domestic Garden**' so that there are no unintended consequences for bat habitat. The wording of the definition they would like is '*Does not include shelterbelts*'. My opinion is that the term domestic garden has a common understanding for people. The Oxford Dictionary describes a garden as a piece of land adjoining a house that grows plants, flowers, shrubs and vegetables. It is my opinion that most people would not associate a shelterbelt as part of a domestic garden and would consider a shelterbelt to be part of the infrastructure of a farm or horticulture block. Therefore I do not accept that it

is necessary to define domestic garden as excluding a shelterbelt and recommend rejecting this submission.

279. Hort NZ [245.33] seeks to include a definition for '**Greenhouses**'. The only reference to 'greenhouse' within the Proposed Plan is in relation to 'greenhouse gases'. As such, I recommend to reject this submission. I note that Hort NZ are seeking the addition of 'greenhouses' within a provision in the Energy and Infrastructure chapter. This submission will be considered within the relevant hearing, and as such my recommendation on this definition is interim and may need to be reconsidered as part of that topic.
280. Helicopters Sth Cant. [53.6] and NZAAA [132.5] both seek a definition for '**Helicopter Landing Area**'. The terms 'Helicopter Landing Sites' and 'Helicopter Landing Areas' are used in the GRUZ, NOISE and MPZ chapters, with the latter only used in reference to an AUS/NZ standard for Noise Management and Land Use Planning for Helicopter Landing Areas. South Pacific Sera [274.8FS] note that a definition of Heliport exists in Part 1, Clause 1.1 of the Civil Aviation Authority rules and that inclusion of a definition for Helicopter Landing Area is an unnecessary duplication of regulations.
281. The CAA definition of 'Heliport' relates specifically to helicopter landing areas that are specifically defined, intended and designed to be used for landing, departing and surface movement of helicopters, as '*means any **defined area** [emphasis added] of land or water, and any **defined area** [emphasis added] on a structure, **intended or designed** [emphasis added] to be used either wholly or partly for the landing, departure, and surface movement of helicopters*'. The provisions of the Proposed Plan have a broader application where the use of helicopter landing sites is permitted within the rural zone (GRUZ-R14) and in the noise chapter (NOISE-R10), if a few conditions are met, such as setbacks and the frequency of use of the helicopter. There is no requirement for the helicopter landing site to be specifically defined, intended or designed to be used for helicopter landing, departing and surface movement. Applying the CAA definition would inappropriately narrow the application of the zone rule and unnecessarily restrict the use of helicopters for the specific purposes to which the zone rule relates (emergency purposes, or assisting with primary production). For this reason, I recommend to reject the submissions by Helicopters Sth Cant. [53.6] and NZAAA [132.5] and to accept the further submission by South Pacific Sera [274.8FS], albeit not for the reasons provided within South Pacific Sera's further submission.
282. The Dept. Corrections [239.4] seeks to add a definition '**Household**' to clarify that a household is not necessarily limited to a family unit or a flatting arrangement (which they say are more commonly perceived household situations). The term 'household' is used ten times within the Proposed Plan and has multiple interpretations including describing the living arrangements within a residential unit, referring to the building or structure itself as a household unit or household, referring to household goods and household equipment and also household choice. Primarily, and including within SD-O1, the Proposed Plan refers to a household unit, rather than describing the living arrangements interpretation of 'household'.
283. The only occurrence of the term 'household' that aligns with the definition sought by the submitter is within the definition for 'residential unit'. The insertion of a definition of household was also sought by The Dept. Corrections on Plan Change 21 to the Mackenzie District Plan. In a reply report to the Hearing Panel the Section 42A author considered that 'a residential unit

would generally include any individuals living within a dwelling no matter their relationship'<sup>37</sup>. As the definition of 'residential unit' is an NPS definition, the same definition applies within the Proposed Plan. In my view, this reasoning also applies to the Proposed Plan, and the use of the term 'household' within the definition of 'residential unit' does not exclude the arrangements described by The Dept. Corrections. Based on the above, I do not consider it necessary to add a new definition of 'household' to the Proposed Plan. I recommend to reject the submission by The Dept. Corrections [239.4].

284. The Dept. Corrections [239.4] does highlight a minor error within the Proposed Plan, where I note the use of the words 'household unit' within the Proposed Plan are synonymous with the NPS definition of 'residential unit'. Standard 14, Definitions Standard, Clause 1 of the NPS directs that where a term is used in the same context as a definition contained within the NPS definition list, then the NPS definition must be used. I recommend that all references to 'household unit' within the Proposed Plan are amended to 'residential unit' as a consequential amendment to the Dept. Corrections [239.4] submission.
285. Radio NZ [152.24] seek to add a definition for '**Infrastructure**' as per the RMA Section 2. Although not showing in the Definitions chapter, 'Infrastructure' is defined in the Proposed Plan, and can be found by clicking on the word after which the RMA's definition of 'infrastructure' is indicated in a pop up box. It is a technical issue that needs to be fixed so the definition appears in the Definitions chapter list. For this reason, I recommend this submission be accepted.
286. Section 32AA: I recommend this amendment is considered as correcting a minor error as outlined within RMA Schedule 1, Section 16(1) RMA as it adds a definition to the Definitions chapter that is already being applied within the provisions of the Proposed Plan. In the instance the Hearing Panel does not consider this matter can be dealt with by Section 16(1) RMA, it is considered that this amendment is effective as this definition is now clearly listed within the Definitions chapter of the Plan. It is efficient as it removes any confusion around the use of this definition in the Proposed Plan. I consider the recommended amendment will not have any greater environmental, economic, social, and cultural costs than the notified provisions. A clear definition aids achievement of outcomes sought in SD-O8 and EI-O3.
287. The Dir. General of Conservation [166.17] requests a new definition be added for '**Risk**' consistent with the definition of risk in the NZCPS. The NZCPS definition is about the consequences of an event and the associated likelihood of occurrence from the AS/NZS ISO 31000:2009 Risk management – Principles and guidelines, November 2009.
288. Risk in planning terms is highly complex and depends on a number of variables. The above definition relates to coastal hazards only and does not relate to other natural hazards such as volcanic eruption, land slide, liquefaction etc. The term is also general and extends into areas of risk other than environmental when it comes to planning for example economic, social and political risk. The general application of this term is reflected in various provisions of the Proposed Plan, as such:
- Identification of areas subject to natural hazards and risk (SD-O4);

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<sup>37</sup> Mackenzie District Council (2023) *Section 42A Report: Plan Change 21 – Implementation of the Spatial Plans Reply Report*, Section 8 Department of Corrects, Paragraph 58, Page 14.

- Scale and significance of birdstrike risk (EI-R37);
- Requirements for source water risk management plans (DWP-R2);
- Consideration of significant habitats of at risk or threatened species (NATC-P2);
- Reduction of traffic risk within the road corridor (ECO-R1.1 PER-2);
- Consideration of public safety risk (PA-R1).

289. For the reasons given above I recommend rejecting this submission.

290. OWL [181.16] request a new definition for **'Water Infrastructure'** meaning water storage and supply, stormwater or wastewater infrastructure.

291. As discussed above (see the assessment on the submission from Radio NZ [152.24]), a new definition of infrastructure as per the RMA definition is recommended to be inserted. I consider that as this amendment includes 'water infrastructure' that an additional definition is not required. Consequently, I recommend rejecting this submission.

#### **General submissions on Definitions chapter**

292. There are three submissions from Dir. General Conservation [166.2 and 166.3] and OWL [181.11] which support all definitions as notified unless specific changes are requested. As changes are recommended to some notified definitions, and new definitions are recommended to be inserted into the Proposed Plan I therefore **accept in part** those submission points.

#### **5.8.1.3 Summary of recommendations**

293. I recommend that:

- a. All submissions in support of the NPS' definitions as set out in Appendix B are **accepted**.
- b. All submissions requesting amendment to, or the deletion of the NPS' definitions as set out in Appendix B are **rejected**.

294. I recommend, for the reasons given in the above assessment, that the Hearings Panel:

- a. **Accessway/Access Way** – **Accept** the submission by MFL [60.1].
- b. **Bank** – **Reject** the submissions by Road Metals [169.1] and Fulton Hogan [170.1].
- c. **Department of Conservation Activity** – **Accept in part** the submission by the Dir. General Conservation [166.6] and **Reject** the submission by Forest and Bird's [156.13].
- d. **Plantation Forestry** – **Reject** the submissions by Helicopters Sth Cant., [53.9], NZAAA [132.7] and Federated Farmers [182.20], with changes shown in Appendix A.
- e. **Replacement** – **Accept in part** the submission by Transpower [159.18].
- f. **Reverse Sensitivity** – **Accept in part** the submissions by Alliance Group [173.9], Silver Fern Farms [172.10] and KiwiRail [187.13]. **Reject** the submission by Transpower [159.19].

- g. **Sensitive Activity – Accept** the submissions by MoE [106.6], BP Oil et al [196.11], and Radio NZ [152.20]. **Accept in part** the submissions by Transpower [159.20], Silver Fern Farms [172.11] and Alliance Group [173.10]. **Reject** the submissions by Speirs, B [66.7], Fonterra [165.21], KiwiRail [187.14], Hort NZ [245.25] and NZ Pork [247.8].
- h. **Sensitive Environment – Accept** the submission by the Dir. General Conservation [166.11]. **Reject** submissions by TDC [42.3], Heritage NZ [114.8], Speirs, B [66.8], Forest and Bird [156.31], Road Metals [169.5] and Fulton Hogan [170.5].
- i. **Service Station - Accept** the submission by BP Oil et al [196.13].
- j. **Shelter Belt - Reject** the submissions by Federated Farmers [182.27] and Hort NZ [245.27], with amendements as shown in Appendix B.
- k. **State Highway – Accept** the submission by Waka Kotahi [143.17].
- l. **Undermine - Reject** the submission by Speirs, B [66.10].
- m. **New, Activities sensitive to transmission line – Reject** the submission by Hort NZ [245.35].
- n. **New, Aircraft - Accept** the submissions by Helicopters Sth Cant., [53.3] and NZAAA [132.2].
- o. **New, Ancestral Land - Reject** the submission by Te Tumu Paeroa [240.2].
- p. **New, Archaeological Site - Accept** the submission by Heritage NZ [114.3]
- q. **New, Camping - Reject** the submission by NZMCA [134.4]
- r. **New, Camping Ground - Reject** the submission by NZMCA [134.5].
- s. **New, Coastal Environment – Reject** the submission by the Dir. General Conservation [166.13].
- t. **New, Conservation Activity – Reject** the submissions by Helicopters Sth Cant [53.4] and NZAAA [132.3]. **Accept in part** the submission by the Dir. General Conservation [166.6] based on the recommendations made on the definition of **Department of Conservation Activity**.
- u. **New, Crime Prevention Through Environmental Design (CPTED) – Reject** the submissions by Timaru Civic Trust [223.2] and Timaru TC Ratepayers [219.15].
- v. **New, Domestic Garden – Reject** the submission by Forest and Bird [156.14].
- w. **New, Greenhouses – Reject** the submission by Hort NZ [245.33].
- x. **New, Helicopter Landing Area – Reject** the submissions by Helicopters South Cant., [53.6] and NZAAA [132.5].
- y. **New, Household - Reject** the submission by Dept. Corrections [239.4].
- z. **New, Infrastructure - Accept** the submission by Radio NZ [152.24].
- aa. **New, Risk - Reject** the submission by the Dir. General Conservation [166.17].

bb. **New, Water Infrastructure** - Reject the submission by OWL [181.16].

295. Given the above changes I am recommending, I recommend that the **Entire chapter definitions** in support of the Definitions chapter in its entirety as set out in Appendix B are **accepted in part**.
296. Where I did not recommend changes to a definition, the submissions in support of that definition as set out in Appendix B are **accepted**.
297. Where I recommend amendments (other than deletion) to a definition, the submissions in support of that definition as set out in Appendix B are **accepted in part**.

#### 5.8.1.4 Recommended changes to the District Plan

298. Amend the Definitions as shown in Table 7 below:

**Table 6 - Recommended changes to definitions**

Definition	Recommended Change
Accessway/Access Way	Amend definition of <b>Access way / Accessway</b> as follows: <i>Means that area of land over which vehicular, pedestrian and/or livestock access to a legal road is obtained and extends to include, as the context requires: an access leg; access lot; private way; land shown on a cross lease or company lease definition plan as being available for use for that purpose; and land shown as common land on a unit plan under the Unit Titles Act 1972 <u>2010</u><sup>38</sup> which is used for that purpose.</i>
Department of Conservation Activity	Delete definition of Department of Conservation Activity:  <del><b>Department of Conservation Activity</b> <i>is an activity listed in APP1 – Work or activities of the Department of Conservation. The list includes activities specifically provided for in the Canterbury (Waitaha) Conservation Management Strategy 2016 which it considers meets the requirements of Section 4(3) of the Resource Management Act 1991 for exemptions from land use consents.</i><sup>39</sup></del>
Plantation Forestry	Amend the definition of <b>Plantation Forestry</b> as follows:  <i><u>Has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017:</u><sup>40</sup>  means a forest deliberately established for commercial purposes, being—  a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</i>

<sup>38</sup> MFL [60.1].

<sup>39</sup> Dir. General Conservation [166.6].

<sup>40</sup> Correction of a minor error as outlined within RMA Schedule 1, Section 16(2).

	<p><i>b. includes all associated forestry infrastructure; but</i></p> <p><i>c. does not include—</i></p> <p><i>i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</i></p> <p><i>ii. forest species in urban areas; or</i></p> <p><i>iii. nurseries and seed orchards; or</i></p> <p><i>iv. trees grown for fruit or nuts; or</i></p> <p><i>v. long-term ecological restoration planting of forest species; or</i></p> <p><i>vi. willows and poplars space planted for soil conservation purposes</i></p>
Replacement	<p>Amend the definition of <b>Replacement</b> as follows:</p> <p><i>Means replacing an object or its parts with another of the same or similar location, height, size, capacity, footprint and scale and for the same or similar purpose. It does not include repair.</i><sup>41</sup></p>
Reverse Sensitivity	<p>Amend the definition of <b>Reverse Sensitivity</b> as follows:</p> <p><i>'Reverse sensitivity means the potential for the operation of an <del>existing</del>—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 <del>existing</del> that'</i><sup>42</sup><i>activity</i></p>
Sensitive Activity	<p>Amend the definition of <b>Sensitive Activity</b> as follows:</p> <p><i>means:</i></p> <ol style="list-style-type: none"> <li><i>1. Residential activities;</i></li> <li><i>2. Education facilities and preschools;</i></li> <li><i>3. Guest <del>and</del><sup>43</sup> visitor accommodation;</i></li> <li><i>4. Health care facilities which include accommodation for overnight care;</i></li> <li><i>5. Hospitals;</i></li> <li><i>6. Marae (building only); or</i></li> <li><i>7. Place of assembly.</i></li> </ol> <p><i>except that:</i></p> <p><i>a. subclause f. 6 above is not applicable in relation to <del>electronic</del> electricity.</i><sup>44</sup><i>transmission.</i></p>

<sup>41</sup> Transpower [159.18]

<sup>42</sup> Alliance Group [173.9], Silver Fern Farms [172.10] and KiwiRail [187.13]

<sup>43</sup> Transpower [159.20]

<sup>44</sup> MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

	<i>b. subclause <del>g</del> 7 above is not applicable in relation to noise or <del>electronic</del> <u>electricity</u>.<sup>45</sup>transmission.</i>
Sensitive Environment	<p>Amend the definition of <b>Sensitive Environment</b> as follows:</p> <p><i>means</i></p> <p><i>1. areas within the following overlays identified on the Planning map:</i></p> <p><i>a. Coastal Environment; and</i></p> <p><i>[...]</i></p> <p><i>o. Within 250m from Major Hazard Facilities; and</i></p> <p><i><u>p. Bat Protection overlay; and</u></i><sup>46</sup></p> <p><i>2. the below areas:</i></p> <p><i>[...]</i></p>
Service Station	<p>Amend the definition of <b>Service Station</b> as follows:</p> <p><i>means any site primarily used for the retail sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may include any one or more of the following activities, where they are ancillary to the retail sale of fuels:</i></p> <ul style="list-style-type: none"> <li>• <i>Sale or hire of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts, trailers and other accessories normally associated with motor vehicles;</i></li> <li>• <i>Truck stops;</i></li> <li>• <i>Trailer hire;</i></li> <li>• <i>The ancillary sale of other goods for the convenience and comfort of service station customers;</i></li> </ul> <p><i>but shall not include any industrial activity.</i></p> <p><i>Note: This definition is a subset of <del>retail</del> <u>retail-commercial</u> <sup>47</sup>activity.</i></p>
Shelter Belt	<p>Amend the definition of <b>Shelter Belt</b> as follows:</p> <p><i>means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s). Shelterbelts are no greater than 30 metres in width and are not clear felled (unless <del>the</del> clear felled if for replanting of <u>a</u>.<sup>48</sup>new shelterbelt).</i></p>
State Highway	Amend the definition of <b>State Highway</b> as follows:

<sup>45</sup> MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

<sup>46</sup> Dir. General of Conservation [166.11]

<sup>47</sup> BP Oil et al [196.13]

<sup>48</sup> Correction of a minor error as outlined within RMA Schedule 1, Section 16(2).

	<p><i>has the same meaning as <del>inspection</del> in section<sup>49</sup> 5 of the Land Transport Management Act 2003:</i></p> <p>[...]</p>
New, Aircraft	<p><i><u>Has the same meaning as in section 2 of the Resource Management Act 1991:</u></i></p> <p><i><u>means –</u></i></p> <p><i><u>any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.</u></i><sup>50</sup></p>
New, Archaeological Site	<p>Add a definition for:</p> <p><b><u>Archaeological Site:</u></b></p> <p><i><u>Has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014:</u></i></p> <p><i><u>means-</u></i></p> <p><i><u>a. any place in New Zealand, including any building or structure (or part of a building or structure), that:</u></i></p> <p style="padding-left: 40px;"><i><u>i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</u></i></p> <p style="padding-left: 40px;"><i><u>ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</u></i></p> <p><i><u>b. includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.</u></i><sup>51</sup></p>
New, Infrastructure	<p>Add a definition for:</p> <p><b><u>Infrastructure</u></b></p> <p><i><u>Has the same meaning as in section 2 of the Resource Management Act 1991:</u></i></p> <p><i><u>means—</u></i></p> <p><i><u>(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;</u></i></p> <p><i><u>(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;</u></i></p> <p><i><u>(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;</u></i></p> <p><i><u>(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used</u></i></p>

<sup>49</sup> Waka Kotahi [143.17]

<sup>50</sup> Helicopters Sth Cant. [53.3] and NZAAA [132.2]

<sup>51</sup> Heritage NZ [114.3]

	<p><u>or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</u></p> <p><u>(i)uses them in connection with the generation of electricity for the person's use; and</u></p> <p><u>(ii)does not use them to generate any electricity for supply to any other person:</u></p> <p><u>(e)a water supply distribution system, including a system for irrigation:</u></p> <p><u>(f)a drainage or sewerage system:</u></p> <p><u>(g)structures for transport on land by cycleways, rail, roads, walkways, or any other means:</u></p> <p><u>(h)facilities for the loading or unloading of cargo or passengers transported on land by any means:</u></p> <p><u>(i)an airport as defined in section 2 of the Airport Authorities Act 1966:</u></p> <p><u>(j)a navigation installation as defined in section 2 of the Civil Aviation Act 1990:</u></p> <p><u>(k)facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</u></p> <p><u>(l)anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.<sup>52</sup></u></p>
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## 5.8.2 Abbreviations

### 5.8.2.1 Matters raised by submitters

299. Seven submissions were received on the Abbreviations chapter; six seeking amendments and one in support.
300. Speirs, B [66.14] considers there is an error in the abbreviation 'DRPA' and seeks either its correction or deletion.
301. Speirs, B [66.15] also seeks to correct the full term for 'MHWS' to 'Mean High Water Springs'.
302. Connexa [176.28], Spark [208.28], Chorus [209.28] and Vodafone [210.28] seek to add the date of 2016 in the full term for NESTF for consistency with other regulations referenced in the Abbreviations chapter.

### 5.8.2.2 Assessment

303. There are two abbreviations (DRPA and DWPA) listed for 'Drinking Water Protection Area'. The duplication is an error. As the abbreviation 'DRPA' is not found anywhere in the Proposed Plan, I accept Speirs, B submission [66.14] and recommend the abbreviation 'DRPA' be deleted. For

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<sup>52</sup> Radio NZ [152.24]

completeness the abbreviation 'DWPA' is used throughout the Drinking Water Protection chapter.

304. An error has occurred in that the abbreviation 'MHWS' has been entered as the full term description for that abbreviation. The correct full term description is 'Mean High Water Springs' and the table needs to be amended to correct the error. I recommend accepting Speirs, B submission [66.15].
305. All NES's listed in the Abbreviations chapter include the date of issue after the full-term description, except the NESTF. I consider the matter of including the year 2016 after the full term of the National Environmental Standards for Telecommunication Facilities to be a minor change which would ensure consistency within the table of abbreviations. I recommend accepting these submissions from Connexa [176.28], Spark [208.28], Chorus [209.28] and Vodafone [210.28].

### 5.8.2.3 Summary of recommendations

306. I recommend that the submissions from:

- a. Speirs, B [66.14 and 66.15], Connexa [176.28], Spark [208.28], Chorus [209.28] and Vodafone [210.28] are **accepted**.
- b. Given the changes I am recommending, I recommend that the submission in support of the Abbreviations chapter, is **accepted in part**.

### 5.8.2.4 Recommended changes to the District Plan

307. I recommend that the Hearings Panel:

- a. Delete the abbreviation DRPA<sup>53</sup>.
- b. Amend the abbreviation full term for MHWS as *Mean High Water Springs*<sup>54</sup>.
- c. Amend the abbreviation full term for NESTF by adding the date 2016<sup>55</sup> after it.

## 5.8.3 Glossary

### 5.8.3.1 Matters raised by submitters

308. Three submissions were received on the Glossary chapter; two seeking amendments and one in support.
309. Te Rūnanga o Ngāi Tahu [185.14] seeks to amend the meaning of 'Kāi Tahu' to include the names of the five primary hapū of Kāi Tahu, Kāti Ngāti Māmoe and Waitaha.
310. Te Rūnanga o Ngāi Tahu [185.13] seeks to amend the glossary explanation of 'Kāti Huirapa' by adding an advice note to explain that Kāti Huirapa includes Te Rūnanga o Ngāi Tahu.

### 5.8.3.2 Assessment

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<sup>53</sup> Speirs, B [66.14]

<sup>54</sup> Speirs, B [66.15]

<sup>55</sup> Connexa [176.28], Spark [208.28], Chorus [209.28] and Vodafone [210.28]

311. Te Rūnanga o Ngāi Tahu [185.14] outline that the term 'Kāi Tahu' is not complete as per s9 of the Ngāi Tahu Claims Settlement Act 1998. I agree, and recommend to accept this submission as the minor addition requested achieves consistency with this legislation.
312. At a broad level, the addition of an advice note to the term 'Kāti Huirapa' provides an opportunity to bring clarity to the Proposed Plan on the relationship between Te Rūnanga o Ngāi Tahu and Kāti Huirapa. Section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 recognises this relationship as:

*'15 Status of Te Rūnanga o Ngāi Tahu*

*(1) Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngai Tahu Whanui.*

*(2) Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whanui, be held with Te Rūnanga o Ngāi Tahu.*

*[...]*

313. As the amendments sought by Te Rūnanga o Ngāi Tahu [185.13] clarify the relationship between Te Rūnanga o Ngāi Tahu and Kāti Huirapa as described within national legislation, I recommend this submission is accepted.

### **5.8.3.3 Summary of recommendations**

314. I recommend that the submissions from:

a. Te Rūnanga o Ngāi Tahu [185.13 and 185.14] are **accepted**.

315. Given the changes I am recommending, I recommend that the submission in support of the Glossary chapter, is **accepted in part**.

### **5.8.3.4 Recommended changes to the District Plan**

316. Amend the glossary explanation for **Kāi Tahu** as follows:

*The collective of the individuals who descend from one or more of the of the five primary hapū of Kāi Ngai Tahu, Kāti Ngāti Māmoe and Waitaha, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki.<sup>56</sup>*

317. Amend the glossary explanation of **Kāti Huirapa** as follows:

*The hapū that holds rights of Mana Whenua for the lands, waters, coastal and marine environments between the Rakaia River in the north, Waitaki River in the south and between the East Coast and the Southern Alps. Note: For the purposes of implementing this plan, Kāti Huirapa includes Te Rūnanga o Ngāi Tahu.<sup>57</sup>*

<sup>56</sup> Te Rūnanga o Ngāi Tahu [185.14]

<sup>57</sup> Te Rūnanga o Ngāi Tahu [185.13]

## 5.9 GROUP TOPIC 4 - National Direction Instruments Section Submissions

### 5.9.1 National Policy Statements and New Zealand Coastal Policy Statement

#### 5.9.1.1 Matters raised by submitters

318. Four submissions were received to this chapter; one in support and three to amend.
319. Fonterra [165.24] seeks to amend the chapter so that it states the most recent version of policy statement, in this case to recognise the NPS UD 2020, and to add the NPS HPL 2022 into the Proposed Plan.
320. Hort NZ [245.36] and Speirs, B [66.16] also request that this section includes the National Policy Statement for Highly Productive Land 2022. Speirs, B also requests to review the Proposed Plan in terms of that document.

#### 5.9.1.2 Assessment

321. Part of Fonterra's submission [165.24] requests an amendment to ensure the latest version of the NPS UD is referenced, which was updated in 2020. The Proposed Plan is legally obliged to give effect to this NPS, in particular as it was made operative well before the Proposed Plan was notified. The NPS UD 2020 has been considered in the notified Proposed Plan. I accept this part of this submission.
322. Hort NZ [245.36], Speirs, B [66.16] and Fonterra [remaining part of 165.24] request the inclusion of the recently released NPS HPL into the list of National Policy Statements. Speirs, B [66.16] also requests that the Proposed Plan is reviewed against this document. The Proposed Plan was notified on 22 September 2022, and was prepared prior to publication of the NPS HPL on 20 Sept 2022. Therefore given this timing a full evaluation of the Proposed Plan in relation to the NPS HPL under s32 RMA was not undertaken as part of the preparation of the Proposed Plan. Clarity as to how the NPS HPL 2022 relates to the development of the Proposed Plan can be achieved through including the NPS HPL 2022 within the list, and outlining that the plan has not been reviewed in accordance with this document.
323. Following notification, any changes to the Proposed Plan must be within the scope of submissions, and should not prejudice any persons who may not have had adequate notice and opportunity to submit on changes. Giving effect to the NPS HPL as a whole in response to submissions is likely to prejudice persons who were not aware that these documents may be implemented in the Proposed Plan after notification. The Proposed Plan is not legally obliged to give effect to the NPS HPL 2022 immediately. Part 4 of the NPS HPL requires Council to notify changes to objectives, policies, and rules in its district plan to give effect to this National Policy Statement as soon as practicable, but no later than 2 years after maps of highly productive land in the relevant regional policy statement become operative. When maps from Ecan, within the regional policy statement, become operative the Council must use maps that are exactly equivalent, no later than 6 months after the regional maps become operative<sup>58</sup>. An associated plan change or variation process will amend provisions to give effect to the NPS HPL.

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<sup>58</sup> Ministry for the Environment (2022) *National Policy Statement for Highly Productive Land*, Clause 3.5(3), Page 9.

Accordingly, in my view it is not appropriate to review the Proposed Plan as a whole in light of the NPS HPL 2022 in response to submissions.

324. Where submissions request specific amendments to provisions within the Proposed Plan in light of the NPS HPL these submissions will be considered by the Section 42A officers alongside any other amendments to those provisions.
325. For the reasons given above, I recommend to accept the submissions from Hort NZ [245.36] and Fonterra [165.24] in thereby listing the NPS HPL 2022 while noting that the District Plan has not been reviewed in accordance with this NPS. I recommend to accept the submission of Speirs, B [66.16] in part.

### 5.9.1.3 Summary of recommendations

326. I recommend that the submissions from:
- a. Hort NZ [245.36] and Fonterra [165.24] are **accepted**.
  - b. Speirs, B [66.16] is **accepted in part**.
327. Given the changes I am recommending, I recommend that the submission in support of the National Policy Statements and New Zealand Coastal Policy Statement chapter, is accepted in part.

### 5.9.1.4 Recommended changes to the District Plan

328. Amend this section as follows:

*National policy statements (NPSs) and the New Zealand Coastal Policy Statement (NZCPS) form part of the RMA's policy framework and are prepared by central government. NPSs and the NZCPS contain objectives, policies and methods that must be given effect to by regional policy statements and plans. Consent authorities must also have regard to NPSs and the NZCPS when making decisions on resource consent applications, alongside other considerations.*

*The following table provides an overview of whether a review of the Timaru District Plan has been undertaken in relation to the NPSs and the NZCPS.*

<i>National Policy Statement for Freshwater Management 2020</i>	<i>The Timaru District Plan has been reviewed.</i>
<i>National Policy Statement on Urban Development Capacity 2016-2020<sup>59</sup></i>	<i>The Timaru District Plan has been reviewed.</i>
<i>National Policy Statement on Renewable Electricity Generation 2011</i>	<i>The Timaru District Plan has been reviewed.</i>

<sup>59</sup> Fonterra [165.24]

<i>New Zealand Coastal Policy Statement 2010</i>	<i>The Timaru District Plan has been reviewed.</i>
<i>National Policy Statement on Electricity Transmission 2008</i>	<i>The Timaru District Plan has been reviewed.</i>
<i><u>National Policy Statement on Highly Productive Land 2022</u></i>	<i><u>The Timaru District Plan has not been reviewed.</u></i> <sup>60</sup>

## **5.9.2 National Environmental Standards**

### **5.9.2.1 Matters raised by submitters**

329. Four submissions were received to this chapter, all in support and seeking no amendments.

### **5.9.2.2 Summary of recommendations**

330. As all submissions received on the National Environmental Standards chapter were in support, I recommend they are accepted.

### **5.9.2.3 Recommended changes to the District Plan**

331. No amendments are proposed.

## **5.9.3 Regulations**

### **5.9.3.1 Matters raised by submitters**

332. Four submissions were received to this chapter, all in support and seeking no amendments.

### **5.9.3.2 Summary of recommendations**

333. As all submissions received on the Regulations chapter were in support, I recommend they are accepted.

### **5.9.3.3 Recommended changes to the District Plan**

334. No amendments are proposed.

## **5.10 GROUP TOPIC 5 - Mana Whenua Section Submissions**

### **5.10.1 Mana Whenua**

335. For the Mana Whenua chapter I address the submission points per section (for example MW2.1.5, MW2.1.6). I address each submission point within each section including a brief summary of the submission point, analysis of that submission point and then the

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<sup>60</sup> Hort NZ [245.36], Speirs, B [66.16] and Fonterra [165.24]

recommendation. I then move onto the next submission point. For the most part, there is only one submission point per section. Lastly, I detail any amendments recommended to the Mana Whenua section.

#### **5.10.1.1 Matters raised by submitters and assessment**

336. Twenty submissions were received on the Mana Whenua chapter; nine requesting amendments and eleven in support.
337. All submissions in support, support either the chapter in total or specific sections and seek to retain sections as notified. I accept these submissions of support however some are accepted in part because of amendments I recommend in this report for changes to some sections of the chapter.

#### **General submissions on the Mana Whenua chapter**

338. Te Rūnanga o Ngāi Tahu [185.24] seek to amend the entire chapter to change the word Māori to either 'Mana Whenua' or 'Kāti Huirapa'.
339. The word Māori is a generic term used to refer to all indigenous people of New Zealand. Whereas the Mana Whenua chapter is about only those indigenous people (tribes/Hapū/Whānau) who have their traditional/customary authority in the Timaru District.
340. The Mana Whenua chapter uses the word 'Māori' twelve times. Every occurrence of this word is accurate, and it is not appropriate to replace these with Mana Whenua. For completeness, the Mana Whenua chapter uses the word Māori as follows:
- Mātauraka māori is a science that applies to all Māori;
  - Tikaka is a protocol that all Māori follow;
  - Te Reo Māori is a language that applies to everyone;
  - Māori Reserve Land is a legal description;
  - Statutory functions under the Treaty of Waitangi applies to Māori as well as Mana whenua, but the context in which it is written in MW2.2.5 it is more generic; therefore, Māori is the correct term;
  - SASM means Sites and Significance to Māori under the National Planning Standards.
341. There is one occurrence within the first paragraph of MW2.2.5 where the word Māori is missing the macron. Under RMA Section 16(2) I recommend that the macron is added as a correction of a minor error. For this reason I recommend to reject Te Rūnanga o Ngāi Tahu's [185.24] submission.
342. McKenzie, J [10.3] considers the term Mana Whenua in the proposed plan confusing and seeks that the Proposed Plan be consistent with the CRPS' use of the terms Tāngata Whenua and Mana Whenua and to provide consistency with Waitangi Tribunal decisions which define the terms.
343. The submitter refers to section 2.1 of the CRPS. This section explains how Mana Whenua is determined and recognised by the CRC, particularly that the CRC '*recognises Mana Whenua through its relationship and engagement with papatipu rūnanga and Te Rūnanga o Ngāi Tahu*'

with Mana Whenua being *'determined by whakapapa (genealogical ties), and confers traditional customary authority over an area'*.

344. The term used in the CRPS for Mana Whenua covers all of the Canterbury region and therefore includes all those Ngāi Tahu whānau and hapū in the whole region as Mana Whenua. However the Proposed Plan relates only to the District of Timaru. Which hapū or whānau holds Mana Whenua in the Timaru District is more specific.
345. Section MW1 of the Mana Whenua chapter, and the Glossary to the Proposed Plan describe Mana whenua as it relates to the Timaru District. Mana Whenua is the iwi or hapu that exercise customary authority over an area. The hapū who hold mana whenua in Timaru District are Kāti Huirapa. Takata Whenua, in relation to a particular area, means the iwi or hapu that holds Mana Whenua over that area. For the South Island this is Kāi Tahu.
346. Based on the above, I support the use of Mana Whenua as in the Proposed Plan and recommend rejecting submission 10.3.

#### **MW2.1.5**

347. Te Rūnanga o Ngāi Tahu [185.27] seek to improve clarity in the MW2.1.5 Kaitiakitaka/takata tiakitaka section of the chapter through two amendments:

*Traditionally, kaitiaki were taniwha – birds or animals who were guardians of the environment – who signalled the relative health and vitality of their respective environments to the local tohuka and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly.*

[...]

*To give effect to kaitiakitaka it is important for resource users and decision makers to engage meaningfully with those holding Mana Whenua over an area as required by section 7 of the RMA.*

348. With respect to the first amendment, I accept the further clarity sought by Te Rūnanga o Ngāi Tahu as it assists in describing their relationship with their taonga and aligns with guidance provided in the NPS for the Mana Whenua chapter.<sup>61</sup> With respect to the second amendment as kaitiakitanga is listed as a matter for particular regard under s7(a) of the RMA I agree that this amendment is relevant, although I propose some alternative wording to align with this section of the RMA. As a result, I recommend submission 185.27 be accepted in part.

#### **MW2.1.6**

349. Te Rūnanga o Ngāi Tahu [185.28] seek to add further wording to the Rakatirataka section (MW2.1.6) to provide clarity that they will *'have a voice in all resource management decision making'*. The submission also seeks to delete the word 'ancestral' in relation to their lands.
350. I agree that amendments can be made to clarify that Te Rūnanga o Ngāi Tahu have a voice in resource management decision making (at a broad level), and to insert specificity that 'active

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<sup>61</sup> Ministry for the Environment (2019) *National Planning Standards*, Standard 6 Introduction and General Provisions Standard, Clause 28, Sub-Clause vi, Page 31.

involvement' used earlier in the paragraph, includes having a voice in resource management decision making. Discussions with Te Rūnanga o Ngāi Tahu on the 23 January 2024 clarified that amending section 2.1.6 in line with their relief sought, without the inclusion of the word 'all' would still achieve the relief they are seeking.

351. Te Rūnanga o Ngāi Tahu [185.28] also sought the deletion of the word 'ancestral' in relation to their land within the following sentence:

*'Rakatirataka is also recognised through a planning framework that enables Kāi Tahu to maintain customary practices and to use their ~~ancestral~~ land in a way that supports their identity and wellbeing'.*

352. Further reasons were provided through discussions with Te Rūnanga o Ngāi Tahu on the 23 January 2024, being that the sentence is complete without the reference to 'ancestral'. I agree with this reason, and therefore recommend to amend the sentence as sought by the submitter.
353. I do note that other submissions have raised points surrounding ancestral land. These submission points will be addressed in a later hearing, and it is important to note that my recommendation is interim in light of consideration of these other submissions.
354. Accordingly, I recommend that Te Rūnanga o Ngāi Tahu's submission [185.28] is accepted in part.

#### **MW2.2.3**

355. Te Rūnanga o Ngāi Tahu [185.30] seek to provide clarity regarding the expression of their cultural identity within the District to section MW2.2.3 by adding another matter of concern to the existing list, being '*recognition of Kāi Tahu cultural identity within the District*'.
356. The National Planning Standards provide guidance on provisions to consider for the Mana Whenua chapter, including the recognition of hapu and iwi and their relationship with their rohe. The amendment sought by Te Rūnanga o Ngāi Tahu further describes this relationship. For this reason I recommend accepting this submission.

#### **MW2.2.4**

357. Te Rūnanga o Ngāi Tahu [185.31] requests a minor change to recognise current zoning restrictions under MW2.2.4 Occupation of ancestral land.
358. The National Planning Standards outline that the Mana Whenua section can include '*a description of the relationship of hapū or iwi with ancestral lands...*' As the Te Rūnanga o Ngāi Tahu [185.31] submission adds context surrounding the current relationship of Kāi Tahu with their ancestral lands, and the occupation of them, I recommend this submission is accepted.

#### **MW2.2.5**

359. Te Rūnanga o Ngāi Tahu's submission [185.32] has four points to it. First, Te Rūnanga o Ngāi Tahu [185.32] seek that the Te Reo version of the Treaty of Waitangi, Te Tiriti o Waitangi is used in MW2.2.5. I support the use of Te Reo spelling for the Treaty of Waitangi / Te Tiriti o Waitangi in this chapter as it is a chapter about Mana Whenua. I do see it as useful to have the Te Reo spelling follow the English spelling to remain consistent with further paragraphs in the Mana Whenua chapter.

360. Second, Te Rūnanga o Ngāi Tahu seek insertion of an appropriate hyperlink that refers to either the principles of the Treaty or a word version in Te Reo Māori and English of the Treaty of Waitangi itself. Currently the words the links to the Treaty of Waitangi hyperlink to the top of the Treaty of Waitangi Act 1975, rather than Schedule 1 of this Act which contains the Te Reo and English versions of the Treaty. Replacing a hyperlink in the Proposed Plan is not a difficult matter, and can be fixed in the background of E-Plan. I recommend replacing the hyperlink to the start of the Act with a hyperlink directly to Schedule 1 of the Treaty of Waitangi Act 1975. For completeness, I do note that the Principles of the Treaty are briefly outlined within this section of the Mana Whenua chapter, and more extensively within the Statutory Context chapter. As such, greater context will be added to this section of the Mana Whenua chapter through hyperlinking to the Te Reo Māori and English version of the Treaty of Waitangi / Te Tiriti o Waitangi as described above.
361. Third, I also support substituting the word 'consultation' with 'working' in relation to the practical expression of rakatirataka and kaitiakitaka role in resource management. The legal meaning of consult and consultation taken from [oag.parliamentary.nz](http://oag.parliamentary.nz) means: *'To seek information or advice, or to take into consideration. In the present context, consultation is essentially a tool or mechanism for citizens' participation - which can inform and assist the local authority in its decision-making.'*
362. It is my view that the above description when boiled down, is the taking of information/views from someone by someone else, in this case by the local authority to use to assist them. It is not a two-way situation of equality or equal treatment as TDC can decide whether to use the information/views or not, and how. In MW2.2.5 the section is about the relationship between the Crown and Mana Whenua. The Crown's obligations are implemented by the local authority through legislation.
363. The use of the word 'working' suggests a two-way relationship between TDC and Mana Whenua thereby achieving equality and equal treatment, and better achieving the principles of the treaty, as sought in Section 8 RMA. I see this amendment as appropriate as it better describes the existing engagement of Mana Whenua with the Council regarding resource management matters.
364. MW2.2.5 refers to the opportunity to 'share decision-making under the Act, within the limits of the Council's powers and functions' under the Treaty of Waitangi principle of partnership. The surrounding commentary associated with this amendment is around the aspiration of Kāti Huirapa to be treated as an equal partner with the Council in the management of resources for which they hold kaitiakitaka roles. Accordingly, this is not a Council statement detailing how Kāti Huirapa will be involved within resource management, rather their aspirations as to what this involvement looks like. The change sought by Rūnanga o Ngāi Tahu aligns with this intention and as such I recommend to accept this part of their submission.
365. Fourth, Te Rūnanga o Ngāi Tahu seek to add the words 'and Te Rūnanga o Ngāi Tahu' alongside Te Rūnanga o Arowhenua. Section 15(2) of the Te Rūnanga o Ngāi Tahu Act 1996 recognises this relationship as. *'Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whanui, be held with Te Rūnanga o Ngāi Tahu'*. Given the above, I recommend submission 185.32 be accepted.

**MW3.2**

366. Te Rūnanga o Ngāi Tahu [185.33] seek to improve clarity in section MW3.2 in two ways. Firstly, by detailing that Statutory Acknowledgements are protected through the Outstanding Natural Landscape provisions (in addition to the Sites and Areas of Significance to Māori provisions) of the plan. Secondly, by amending MW3.2 as it relates to seeking advice from, and forwarding resource consent applications to Te Rūnanga o Ngāi Tahu and Aoraki Environmental Consultancy (AEC).
367. There are two Statutory Acknowledgement Areas within the Timaru District, the Rakitata/Rangitata River and the Orakipaoa Wetland. The Upper Rakitata/Rangitata catchment is identified as an ONL, but the ONL does not apply to the entire reach of the Rakitata/Rangitata River. The Orakipaoa Wetland is not identified as an ONL or an ONF. The ONL provisions therefore only provide protection to part of one Statutory Acknowledgement Area. As such, I do not see it as appropriate to insert a broad statement that the ONL provisions afford all Statutory Acknowledgement Areas protection. I do appreciate that the ONL provisions provide some protection to part of the Rangitata River Statutory Acknowledgement Area and clarity can be gained by describing this within MW3.2. I therefore recommend amendment to MW3.2 in a way that accurately describes the level of protection afforded to Statutory Acknowledgement Areas through the ONL provisions.
368. Te Rūnanga o Ngāi Tahu [185.33] also seek amendments to MW3.2 to clarify that all resource consent applications that may affect a Statutory Acknowledgement Area are sent to Te Rūnanga o Ngāi Tahu and to AEC. I support the proposed amendments because this is what currently happens in the process of considering consents that may affect Statutory Acknowledgement Areas. I also recognise that limited notification of consent applications to affected persons is required under Section 95(3) and (4) RMA where a proposed activity is on, adjacent to, or may affect land that is subject to a statutory acknowledgement area.
369. Based on the above, I recommend to accept Te Rūnanga o Ngāi Tahu's submission [185.33] in part.

#### **MW4**

370. Te Rūnanga o Ngāi Tahu [185.34] seek to include reference to 'Te Rūnanga O Ngāi Tahu planning documents' and how they have been taken into account in the preparation and use of the Proposed Plan under MW4.
371. For completeness, the NPS outlines the following in relation to Hāpu and iwi planning documents when considering provisions for the Mana Whenua chapter:
- i. a list of hapū or iwi planning documents lodged with the local authority. Where agreed with tangata whenua/Mana Whenua this should include links to the planning documents*
  - ii. a description of how the local authority has taken the hapū or iwi planning documents into account in the policy statement or plan*
  - iii. an explanation of how hapū or iwi planning documents are used*

iv. if relevant and agreed, parts of the hapū or iwi planning documents.<sup>62</sup>

372. On the 23 January 2024 Te Rūnanga o Ngāi Tahu specified that various iwi management plans could be referenced, including:

- Iwi Management Plan of Kāti Huirapa
- Te Rūnanga o Ngāi Tahu Freshwater Policy
- Hazardous Substances New Organisms Policy
- Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region

373. I recommend to accept Te Rūnanga o Ngāi Tahu's submission [185.34] and include reference to additional iwi management plans, and hyperlinks to these documents.

#### 5.10.1.2 Summary of recommendations

374. I recommend that the submissions from:

- a. Te Rūnanga o Ngāi Tahu [185.30, 185.31, 185.32 and 185.34] be **accepted**.
- b. Te Rūnanga o Ngāi Tahu [185.27, 185.28 and 185.33] be **accepted in part**.
- c. Ngāi Tahu [185.24] and John McKenzie [10.3] be **rejected**.

375. Given the changes I am recommending, I recommend that the submissions in support of this chapter in general are **accepted in part**.

376. Where I recommend amendments to a provision, the submissions in support of that provision as set out in Appendix B are **accepted in part**.

377. Where I did not recommend changes to a provision, the submissions in support of that provision as set out in Appendix B are **accepted**.

#### 5.10.1.3 Recommended changes to the District Plan

378. Amend MW2.1.5 Kaitiakitaka/ takata tiakitaka as follows:

*Traditionally, kaitiaki were taniwha - birds or animals who were guardians of the environment - who signalled the relative health and vitality of their respective environments to the local tohuka- and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly.<sup>63</sup> Today, with the absence of many indigenous habitats and species, the term kaitiaki is used in reference to Mana Whenua, who have taken on the role of takata tiaki. Kaitiakitaka entails the active protection and responsibility for natural and physical resources by Mana Whenua.*

<sup>62</sup> Ministry for the Environment (2019) *National Planning Standards*, Standard 6 Introduction and General Provisions, Clause 28, Sub-Clause c, Page 31.

<sup>63</sup> Te Rūnanga o Ngāi Tahu [185.27]

[...]

To give effect to *kaitiakitaka* (in accordance with section 7(a) of the RMA)<sup>64</sup> it is important for resource users and decision-makers to engage meaningfully with those holding *Mana Whenua* over an area.

379. Amend MW2.1.6 Rakatirataka as follows:

*Rakatirataka is the mana or authority to exercise the relationship between Kāi Tahu and their culture and traditions with the natural world.*

[...]

*In the context of the RMA, rakatirataka includes the active involvement of Mana Whenua in resource management decision-making processes, including the appointment of commissioners on hearing panels and having a voice in resource management decision making.<sup>65</sup> Rakatirataka is also recognised through a planning framework that enables Kāi Tahu to maintain customary practices and to use their ~~ancestral~~<sup>66</sup> land in a way that supports their identity and wellbeing This would include enabling development of papakāika and practices related to mara kai (food gardens), rokoa (medicinal plants) and toi Māori (crafts and creative arts).*

380. Amend MW2.2.3 Culturally significant sites and wāhi tūpuna as follows:

*Matters of concern include:*

- *Loss of significant sites through exacerbation of coastal erosion, or change in coastal processes, as a result of land use and development;*
- [...]
- *Recognition of Kāi Tahu cultural identity within the District.*<sup>67</sup>

381. Amend MW2.2.4 as follows:

[...]

*Matters of concern include:*

- *The effects of ~~past~~<sup>68</sup> zoning restrictions on the ability to establish residential settlements at Arowhenua and Waipopo;*

[...]

382. Amend MW2.2.5 Practical expression of rakatirataka and kaitiakitaka role in resource management as follows:

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<sup>64</sup> Te Rūnanga o Ngāi Tahu [185.27]

<sup>65</sup> Te Rūnanga o Ngāi Tahu [185.28]

<sup>66</sup> Te Rūnanga o Ngāi Tahu [185.28]

<sup>67</sup> Te Rūnanga o Ngāi Tahu [185.30]

<sup>68</sup> Te Rūnanga o Ngāi Tahu [185.31]

*The Treaty of Waitangi / Te Tiriti o Waitangi<sup>69</sup>, in return for granting the right to govern to the Crown, guarantees active protection of the rakatirataka of Mana Whenua in respect of their natural and physical resources and taoka. The Council is required by the RMA to take into consideration the principles of the Treaty / Te Tiriti<sup>70</sup> and carry out its other statutory functions relating to Māori.*

*Part 2 of the RMA includes the following obligations that relate to rakatirataka and kaitiakitaka:*

- *To recognise and provide for the relationship of Kāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka as a matter of national importance (section 6(e));*
- *Protection of historic heritage from inappropriate subdivision, use, and development (section 6(f));*
- *To have particular regard to kaitiakitaka (section 7(a)); and*
- *To take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8).*

*In relation to the District Plan, the relevant principles of the Treaty of Waitangi / Te Tiriti o Waitangi<sup>71</sup> include:*

- *Recognition of Treaty / Te Tiriti<sup>72</sup> guarantees in regard to the relationship of Kāti Huirapa with their ancestral land, sites and taoka and removing impediments that limit their ability to use their resources;*
- *Consultation Working<sup>73</sup> with Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu<sup>74</sup> on all matters related to the Mana Whenua values and interests described in this chapter of the Plan, especially matters related to the health of mahika kai and water body environments;*

[...]

383. Amend MW2.2.5 Practical expression of rakatirataka and kaitiakitaka role in resource management to insert a hyperlink to the English and Te Reo version of the Treaty of Waitangi / Te Tiriti o Waitangi where the Treaty / Te Tiriti is referred to.<sup>75</sup>

384. Amend MW3.2 Statutory acknowledgements as follows:

[...]

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<sup>69</sup> Te Rūnanga o Ngāi Tahu [185.32]

<sup>70</sup> Te Rūnanga o Ngāi Tahu [185.32]

<sup>71</sup> Te Rūnanga o Ngāi Tahu [185.32]

<sup>72</sup> Te Rūnanga o Ngāi Tahu [185.32]

<sup>73</sup> Te Rūnanga o Ngāi Tahu [185.32]

<sup>74</sup> Te Rūnanga o Ngāi Tahu [185.32]

<sup>75</sup> Te Rūnanga o Ngāi Tahu [185.32]

Section 208 of the Ngāi Tahu Claims Settlement Act 1998 and 95B of the RMA recognise the interests of Kāi Tahu in statutory acknowledgement areas in regard to notification of resource consent applications for activities that may affect land in these areas. The Council will forward ~~advice of~~<sup>76</sup> all resource consent applications which may affect a statutory acknowledgement to Te Rūnanga o Ngāi Tahu and to Aoraki Environmental Consultancy Limited (AECL), as the resource management agent of Te Rūnanga o Arowhenua. Council will seek advice and ~~it must~~<sup>77</sup> have regard to effects on Kāi Tahu when considering the need for notification of such resource consents and in making decisions on resource consent applications.

The statutory acknowledgements are recognised in this Plan ~~by the~~ as Sites and Areas of Significance to Māori provisions and the Outstanding Natural Landscape provisions where the Statutory Acknowledgment Area is also recognised as an Outstanding Natural Landscape and their values are protected through the provisions relating to those sites.<sup>78</sup>

385. Amend **MW4 Hapū and iwi** planning documents as follows (including inserting links to the Iwi Management documents referred to):

***MW4 Hapū and iwi planning documents***

*Under section 74(2A) of the RMA territorial authorities, in preparing or changing a district plan, must take into account planning documents recognised by iwi. These documents are also relevant to consider, under section 104(1)(c), in making decisions on resource consents that could affect the values and interests described in this chapter.*

*Kāti Huirapa prepared their first iwi management plan in 1992, being the Kāti Huirapa Iwi Management Plan.<sup>79</sup> A more extensive replacement for this was in preparation while this District Plan was being developed.*

*Relevant matters in the iwi management plans have been taken into account in this Plan through participation of Te Rūnanga o Arowhenua representatives in development of the Plan provisions. These iwi management plans at the time of notification include:*

- *Te Rūnanga o Ngāi Tahu Freshwater Policy*
- *Hazardous Substances New Organisms Policy*
- *Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region*.<sup>80</sup>

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<sup>76</sup> Te Rūnanga o Ngāi Tahu [185.33]

<sup>77</sup> Te Rūnanga o Ngāi Tahu [185.33]

<sup>78</sup> Te Rūnanga o Ngāi Tahu [185.33]

<sup>79</sup> Te Rūnanga o Ngāi Tahu [185.34]

<sup>80</sup> Te Rūnanga o Ngāi Tahu [185.34]

## 5.11 GROUP TOPIC 6 - General High-Level Submissions

### 5.11.1 Matters raised by submitters

386. Fourteen submissions raised general, or high-level matters across the Proposed Plan. Of these submissions, two were to oppose, two to support and ten to amend the Proposed Plan.
387. Forest and Bird [156.2] seek to amend the Proposed Plan so that it has regard to the Emissions Reduction Plan and the National Adaptation Plan. Forest and Bird are also seeking that threatened and at-risk native species and indigenous biodiversity are more broadly considered in particular in the Natural Hazards and Risks chapter and Strategic Directions.
388. NZ Frost Fans [255.1] seek to amend the Proposed Plan so that the objectives, policies and methods give effect to the NPS-HPL 2022.
389. Groundswell [214.1] requests preferred and alternative relief. In the first instance (1) that the Proposed Plan is paused until there is clarity around the NPS-IB and Natural and Built Environment Act and to withdraw the provisions that have immediate legal effect. If the above is not accepted, then (2) the Proposed Plan sections that relate to RMA Section 6 matters be paused. If (1) and (2) are not accepted then delete or pause the provisions which address RMA Section 6 matters and seeks that natural, historic and cultural values be protected through an alternative mechanism that is outcomes focused and supports and empowers property owners (such as through a non-statutory plan).
390. Foodstuffs [193.1] requests preferred and alternative relief. First that the Proposed Plan is rejected in its current form, second that the Proposed Plan is amended to reflect the issues raised in their submission, and that the Proposed Plan objectives and policies are amended accordingly, and that an other relief, such as consequential amendments, are applied.
391. Zolve [164.6] support the Proposed Plan regarding the conservation and biodiversity directions however request that strategic planning and an extensive stakeholder engagement approach be adopted as the submitter considers that while significant values and areas have been identified, without active support and management they are potentially still declining.
392. Bonifacio, P [36.1] opposes the Proposed Plan for the reasons that consultation on the Proposed Plan was inadequate. Specifically including that; the consultation period was too short, there was minimal engagement with landowners (specifically within the rural sector), the use of e-plan presented technical difficulties and the Plan had moved a long way from its early consultation phase.
393. Sidhom, M [15.1] considers TDC should be investing in more waste water, stormwater, sewer and fibre internet infrastructure and seeks that this infrastructure be extended to the end of Pages Road for land currently zoned Rural, and a few hundred meters further along Pages Road for land currently zoned Residential.
394. Moore, D J and J [100.2], Peel Forest [105.1], and McArthur, K [113.1] support the Federated Farmers submission and seek the relief sought in that submission.
395. Southern Wide Helicopters [213.1] support the submission of NZAAA and seek the relief sought in that submission. Helicopters Sth Cant. [53.1] also support the NZAAA submission but sought no specific relief in reference to this submission.
396. Zolve [164.1] support the Port Blakely submission and seek the relief sought in that submission.

397. Simstra Family [216.1] supports the Pages Trust and Russell Trust submission and seeks the relief sought in that submission.

### **5.11.2 Assessment**

398. In regard to Forest and Bird's [156.2] and NZ Frost Fans [255.1] submissions, the Proposed Plan was notified on 22 September 2022. The National Adaptation Plan for Climate Change was released on 3 August 2022 and the Emissions Reduction Plan in May 2022. The NPS for Indigenous Biodiversity was released in July 2023, and the NPS-HPL in September 2022. Given this timing a full evaluation of the Proposed Plan in relation to the National Adaptation Plan for Climate Change, the Emissions Reduction Plan, the NPS-HPL and NPS-IB under s32 RMA was not undertaken as part of the preparation of the Proposed Plan.
399. The Proposed Plan contains provisions that are consistent with, and promote the objectives of, the National Adaptation Plan and the Emissions Reduction Plan. The goals of the National Adaptation Plan are to reduce vulnerability to the impacts of climate change, enhance adaptive capacity and consider climate change in decisions at all levels, and strengthen resilience. Adaptation to climate change is specifically directed through SD-O3 as an over-arching consideration to the Proposed Plan. Reducing vulnerability is considered through various provisions in the Natural Hazards and Coastal Environment chapters around appropriate location and/or application of natural hazard mitigation measures. The principles of the Emissions Reduction Plan work together to promote the reduction of emissions within specific timeframes and include empowering and working with Māori to embed partnership and representation, focussing on nature-based solutions, particularly in regards to biodiversity and working together to improve wellbeing, increasing resilience and reducing inequality. These principles are reflected in various chapters from the high level Strategic Directions in managing natural hazard risks, pattern of future growth, the efficient use of infrastructure and, with detailed provisions in the relevant district-wide and area specific chapters. I consider that the Proposed Plan is appropriate, having had regard to these documents, and do not recommend any changes in response to these submissions. As such, I recommend to reject this part of the submissions by Forest and Bird [156.2] and NZ Frost Fans [255.1]
400. Giving effect to each of the NPS-HPL and NPS-IB as a whole in response to submissions may prejudice persons who were not aware that these documents may be implemented in the Proposed Plan after notification. Where amendments are sought on specific provisions to give effect to either the NPS-HPL or the NPS-IB, these amendments will be considered within the provision to which they apply. This allows for consideration of these changes alongside any other changes to the same provisions, and within the wider plan framework that supports these provisions. For these reasons I recommend rejecting NZ Frost Fans [255.1] submission and part 1 of Forest and Bird's [156.2] submission.
401. Regarding the second part of submission 156.2 that requests threatened and at-risk native species and indigenous biodiversity are more broadly considered in particular in the Natural Hazards and Risks chapter and Strategic Directions. I agree that enabling native species to adapt to climate change is relevant and a useful goal and I also note NPS-IB Policy 4 which seeks that indigenous biodiversity is managed to promote resilience to the effects of climate change. However, I consider that this matter can be comfortably assessed in the s42A reports on the appropriate topic specific chapters. Accordingly, no decision is required on the second part of submission 156.2.

402. Groundswell [214.1] requests preferred and alternative relief. In the first instance (1) that the Proposed Plan is paused until there is clarity around the NPS-IB and Natural and Built Environment Act and to withdraw the provisions that have immediate legal effect. If the above is not accepted, then (2) the Proposed Plan sections that relate to RMA Section 6 matters be paused. If (1) and (2) are not accepted then delete or pause the provisions which address RMA Section 6 matters and seeks that natural, historic and cultural values be protected through an alternative mechanism that is outcomes focused and supports and empowers property owners (such as through a non-statutory plan).
403. Foodstuffs [193.1] requests preferred and alternative relief. First that the Proposed Plan is rejected in its current form, second that the Proposed Plan is amended to reflect the issues raised in their submission, and that the Proposed Plan objectives and policies are amended accordingly, and that an other relief, such as consequential amendments, are applied.
404. Regarding the request that the Proposed Plan be deleted, the Proposed Plan has been prepared by suitably qualified persons, following the required process under Schedule 1 of the RMA 1991. I do not consider it would be appropriate to reject the entire Proposed Plan. This would be an inefficient and ineffective use of resources and would be contrary to the principle of prudent stewardship.
405. Moving to pausing the Proposed Plan, as well as being an inefficient and ineffective use of resources as noted above. RMA Section 79 requires that a local authority must review provisions that have been subject to no review or change during the previous 10 years. If after this review the local authority considers that it requires alteration, then it must propose to alter the provisions as set out in Schedule 1 RMA. The Operative Timaru District Plan was made operative in 2005. Additionally Section 10(4)(a) requires that the local authority must give its decision no later than 2 years after notifying the proposed plan. The Proposed Plan was notified in September 2022.
406. Regarding pausing sections or pausing or deleting provisions of the plan that relate to RMA section 6 matters, or achieving protection of these matters through alternative means to a District Plan, such as reference to a non-statutory plan, the RMA and CRPS place clear responsibilities on Territorial Authorities in relation to RMA Section 6 matters.
407. Section 74 RMA outlines that a territorial authority must prepare and change its district plan in accordance with Section 31 (relevant matters below) and Part 2 (which includes Section 6 RMA). Section 75 RMA details the contents of a District Plan and also the requirement that a District Plan must give effect to any 'New Zealand Coastal policy statement' (which includes protection of various RMA Section 6 matters in the Coastal Environment) and 'any regional policy statement' (which sets roles and responsibilities for protecting RMA Section 6 matters).
408. RMA Section 31 states the below:

*'(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

*(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

[...]

*(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*

*(i) the avoidance or mitigation of natural hazards; and*

[...]

*(iii) the maintenance of indigenous biological diversity [...]'*

409. The CRPS then details how integrated management is achieved across Canterbury and assigns roles and responsibilities for the Regional Council and Territorial Authorities. In relation to RMA Section 6 matters the following provisions place responsibilities on Territorial Authorities to establish provisions to protect RMA Section 6 matters:

- Section 6(a) natural character – methods associated with CRPS Policy 8.3.4;
- Section 6(b) outstanding natural features and landscapes - methods associated with CRPS Policies 12.3.1, 12.3.2 and 12.3.4;
- Section 6(c) significant indigenous vegetation and significant habitats of indigenous fauna – methods associated with Policy 9.3.1;
- Section 6(d) maintenance and enhancement of public access to and along waterbodies and the coastal marine area – methods associated with Policy 10.3.5;
- Section 6(e) relationship of Māori to their significant sites and areas – methods associated with Policies 10.3.5, 13.3.2 and 13.3.3
- Section 6(f) historic heritage – methods associated with Policies 13.3.1 and 13.3.3
- Section 6(g) customary rights - methods associated with Policies 13.3.2 and 13.3.3
- Section 6(h) natural hazards - methods associated with Policies 11.3.1, 11.3.2 and 11.3.3.

410. Regarding withdrawing provisions that have immediate legal effect, RMA Section 86B(3) details which District Plan provisions have immediate legal effect, as follows:

*'(3) A rule in a proposed plan has immediate legal effect if the rule—*

*(a) protects or relates to water, air, or soil (for soil conservation); or*

*(b) **protects areas of significant indigenous vegetation** [emphasis added]; or*

*(c) **protects areas of significant habitats of indigenous fauna** [emphasis added]; or*

*(d) **protects historic heritage** [emphasis added];*

*(e) provides for or relates to aquaculture activities'.*

411. Further to this, TDC applied to the Environment Court under RMA Section 86D to apply immediate legal effect to specific provisions. The application was granted, and the Environment Court Order was issued on the 20 September 2022 and applied legal effect from this date to the provisions detailed within Table 4 to this report.

412. The other points raised in Foodstuffs submission [193.1] will be considered within the appropriate topic specific chapters. Accordingly, I recommend to reject the submission by Groundswell [214.1] and recommend to reject the first part of the submission by Foodstuffs [193.1]. Recommendations on the second part of Foodstuffs' [193.1] submission will be considered within the relevant Section 42A report, as such no specific recommendation is required on this part of Foodstuffs' [193.1] submission.
413. Zolve [164.6] request that strategic planning and an extensive stakeholder engagement approach be adopted, particularly in regards to support the Proposed Plan regarding the conservation and biodiversity directions. It is worth noting that Strategic Directions have been developed for the Proposed Plan and SD-O2 considers significant indigenous vegetation and significant habitats of indigenous fauna. Submissions on SD-O2 are considered within the Hearing A Section 42A report for Strategic Directions.
414. Bonifacio, P [36.1] opposes the Proposed Plan for the reasons that consultation on the Proposed Plan was inadequate. Specifically including that; the consultation period was too short, there was minimal engagement with landowners (specifically within the rural sector), the use of e-plan presented technical difficulties and the Plan had moved a long way from its early consultation phase. TDC has abided by all requirements of the RMA with respect to notification and consultation on the Proposed Plan.
415. In response to Bonifacio, P [36.1] and Zolve [164.6], as a broad overview the Proposed Plan included the following consultation:
- Phase 1 (Scoping) 2015 - 2018: This phase included consultation with statutory bodies, stakeholders and the public. Feedback from this consultation helped development of the the Town Centre Study, Growth Management Strategy and the Discussion Documents for Phase 2.
  - Phase 2 (Discussion Documents) 2016: This phase included public consultation on numerous discussion documents that set out the issues the District is facing and options to resolve them.
  - Phase 3 (Draft District Plan): During the drafting of the new District Plan, targeted and public consultation on specific topics were also taking place, such as landowner consultation on the Māori Purpose Zone, SNAs, ONL & ONFs, Heritage Items and Notable Trees. The Draft Plan was notified in September 2020. During this period, a number of consultation sessions were held for stakeholders and the public on topics such as on Coastal Hazards, SASM, and consultation with the rural stakeholder group.
  - Phase 4 (Proposed District Plan): The Proposed District Plan took account of the feedback received in Phase 3 and included working with additional key stakeholders identified in the consultation period of the Draft Plan. Consultation on the Proposed Plan following its notification is outlined in Sections 4.2 and 4.3 of this report.
416. Based on the above I recommend the submissions by Bonifacio, P [36.1] and Zolve [164.6] be rejected.
417. Sidhom, M [15.1] seeks the extension of infrastructure (water/stormwater/sewer/fibre internet) along Pages Road. Extension of Council infrastructure is not a matter that can be dealt with in a District Plan, I therefore do not consider this submission to be in the scope of the Proposed Plan. I therefore recommend rejecting this submission.

418. Moore, D J and J [100.2], Peel Forest [105.1], and McArthur, K [113.1] seek the same relief as seen in the Federated Farmers submission. Federated Farmers have made a number of submissions across the Proposed Plan. These submissions will be assessed within the appropriate chapters. Decisions on submissions by the Moore, D J and J, Peel Forest and McArthur, K will reflect with those recommendations made on the Federated Farmers submission points. There is no recommendation to be made to these submissions in this report.
419. Helicopters Sth Cant. [53.1] and Southern Wide Helicopters [213.1] support the NZAAA submission in its entirety. The NZAAA submission is about how agricultural aviation activities are provided for in the Proposed Plan and is made against several chapters of the Proposed Plan. The NZAAA submission will be assessed within the appropriate chapters. Recommendations on submissions by Helicopters Sth Cant. and Southern Wide Helicopters will reflect the recommendations made on the NZAAA submission.
420. The Port Blakely submission opposes the Proposed Plan. That submission is about how the NES-PF has been applied in the Proposed Plan amongst other matters. The Port Blakely submission will be dealt with in the appropriate chapter and the decision on the Zolve submission [164.1], which supports the Port Blakely submission, will reflect the decisions on the Port Blakeley submission. There is no recommendation to be made on these submissions in this report.
421. The Simstra Family submission [216.1] supports the Pages Trust and Russell Trusts submission. Again, the Pages Trust and Russell Trust submission will be considered in the appropriate chapter and decisions on the Simstra Family submission will reflect the decisions made on the Pages Trust and Russell submission. There is no recommendation to be made on these submissions in this report.

### **5.11.3 Summary of recommendations**

422. I recommend that the submissions from:
- a. Sidhom, M [15.1], NZ Frost Fans [255.1], Groundswell [214.1], Zolve [164.6] and Bonifacio, P [36.1] be **rejected**.
  - b. Forest and Bird [156.2] and Foodstuffs [193.1] be **rejected in part**, with the remaining part being considered in Section 42A reports on the appropriate topic specific chapters.
423. **No recommendations** are required on submissions by Moore, D J and J [100.2], Peel Forest [105.1], McArthur, K [113.1], Helicopters Sth Cant. [53.1], Southern Wide Helicopters [213.1] Zolve [164.1] and Simstra Family [216.1] as they support other submissions, which will be considered when considering the primary submissions.

### **5.11.4 Recommended changes to the District Plan**

424. There are no recommended changes to the District Plan.

## **6 Conclusions**

425. Submissions have been received in support of, in opposition to, and to amend Part 1 - INTRODUCTION AND GENERAL PROVISIONS of the Proposed Plan. While most of these submissions relate to the definitions as notified, some submissions seek that amendments be made to other chapters within Part 1.

426. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission or provide additional context to an original submission.
427. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in Appendix A of this report, and Appendix B contains the summary of recommendations to accept/reject submissions.
428. Section 32AA assessment has been undertaken for any recommended changes to definitions, or any recommendations to insert new definitions. The level of s32AA assessment corresponds to the scale and significance of the anticipated effects that have been made.
429. For the reasons set out in the assessment sections of this report I consider that the proposed introduction and general provisions, with the recommended amendments, will be the most appropriate means to achieve the relevant objectives of the Proposed Plan.

## 6.1 Recommendations:

430. I recommend that:
- a. The Proposed Plan is amended in accordance with the changes recommended in Appendix A of this report.
  - b. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report.

Signed:

Name and Title		Signature
Alanna Hollier	Senior Planner	

## 7 APPENDICES

### 7.1 Appendix A - Recommended Amendments to Part 1 - Introduction and General Provisions (with the exception of Definitions which can be found in Appendix A1 below)

Where I recommend changes in response to submissions, these are shown as follows:

Text recommended to be added to the Proposed Plan is underlined.

Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

Chapter Name	Where in the chapter	Amendment/s
Contents	Part 2 - District Wide Matters, General District Wide Matters	<p>Amend as follows:</p> <p>[...]</p> <p><b>PART 2 - DISTRICT-WIDE MATTERS</b></p> <p>[...]</p> <p><b>GENERAL DISTRICT-WIDE MATTERS</b>  <i>ASW - Activities on the surface of water</i>  <i>CE - Coastal Environment</i>  <i>EW - Earthworks</i>  <i>DWP - Drinking Water Protection</i>  <u><i>FC - Financial Contribution</i></u>  <u><i>FDA - Future Development Area</i></u><sup>81</sup>  <i>LIGHT - Light</i>  <i>NOISE - Noise</i>  <i>RELO - Relocation of Buildings and Shipping Containers</i>  <i>SIGN - Signs</i>  <i>TEMP - Temporary activities</i>            [...]</p> <p><b>PART 3 - AREA-SPECIFIC MATTERS</b>  <b>ZONES</b></p> <p>[...]</p> <p><b>Special Purpose Zones</b>  <i>MPZ - Māori purpose zone</i>  <i>PORTZ - Port zone</i>  <b>DEVELOPMENT AREAS</b>  <u><i>DEV1 - Broughs Gully Residential Development Area</i></u>  <u><i>DEV2 - Gleniti Residential Development Area</i></u>  <u><i>DEV3 - Washdyke Industrial Development Area</i></u>  <u><i>DEV4 - Temuka North West Residential Development Area</i></u><sup>82</sup></p>

<sup>81</sup> Speirs, B [66.1].

<sup>82</sup> Speirs, B [66.1].

		[...]
Description of the District	Settlement Patterns, Growth and Development	<p>Amend as follows:</p> <p><b>Settlement Patterns, Growth and Development</b></p> <p><b><u>Kāti Huirapa settlement and development</u></b>  <u>Timaru District lies within the traditional boundaries of the Ngāi Tahu iwi. The Ngāi Tahu hapū who hold mana whenua in Timaru District are Kāti Huirapa, whose rohe extends over the area from the Rakaia River in the north to the Waitaki River in the south. Arowhenua is the site of the tipuna marae of Kāti Huirapa, and the Papatipu Runanga that represents the hapū is Te Runanga o Arowhenua. Mana whenua rights and obligations held by Kāti Huirapa include ranqatiratanga and kaitiakitanga in relation to management of natural and physical resources.</u>  <u>Kāti Huirapa history with the land goes back more than 70 generations, when, according to tradition, Rākaihautu came to Te Wai Pounamu from Hawaiki in the canoe Uruao. Their traditional way of life was closely related to the natural environment. Natural resources were important to feed, clothe and equip people, and landmarks and landscapes provided visible connections to tradition and history. Travel routes and permanent or seasonal settlement sites extended along the coast and inland along the river systems, and rock art in limestone shelters provides reminders of travel routes and stories told along the way.</u>  <u>Alienation of land and development of the district since the 1840s has curtailed the ability to maintain traditional connections with and use of land and resources. However Kāti Huirapa have an ongoing concern and close relationship with land, waterways, mahika kai sites, and other taonga, which remain culturally and spiritually important. Te Rūnanga o Arowhenua maintains its obligations to ensure that the health and survival of these resources and areas are maintained for future generations.</u>  <u>As part of the Canterbury land purchases, reserves were set aside to enable Ngāi Tahu to live and sustain themselves on their ancestral lands. However use of this land has been subject to severe restrictions in the past. Kāti Huirapa have ongoing aspirations to establish and sustain settlement on their ancestral land at Waipopo and Arowhenua.</u></p> <p><b><u>Population growth and future development</u></b><sup>83</sup>  <u>The population of the Timaru District was 46,296 in 2018. [...]</u></p>
Description of the District	Infrastructure	<p>Amend as follows:</p> <p><b>Infrastructure</b></p> <p>[...]</p> <p><i>The Council own and operate four water pumping stations, two reservoirs, a water treatment plant, and a network of approximately 300km of pipelines. The Council is also involved in the operation of a number of rural water supply schemes and drinking water supply sources<sup>84</sup>, including Downlands Water Supply Scheme, the Te Moana Downs Water Supply Scheme, and the Ōrāri Water Supply Scheme. The Council maintains reticulated stormwater systems in Timaru, Temuka, Geraldine, Pleasant Point, Winchester, Cave, and Milford-Ōhapi. The stormwater systems consist of a combination of pipes, drains, kerb and channels, sumps, and soakpits.</i></p> <p>[...]</p> <p><i>The, at times, ad hoc development of the district has put a strain on local infrastructure. In particular, it is inefficient to extend piped water and wastewater services when they may only be servicing a small number of properties. Strategic integration and co-ordination<sup>85</sup> of infrastructure and land use could reduce this strain. The GMS has recommended zoning specific areas adjoining Timaru and other townships for rural lifestyle use to reduce the inefficiency of infrastructure provision to rural residential properties that have previously developed sporadically.</i></p>
Description of the District	Rural Areas	<p>Amend as follows:</p> <p><b>Rural Areas</b></p> <p><i>Rural areas are dominated by agricultural land use, with some areas of horticulture and viticulture. [...]</i></p>

<sup>83</sup> Te Rūnanga o Ngāi Tahu [185.9]

<sup>84</sup> TDC [42.9]

<sup>85</sup> TDC [42.10]

		<i>In recent years, rural lifestyle blocks have gained popularity, and subdivisions to supply this property market has resulted in the fragmentation of rural land, and the loss of productive land to rural residential use. This increase in rural residential activities, and urban creep into areas that have traditionally been farmed can, in some locations, cause conflict between landowners. New residential land uses may be impacted by existing farming activities and rural industry<sup>86</sup> occurring in the working rural environment. A balance is needed between these activities to maintain the ability of farming activities and rural industry<sup>87</sup> to continue in a rural environment.</i>
Description of the District	Heritage Sites	Amend as follows:  <b><u>Historic Heritage Sites-Areas and Items</u></b> <i>The Timaru District has a number of <u>historic heritage sites-areas and items</u><sup>88</sup> arising from historical settlement and activities. [...] It is important that <u>historic heritage sites-areas</u><sup>89</sup> and items remaining from early occupation of the district [...]</i>
Description of the District	Takata Whenua	Amend as follows:  <b><u>Takata Whenua</u></b> <i>Timaru District lies within the traditional boundaries of the Ngāi Tahu iwi. The Ngāi Tahu hapū who hold mana whenua in Timaru District are Kāti Huirapa, whose rohe extends over the area from the Rakaia River in the north to the Waitaki River in the south. Arowhenua is the site of the tipuna marae of Kāti Huirapa, and the Papatipu Runanga that represents the hapū is Te Runanga o Arowhenua. Mana whenua rights and obligations held by Kāti Huirapa include rangatiratanga and kaitiakitanga in relation to management of natural and physical resources. Kāti Huirapa history with the land goes back more than 70 generations, when, according to tradition, Rākahautu came to Te Wai Pounamu from Hawaiki in the canoe Uruao. Their traditional way of life was closely related to the natural environment. Natural resources were important to feed, clothe and equip people, and landmarks and landscapes provided visible connections to tradition and history. Travel routes and permanent or seasonal settlement sites extended along the coast and inland along the river systems, and rock art in limestone shelters provides reminders of travel routes and stories told along the way. Alienation of land and development of the district since the 1840s has curtailed the ability to maintain traditional connections with and use of land and resources. However Kāti Huirapa have an ongoing concern and close relationship with land, waterways, mahika kai sites, and other taonga, which remain culturally and spiritually important. Te Rūnanga o Arowhenua maintains its obligations to ensure that the health and survival of these resources and areas are maintained for future generations. As part of the Canterbury land purchases, reserves were set aside to enable Ngāi Tahu to live and sustain themselves on their ancestral lands. However use of this land has been subject to severe restrictions in the past. Kāti Huirapa have ongoing aspirations to establish and sustain settlement on their ancestral land at Waipopo and Arowhenua.<sup>90</sup></i>
Statutory Context	Treaty of Waitangi / Te Tiriti o Waitangi and Māori Issues of Significance  Other Planning Documents and Legislation	[...] <b><u>Treaty of Waitangi / Te Tiriti o Waitangi and Māori Issues of Significance</u></b> [...] <i>These matters are addressed in the Plan as follows:</i> <ul style="list-style-type: none"> <li>• <i>The Mana Whenua chapter recognises the status of Kāti Huirapa as the hapū holding customary authority in the Timaru District. It describes Kāti Huirapa values, interests and concerns that are relevant in respect to the matters in Sections 6(e) and (f), Section 7(a) and Section 8 of the RMA. Section MW3 also describes resource management-related requirements of the Ngāi Tahu Claims Settlement Act 1998. <u>Section MW3.2 specifically identifies the Statutory Acknowledgement Areas present in the District</u><sup>91</sup> and Section MW4 identifies relevant iwi planning documents to be taken into account in resource management decision-making in Timaru District;</i></li> <li>• [...]</li> <li>• <i>Provision for the relationship of Kāti Huirapa with the district as a whole, and their kaitiakitanga role in regard to sustaining the environment, is integrated into objectives, policies and rules across the Plan.</i></li> </ul> <i>These provisions were developed with the involvement of Kāti Huirapa. Involvement included:</i>

<sup>86</sup> Fonterra [165.12]<sup>87</sup> Fonterra [165.12]<sup>88</sup> Heritage NZ [114.2]<sup>89</sup> Heritage NZ [114.2]<sup>90</sup> Te Rūnanga o Ngāi Tahu [185.9]<sup>91</sup> Te Rūnanga o Ngāi Tahu [185.10]

		<ul style="list-style-type: none"> <li>• drafting of the Mana Whenua chapter;</li> <li>• preparation of research reports to inform drafting of the Sites and Areas of Significance to Māori and Māori Purposes Zone chapters;</li> <li>• representation on the Environmental Services Committee, Heritage Biodiversity, Mana Whenua, Steering Groups and the Council's Technical Working Group.</li> </ul> <p><u>The Iwi Management Plans that apply to the Timaru District at the time of notification are the:</u></p> <ul style="list-style-type: none"> <li>• <u>Iwi Management Plan of Kāti Huirapa</u></li> <li>• <u>Te Rūnanga o Ngāi Tahu Freshwater Policy</u></li> <li>• <u>Hazardous Substances New Organisms Policy</u></li> <li>• <u>Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region</u><sup>92</sup></li> </ul> <p>The Council is committed to a process of ongoing liaison and consultation with the Mana Whenua, <u>the registered iwi authority</u>,<sup>93</sup> to discuss issues of relevance to them. Council undertakes to enter this relationship exercising utmost good faith, to make informed decisions and actively protect Māori interests through its obligations under the RMA.</p> <p><b>Other Planning Documents and Legislation Considered</b> The Council is required by sections 74(2) and 74(2A) of the RMA to have regard to other relevant planning documents or management plans. In preparing the Plan, the Council have had regard to the following:</p> <ul style="list-style-type: none"> <li>• New Zealand Heritage List Rarangi Korero [...]</li> <li>• Health and Safety in Employment at Work Act 1992 2015</li> <li>• Reserves Act 1997<sup>94</sup> [...]</li> <li>• Fisheries (Declaration of Waitarakao Mātaitai Reserve) Notice 2014 and Fisheries (Declaration of Opihi Mātaitai Reserve) Notice 2014</li> <li>• Water Services Act 2021<sup>95</sup></li> </ul>
General Approach	Figure 1	Amend Step 2 replace (e.g. National grids) with (e.g. National Grid Line) <sup>96</sup>
General Approach	Part 1 – Introduction and General Provisions	Amend Part 1 – Introduction and General Provisions as follows: <b>Part 1 – Introduction and General Provisions</b> 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. A range of definitions are used within the plan including from national legislation (such as the RMA), the National Planning Standards, and definitions developed by the Timaru District Council. Where the definition is: <ul style="list-style-type: none"> <li>• <u>from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions chapter;</u></li> <li>• <u>adopted into the Proposed Plan from another statute (ie, the RMA), reference to the section of that statute to which the definition originates (e.g. 'Plantation Forestry has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017') is specified at the beginning of the definition.</u><sup>97</sup></li> </ul>
General Approach	Integrated Management	Amend the first paragraph under Integrated Management heading as follows:

<sup>92</sup> Te Rūnanga o Ngāi Tahu [185.10]<sup>93</sup> Te Rūnanga o Ngāi Tahu [185.10]<sup>94</sup> OWL [181.7]<sup>95</sup> TDC [42.12]<sup>96</sup> Transpower [159.3]<sup>97</sup> OWL [181.8, 181.12]

		<p><b>Integrated Management</b> The Timaru District Council and Canterbury Regional Council have some overlapping responsibilities under the RMA, e.g. management of natural hazards, <u>and water quality</u>.<sup>98</sup></p>	
Relationships between Spatial Layers	District Wide Overlays Figure 4	<p>[...]</p> <p><b>District Wide Overlays</b> The Plan includes district wide overlays in areas with a particular characteristic, risk or value that needs to be managed at a district-wide scale. These district wide overlays normally span across or occur in multiple zones. The associated rules provide more specific provisions relating to the characteristic, risk or value of interest to be managed. <u>Not all district wide matters have an associated overlay.</u><sup>99</sup> <u>These rules apply in addition to rules on activities in the Area-Specific Layers.</u><sup>100</sup></p> <p>[...]</p> <p><b>Figure 4 - Example of Planning Map with Different Spatial Layers</b> When there is a conflict between the provisions of different spatial layers, the following principles apply:</p> <ol style="list-style-type: none"> <li>1. When there is a conflict between overlays, or between an overlay and an area-specific spatial layer, the most stringent provision applies;</li> <li>2. When there is a conflict between area-specific spatial layers, layers with a higher ranking in the below figure <del>alters</del> <u>prevails over the</u><sup>101</sup> relevant provisions in the layers underneath it.</li> </ol> <p>[...]</p>	
Abbreviations	DWPA	<del>DRPA</del>	<u>Drinking Water Protection Area</u> <sup>102</sup>
Abbreviations	MHWS	MHWS	<u>MHWS Mean High Water Springs</u> <sup>103</sup>
Abbreviations	NESTF	NESTF	<u>National Environmental Standards for Telecommunication Facilities 2016</u> <sup>104</sup>
Glossary	Kāi Tahu	Kāi Tahu	<u>The collective of the individuals who descend from one or more of the of the five primary hapū of Kāi Ngai Tahu, Kāti Ngāti Māmoē and Waitaha, namely Kāti Kuri, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki.</u> <sup>105</sup>

<sup>98</sup> TDC [42.11]<sup>99</sup> Forest and Bird [156.8]<sup>100</sup> Forest and Bird [156.7]<sup>101</sup> Waka Kotahi [143.1] and Transpower [159.73FS]<sup>102</sup> Speirs, B [66.14]<sup>103</sup> Speirs, B [66.15]<sup>104</sup> Connexa [176.28], Spark [208.28], Chorus [209.28] and Vodafone [210.28]<sup>105</sup> Te Rūnanga o Ngāi Tahu [185.14]

Glossary	Kāti Huirapa	<i>Kāti Huirapa</i>	<i>The hapū that holds rights of Mana Whenua for the lands, waters, coastal and marine environments between the Rakaia River in the north, Waitaki River in the south and between the East Coast and the Southern Alps. <u>Note: For the purposes of implementing this plan, Kāti Huirapa includes Te Rūnanga o Ngāi Tahu.</u><sup>106</sup></i>												
National Policy Statements and New Zealand Coastal Policy Statement	Whole Chapter	<p>Amend this section as follows:</p> <p><i>National policy statements (NPSs) and the New Zealand Coastal Policy Statement (NZCPS) form part of the RMA's policy framework and are prepared by central government. NPSs and the NZCPS contain objectives, policies and methods that must be given effect to by regional policy statements and plans. Consent authorities must also have regard to NPSs and the NZCPS when making decisions on resource consent applications, alongside other considerations.</i></p> <p><i>The following table provides an overview of whether a review of the Timaru District Plan has been undertaken in relation to the NPSs and the NZCPS.</i></p> <table border="1"> <tr> <td><i>National Policy Statement for Freshwater Management 2020</i></td> <td><i>The Timaru District Plan has been reviewed.</i></td> </tr> <tr> <td><i>National Policy Statement on Urban Development Capacity <del>2016</del> 2020.</i><sup>107</sup></td> <td><i>The Timaru District Plan has been reviewed.</i></td> </tr> <tr> <td><i>National Policy Statement on Renewable Electricity Generation 2011</i></td> <td><i>The Timaru District Plan has been reviewed.</i></td> </tr> <tr> <td><i>New Zealand Coastal Policy Statement 2010</i></td> <td><i>The Timaru District Plan has been reviewed.</i></td> </tr> <tr> <td><i>National Policy Statement on Electricity Transmission 2008</i></td> <td><i>The Timaru District Plan has been reviewed.</i></td> </tr> <tr> <td><i>National Policy Statement on Highly Productive Land 2022</i></td> <td><i>The Timaru District Plan has not been reviewed.</i><sup>108</sup></td> </tr> </table>		<i>National Policy Statement for Freshwater Management 2020</i>	<i>The Timaru District Plan has been reviewed.</i>	<i>National Policy Statement on Urban Development Capacity <del>2016</del> 2020.</i> <sup>107</sup>	<i>The Timaru District Plan has been reviewed.</i>	<i>National Policy Statement on Renewable Electricity Generation 2011</i>	<i>The Timaru District Plan has been reviewed.</i>	<i>New Zealand Coastal Policy Statement 2010</i>	<i>The Timaru District Plan has been reviewed.</i>	<i>National Policy Statement on Electricity Transmission 2008</i>	<i>The Timaru District Plan has been reviewed.</i>	<i>National Policy Statement on Highly Productive Land 2022</i>	<i>The Timaru District Plan has not been reviewed.</i> <sup>108</sup>
<i>National Policy Statement for Freshwater Management 2020</i>	<i>The Timaru District Plan has been reviewed.</i>														
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<i>New Zealand Coastal Policy Statement 2010</i>	<i>The Timaru District Plan has been reviewed.</i>														
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<i>National Policy Statement on Highly Productive Land 2022</i>	<i>The Timaru District Plan has not been reviewed.</i> <sup>108</sup>														
Mana Whenua	MW2.1.5 Kaitiakitaka/takata tiakitaka	<p>Amend as follows:</p> <p><i>Traditionally, kaitiaki were taniwha - birds or animals who were guardians of the environment - who signalled the relative health and vitality of their respective environments to the local tohuka- and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly.<sup>109</sup> Today, with the absence of many indigenous habitats and species, the term kaitiaki is used in reference to Mana Whenua, who have taken on the role of takata tiaki. Kaitiakitaka entails the active protection and responsibility for natural and physical resources by Mana Whenua.</i></p> <p><i>[...]</i></p> <p><i>To give effect to kaitiakitaka (in accordance with section 7(a) of the RMA)<sup>110</sup> it is important for resource users and decision-makers to engage meaningfully with those holding Mana Whenua over an area.</i></p>													
Mana Whenua	MW 2.1.6 Rakatirataka	Amend as follows:													

<sup>106</sup> Te Rūnanga o Ngāi Tahu [185.13]<sup>107</sup> Fonterra [165.24]<sup>108</sup> Hort NZ [245.36], Speirs, B [66.16] and Fonterra [165.24]<sup>109</sup> Te Rūnanga o Ngāi Tahu [185.27]<sup>110</sup> Te Rūnanga o Ngāi Tahu [185.27]

		<p><i>Rakatirataka is the mana or authority to exercise the relationship between Kāi Tahu and their culture and traditions with the natural world.</i></p> <p>[...]</p> <p><i>In the context of the RMA, rakatirataka includes the active involvement of Mana Whenua in resource management decision-making processes, including the appointment of commissioners on hearing panels <u>and having a voice in resource management decision making</u>.<sup>111</sup> Rakatirataka is also recognised through a planning framework that enables Kāi Tahu to maintain customary practices and to use their <del>ancestral</del><sup>112</sup>land in a way that supports their identity and wellbeing This would include enabling development of papakāika and practices related to mara kai (food gardens), rokoa (medicinal plants) and toi Māori (crafts and creative arts).</i></p>
Mana Whenua	MW 2.2.3 Culturally significant sites and wāhi tūpuna	<p>Amend as follows:</p> <p><i>Due to the long history [...]</i></p> <p><i>Matters of concern include:</i></p> <ul style="list-style-type: none"> <li>• <i>Loss of significant sites through exacerbation of coastal erosion, or change in coastal processes, as a result of land use and development;</i></li> <li>• [...]</li> <li>• <i>Recognition of Kāi Tahu cultural identity within the District.</i><sup>113</sup></li> </ul>
Mana Whenua	MW2.2.4 Occupation of ancestral land	<p>Amend as follows:</p> <p><i>In 1848 [...]</i></p> <p><i>Matters of concern include:</i></p> <ul style="list-style-type: none"> <li>• <i>The effects of <del>past</del><sup>114</sup>zoning restrictions on the ability to establish residential settlements at Arowhenua and Waipopo;</i></li> <li>• [...]</li> </ul>
Mana Whenua	MW2.2.5 Practical expression of rakatirataka and kaitiakitaka roles in resource management	<p>Amend as follows:</p> <p><i>The Treaty of Waitangi / Te Tiriti o Waitangi,<sup>115</sup> in return for granting the right to govern to the Crown, guarantees active protection of the rakatirataka of Mana Whenua in respect of their natural and physical resources and taoka. The Council is required by the RMA to take into consideration the principles of the Treaty / Te Tiriti<sup>116</sup> and carry out its other statutory functions relating to Māori<sup>117</sup>.</i></p> <p><i>Part 2 of the RMA includes the following obligations that relate to rakatirataka and kaitiakitaka:</i></p> <ul style="list-style-type: none"> <li>• <i>To recognise and provide for the relationship of Kāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka as a matter of national importance (section 6(e));</i></li> <li>• <i>Protection of historic heritage from inappropriate subdivision, use, and development (section 6(f));</i></li> <li>• <i>To have particular regard to kaitiakitaka (section 7(a)); and</i></li> <li>• <i>To take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8).</i></li> </ul>

<sup>111</sup> Te Rūnanga o Ngāi Tahu [185.28]<sup>112</sup> Te Rūnanga o Ngāi Tahu [185.28]<sup>113</sup> Te Rūnanga o Ngāi Tahu [185.30]<sup>114</sup> Te Rūnanga o Ngāi Tahu [185.31]<sup>115</sup> Te Rūnanga o Ngāi Tahu [185.32]<sup>116</sup> Te Rūnanga o Ngāi Tahu [185.32]<sup>117</sup> Amendment under RMA Clause 16(2)

		<p>In relation to the District Plan, the relevant principles of the Treaty of Waitangi / Te Tiriti o Waitangi<sup>118</sup> include:</p> <ul style="list-style-type: none"> <li>• Recognition of Treaty / Te Tiriti<sup>119</sup> guarantees in regard to the relationship of Kāti Huirapa with their ancestral land, sites and taoka and removing impediments that limit their ability to use their resources;</li> <li>• Consultation Working<sup>120</sup> with Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu<sup>121</sup> on all matters related to the Mana Whenua values and interests described in this chapter of the Plan, especially matters related to the health of mahika kai and water body environments;</li> </ul> <p>[...]</p>
Mana Whenua	MW2.2.5 Practical expression of rakatirataka and kaitiakitaka roles in resource management	Amend MW2.2.5 Practical expression of rakatirataka and kaitiakitaka role in resource management to insert a hyperlink to the English and Te Reo version of the Treaty of Waitangi / Te Tiriti o Waitangi where the Treaty / Te Tiriti is referred to. <sup>122</sup>
Mana Whenua	MW3.2 Statutory Acknowledgements	<p>Amend as follows:</p> <p>[...]</p> <p>Section 208 of the Ngāi Tahu Claims Settlement Act 1998 and 95B of the RMA recognise the interests of Kāi Tahu in statutory acknowledgement areas in regard to notification of resource consent applications for activities that may affect land in these areas. The Council will forward <del>advice of</del><sup>123</sup> all resource consent applications which may affect a statutory acknowledgement to Te Rūnanga o Ngāi Tahu and to Aoraki Environmental Consultancy Limited (AECL), as the resource management agent of Te Rūnanga o Arowhenua. <u>Council will seek advice and it must</u><sup>124</sup> have regard to effects on Kāi Tahu when considering the need for notification of such resource consents and in making decisions on resource consent applications.</p> <p><u>The statutory acknowledgements are recognised in this Plan by the as Sites and Areas of Significance to Māori provisions and the Outstanding Natural Landscape provisions where the Statutory Acknowledgment Area is also recognised as an Outstanding Natural Landscape and their values are protected through the provisions relating to those sites.</u><sup>125</sup></p>
Mana Whenua	MW4 Hapu and iwi planning documents	<p>Amend as follows:</p> <p>Under section 74(2A) of the RMA territorial authorities [...]</p> <p>Kāti Huirapa prepared their first iwi management plan in 1992, <u>being the Kāti Huirapa Iwi Management Plan.</u><sup>126</sup> A more extensive replacement for this was in preparation while this District Plan was being developed.</p> <p>Relevant matters in the iwi management plans have been taken into account in this Plan through participation of Te Rūnanga o Arowhenua representatives in development of the Plan provisions. <u>These iwi management plans include:</u></p> <ul style="list-style-type: none"> <li>• <u>Te Rūnanga o Ngāi Tahu Freshwater Policy</u></li> <li>• <u>Hazardous Substances New Organisms Policy</u></li> <li>• <u>Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region.</u><sup>127</sup></li> </ul>

<sup>118</sup> Te Rūnanga o Ngāi Tahu [185.32]<sup>119</sup> Te Rūnanga o Ngāi Tahu [185.32]<sup>120</sup> Te Rūnanga o Ngāi Tahu [185.32]<sup>121</sup> Te Rūnanga o Ngāi Tahu [185.32]<sup>122</sup> Te Rūnanga o Ngāi Tahu [185.32]<sup>123</sup> Te Rūnanga o Ngāi Tahu [185.33]<sup>124</sup> Te Rūnanga o Ngāi Tahu [185.33]<sup>125</sup> Te Rūnanga o Ngāi Tahu [185.33]<sup>126</sup> Te Rūnanga o Ngāi Tahu [185.34]<sup>127</sup> Te Rūnanga o Ngāi Tahu [185.34]

Energy and Infrastructure	EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure	<p>1. Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by:</p> <p>a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological <del>sites</del><del>areas</del>, riparian margins and notable trees; and</p> <p>b. [...]</p>
Natural Hazards	NH-P9 Natural hazard mitigation works	<p>Natural hazard mitigation works:</p> <p>1. undertaken by the Crown, Canterbury Regional Council or the Council are enabled, where community scale hazard mitigation is necessary to protect existing communities from natural hazard risk which cannot reasonably be avoided, and any adverse effects on the identified values and qualities of Outstanding Landscapes and Features, the Coastal Environment, Visual Amenity Landscapes, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, Historic Heritage, cultural, and archaeological <del>sites</del><del>areas</del>, riparian margins and Notable Trees are mitigated; or</p> <p>2. [...]</p>

## 7.2 Appendix A1 - Recommended Amendments to Part 1 – Definitions

Definition	Recommended Change
Accessway/Access Way	Amend definition of <b>Access way / Accessway</b> as follows: <i>Means that area of land over which vehicular, pedestrian and/or livestock access to a legal road is obtained and extends to include, as the context requires: an access leg; access lot; private way; land shown on a cross lease or company lease definition plan as being available for use for that purpose; and land shown as common land on a unit plan under the Unit Titles Act 1972 2010<sup>128</sup> which is used for that purpose.</i>
Department of Conservation Activity	Delete definition of Department of Conservation Activity: <b>Department of Conservation Activity</b> <i>is an activity listed in APP1 – Work or activities of the Department of Conservation. The list includes activities specifically provided for in the Canterbury (Waitaha) Conservation Management Strategy 2016 which it considers meets the requirements of Section 4(3) of the Resource Management Act 1991 for exemptions from land use consents.<sup>129</sup></i>
Plantation Forestry	Amend the definition of <b>Plantation Forestry</b> as follows: <i>Has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017:<sup>130</sup></i> <i>means a forest deliberately established for commercial purposes, being—</i> <i>a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</i> <i>b. includes all associated forestry infrastructure; but</i> <i>c. does not include—</i> <i>i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</i> <i>ii. forest species in urban areas; or</i> <i>iii. nurseries and seed orchards; or</i> <i>iv. trees grown for fruit or nuts; or</i> <i>v. long-term ecological restoration planting of forest species; or</i> <i>vi. willows and poplars space planted for soil conservation purposes</i>
Replacement	Amend the definition of <b>Replacement</b> as follows: <i>Means replacing an object or its parts with another of the same or similar location, height, size, capacity, footprint and scale and for the same or similar purpose. <u>It does not include repair.</u><sup>131</sup></i>
Reverse Sensitivity	Amend the definition of <b>Reverse Sensitivity</b> as follows: <i>'Reverse sensitivity means the potential for the operation of <del>an existing</del> 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 <del>an existing that</del><sup>132</sup> activity</i>
Sensitive Activity	Amend the definition of <b>Sensitive Activity</b> as follows: <i>means:</i> <i>1. Residential activities;</i> <i>2. Education facilities and preschools;</i> <i>3. Guest <del>&amp;and</del><sup>133</sup> visitor accommodation;</i>

<sup>128</sup> MFL [60.1].

<sup>129</sup> Dir. General Conservation [166.6].

<sup>130</sup> Correction of a minor error as outlined within RMA Schedule 1, Section 16(2).

<sup>131</sup> Transpower [159.18]

<sup>132</sup> Alliance Group [173.9], Silver Fern Farms [172.10] and KiwiRail [187.13]

<sup>133</sup> Transpower [159.20]

	<p>4. Health care facilities which include accommodation for overnight care;</p> <p>5. Hospitals;</p> <p>6. Marae (building only); or</p> <p>7. Place of assembly.</p> <p>except that:</p> <p>a. subclause <del>f</del> <u>6</u> above is not applicable in relation to <del>electronic</del> <u>electricity</u><sup>134</sup> transmission.</p> <p>b. subclause <del>g</del> <u>7</u> above is not applicable in relation to noise or <del>electronic</del> <u>electricity</u><sup>135</sup> transmission.</p>
Sensitive Environment	<p>Amend the definition of <b>Sensitive Environment</b> as follows:</p> <p>means</p> <p>1. areas within the following overlays identified on the Planning map:</p> <p style="padding-left: 40px;">a. Coastal Environment; and</p> <p style="padding-left: 40px;">[...]</p> <p style="padding-left: 40px;">o. Within 250m from Major Hazard Facilities; and</p> <p style="padding-left: 40px;"><u>p. Bat Protection overlay; and</u><sup>136</sup></p> <p>2. the below areas:</p> <p>[...]</p>
Service Station	<p>Amend the definition of <b>Service Station</b> as follows:</p> <p>means any site primarily used for the retail sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may include any one or more of the following activities, where they are ancillary to the retail sale of fuels:</p> <ul style="list-style-type: none"> <li>• Sale or hire of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts, trailers and other accessories normally associated with motor vehicles;</li> <li>• Truck stops;</li> <li>• Trailer hire;</li> <li>• The ancillary sale of other goods for the convenience and comfort of service station customers;</li> </ul> <p>but shall not include any industrial activity.</p> <p>Note: This definition is a subset of <del>retail-commercial</del><sup>137</sup> activity.</p>
Shelter Belt	<p>Amend the definition of <b>Shelter Belt</b> as follows:</p> <p>means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s). Shelterbelts are no greater than 30 metres in width and are not clear felled (unless <del>the clear felled</del> if for replanting of a <sup>138</sup>new shelterbelt).</p>
State Highway	<p>Amend the definition of <b>State Highway</b> as follows:</p> <p>has the same meaning as <del>inspection</del> <u>inspection</u> in section<sup>139</sup> 5 of the Land Transport Management Act 2003:</p> <p>[...]</p>

<sup>134</sup> MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

<sup>135</sup> MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

<sup>136</sup> Dir. General of Conservation [166.11]

<sup>137</sup> BP Oil et al [196.13]

<sup>138</sup> Correction of a minor error as outlined within RMA Schedule 1, Section 16(2).

<sup>139</sup> Waka Kotahi [143.17]

New, Aircraft	<p><i>Has the same meaning as in section 2 of the Resource Management Act 1991:</i>  <i>means –</i>  <i>any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.</i><sup>140</sup></p>
New, Archaeological Site	<p>Add a definition for:  <b><u>Archaeological Site:</u></b>  <i>Has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014:</i>  <i>means-</i>  <i>a. any place in New Zealand, including any building or structure (or part of a building or structure), that:</i>  <i>    i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</i>  <i>    ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</i>  <i>b. includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.</i><sup>141</sup></p>
New, Infrastructure	<p>Add a definition for:  <b><u>Infrastructure</u></b>  <i>Has the same meaning as in section 2 of the Resource Management Act 1991:</i>  <i>means—</i>  <i>(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;</i>  <i>(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;</i>  <i>(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;</i>  <i>(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</i>  <i>    (i) uses them in connection with the generation of electricity for the person's use; and</i>  <i>    (ii) does not use them to generate any electricity for supply to any other person;</i>  <i>(e) a water supply distribution system, including a system for irrigation;</i>  <i>(f) a drainage or sewerage system;</i>  <i>(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means;</i>  <i>(h) facilities for the loading or unloading of cargo or passengers transported on land by any means;</i>  <i>(i) an airport as defined in section 2 of the Airport Authorities Act 1966;</i>  <i>(j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990;</i>  <i>(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;</i>  <i>(l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</i><sup>142</sup></p>

<sup>140</sup> Helicopters Sth Cant. [53.3] and NZAAA [132.2]

<sup>141</sup> Heritage NZ [114.3]

<sup>142</sup> Radio NZ [152.24]

### **7.3 Appendix B – Recommended Responses to Submissions and Further Submissions**

See separate document

## 7.4 Appendix C – Reverse Sensitivity Definition Section 32AA

### Effectiveness

1. Amendments to the reverse sensitivity definition will be more effective in achieving various objectives as the scope of the definition will be extended beyond including only reverse sensitivity effects on lawfully established activities to permitted and consented activities. This will better achieve the Proposed Plan objectives GIZ-O3, EI-O4, SUB-P5, PORTZ-P1, TRAN-O3 and NOISE-O2as these objectives could include permitted and consented activities.
2. Similarly, amendments to the reverse sensitivity definition extend the scope so reverse sensitivity effects on the future development of activities or a change in use can be considered where these activities are anticipated by the Plan. Without these amendments reverse sensitivity effects on future development would be unable to be considered. This better achieves objectives GIZ-O3, EI-O4 (as they allow for development to be considered) and objectives that more broadly could allow for future development such as MRZ-P1 and MUZ-P4.

### Efficiency

3. The amendments to the reverse sensitivity definition are more efficient as they provide a link to the Proposed Plan provisions by referring to 'activities otherwise anticipated by the Plan'. This takes plan users to the policy and rule frameworks to determine how reverse sensitivity effects is to be considered for a particular activity based on the zone or spatial area within which that activity is occurring, or is to occur.

### Costs/Benefits

Table C1: Anticipated benefits and costs from amendment to Reverse Sensitivity definition

	Benefits	Costs
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• No more than as notified</li> </ul>	<ul style="list-style-type: none"> <li>• No more than as notified</li> </ul>
<b>Economic</b>	<ul style="list-style-type: none"> <li>• Business development, and economic growth of activities anticipated in an area are better enabled</li> <li>• Functionality and efficiency of zones in the District is better protected</li> <li>• Improved certainty surrounding business development resulting in better ability for businesses to obtain required loans, insurance and/or funding</li> </ul>	<ul style="list-style-type: none"> <li>• Higher level of mitigation measures may be required for sensitive activities to manage reverse sensitivity effects on permitted and consented activities and future development</li> </ul>
<b>Social</b>	<ul style="list-style-type: none"> <li>• Improved amenity as a fuller assessment of effects can be</li> </ul>	<ul style="list-style-type: none"> <li>• No more than as notified</li> </ul>

	considered for new development	
<b>Cultural</b>	<ul style="list-style-type: none"> <li>No more than as notified</li> </ul>	<ul style="list-style-type: none"> <li>No more than as notified</li> </ul>

## Certainty

- This definition improves certainty for existing activities that have some adverse effects that might impact sensitive activities, and for activities to establish in zones dedicated to those types of activities. This provides additional certainty that these reverse sensitivity effects can be considered as intended by the Proposed Plan provisions.

## Risk of acting/not acting

- The risk of not acting is that reverse sensitivity effects as intended by the policy framework of the Proposed Plan could not be fully assessed as the notified definition is too narrow to protect zones dedicated to industry and business that can have greater adverse effects, including nuisance effects on sensitive activities.
- There is a small risk of acting in that amendments to this definition have unintended or perverse consequences such as, excessive limitations being placed on the establishment and location of sensitive activities or that the future development of activities is protected even where they are not enabled within a zone. The use of 'or otherwise anticipated by the Plan' has been used to create a connection between the definition and the rule frameworks of the Proposed Plan to remedy this risk.
- Due to the varied plan approaches used under the Proposed Plan, it is difficult to draft a definition that will be general enough to allow consideration of reverse sensitivity effects as intended by the Plan Provisions in every case, while not giving rise to unintended consequences. The amendments to the definition have broadened the scope considerably from only applying to legally established activities in the notified version. Numerous Proposed Plan provisions (policies, rules, matters of control and discretion) will likely have been drafted to align with this narrow focus. Therefore, in some cases what can be considered reverse sensitivity effects may now go beyond that which was anticipated. Specific consideration will need to be given to assessing whether further certainty needs to be provided for within plan policies, rules and matters of control or discretion based on the reliance on a broader definition.

## Other reasonably practicable options

### Alternative option 1: Amendments to definition but with no limitations regarding future use and/or development

- The submitters sought to individually add in a variety of terms to the definition to extend its scope including:
  - Inserting 'permitted', 'consented' or 'approved' alongside 'lawfully established activity' when considering the existing activity;

- Inserting 'and the future development or expansion of that activity' when referring to the existing activity;
  - Listing development, upgrading and maintenance alongside operation when referring to the existing activity;
  - Inserting 'possible' or 'proposed' when referring to the more recent activity;
  - Replacing 'existing lawfully established activity' with 'existing lawfully permitted activity' when referring to the existing activity.
9. The main issue with the amendments sought by the submitters is that no limitations were included whether the development is in line with that anticipated within a specific spatial area or not. This was a particular issue when considering reverse sensitivity effects on future development as it gave rise to the risks identified above in paragraph 6.
10. Furthermore, applying each individual amendment, as above, within the definition would result in a complex, lengthy definition.

**Alternative option 2: Applying a very wide definition**

11. The option to apply a very broad definition of reverse sensitivity was considered. The example considered was the definition of reverse sensitivity used within the Auckland Unitary Plan.
12. The main concern with adopting a very wide definition was that a number of policies within the Proposed Plan also adopt a very wide approach. Applying a very broad definition in these cases would result in ambiguity and the definition would fail to provide much, if any, direction to the assessment of reverse sensitivity.

**Alternative option 3: Delete definition of reverse sensitivity**

13. Deleting the definition and relying solely on case law was considered. This did not provide the most effective or efficient means of achieving the Proposed Plan objectives. Furthermore, while deleting the definition and tailoring the objectives, policies and rules of the Proposed Plan is an option, it was unclear whether there was scope. No submitter asked for the definition to be deleted. Submissions requested amendments to, or supported the definition. Due to this, a different approach was adopted.
14. No other reasonably practicable options have been assessed for achieving the objectives of the Proposed Plan.

## 7.5 Appendix D – Recommendation changes within this Section 42A report compared to Section 42A report published on 2 November 2023

### Description of the District

- New recommendations added in response to submissions by Hort NZ [245.3] and Fonterra [165.12].
- Recommendation for submission by Transpower [159.2] changed from accepted in part to rejected.
- Recommendation for submission by Enviro NZ [162.1] changed from accepted in part to rejected.
- Recommended changes to **Settlement Patterns, Growth and Development** in response to Te Rūnanga o Ngāi Tahu's [185.9] submission amended.
- Recommendation for submission by Heritage NZ [114.2] changed from accepted to accepted in part.

### Statutory Context

- Recommendation for submission by OWL [181.7] changed from accepted to accepted in part.
- Recommendation for submission by Te Rūnanga o Ngāi Tahu's [185.10] changed from accepted in part to accepted.

### General Approach

- Recommendation for the submissions by OWL [181.8, 181.12] changed from rejected to accepted in part.

### Relationships between spatial layers

- Recommendation for the submission by Waka Kotahi [143.1] changed from accepted to accepted in part.

### Definitions

#### Infrastructure

- New submission points included in Appendix B for Connexa [178.8], Spark [208.8], Chorus [209.8] and Vodafone [210.8]

#### Department of Conservation Activity –

- Recommendation changed from accepted to accepted in part for submission by DOC [166.6]. Recommendation to delete the definition remains.

## Noise Sensitive Activity –

- This definition is removed from this report and will be dealt with in the Noise chapter. As a result, assessment and recommendation related to this definition has been removed.

## Plantation Forestry –

- slight wording change of the NES title referred in the definition.

## Replacement –

- Recommendation for the submission by Transpower [159.18] has been changed from rejected to accepted in part.
- As a result of the above change, recommendation on submissions supporting this definition are changed from accept to accept in part.
- Changes recommended to definition.

## Reverse Sensitivity –

- Recommendation changed from accepted to rejected for submission by Transpower [159.19].
- Recommendation changed from rejected to accepted in part for submissions by Alliance Group [173.9], Silver Fern Farms [172.10] and KiwiRail [187.13].
- Changes recommended to definition.

## Sensitive Activity –

- Recommendation changed from accepted in part to accepted for submissions by MoE [106.6], BP Oil et al [196.11], and Radio NZ [152.20].
- Recommendation changed from accepted in part to rejected for the submission by Fonterra [165.21].
- Recommendation changed from rejected to accepted in part for the submissions by Silver Fern Farms [172.11] and Alliance Group [173.10].

## Sensitive Environment –

- Recommendation changed from accepted to rejected for submissions by Heritage NZ [114.8] and TDC [42.3].
- Recommendation changed from rejected to accepted for the Dir. General Conservation [166.11].
- Changes recommended to definition.

## Service Station –

- Recommendation for the submission by BP Oil et al [196.13] has been changed from rejected to accepted and changes recommended to definition.

## Shelter Belt –

- RMA Clause 16(2) minor amendment recommended.
- As a result, recommendation on submissions supporting this definition is changed from accept to accept in part.

## Aircraft –

- Recommendation for the submission by Helicopters Sth Cant. [53.3] and NZAAA [132.2] from rejected to accepted.

## Crime Prevention through Environmental Design (CPTED) –

- Recommendation for the submissions by Timaru Civic Trust [223.2] and Timaru TC Ratepayers [219.15] remains rejected, but no abbreviation to be added.

**Hospital –**

- this definition is removed from this report and will be considered in Hearing B, as a result, assessment and recommendation related to this definition has been removed.

**Household –**

- Recommendation changed from accepted to rejected for submission by The Dept. Corrections [239.4], hence no new definition of *household* is recommended.

**Tertiary Education Activity –**

- This definition is removed from this report and will be dealt with in Hearing B. As a result, assessment and recommendation relate to this definition has been removed.

**Abbreviations**

- Abbreviation for CPTED no longer to be inserted to Abbreviations chapter in response to the submissions by Timaru Civic Trust [223.2] and Timaru TC Ratepayers [219.15].

**Mana Whenua**

The Mana Whenua section of the s42a report has been restructured so that the submission point is summarised, assessed and then the recommendation is made before moving onto the next submission point. The section was restructured to aid submitters in navigating the report as numerous submissions were received on this chapter.

- Recommendation for Te Rūnanga o Ngāi Tahu's [185.24] submission changed from accepted in part to rejected.
- Recommendation for Te Rūnanga o Ngāi Tahu's [185.27] submission changed from accepted to accepted in part.
- Recommendation for Te Rūnanga o Ngāi Tahu's [185.33] submission changed from accepted to accepted in part.

**General High-Level Submissions**

- Recommendation for Foodstuffs' [193.1] submission changed from rejected to rejected in part. One part of this submission was rejected, the other part requires no decisions to be made within this report.
- New recommendation added in response to submission by Zolve [164.6].

## **7.6 Appendix E – Incomplete Further Submissions lodged on the Proposed Plan**

**From:** PDP  
**To:** Lisa Zwarts  
**Subject:** RE: [Potential Impersonation] - Email submission on behalf of I G Urquart  
**Date:** Tuesday, 5 September 2023 8:10:25 am  
**Attachments:** image001.png  
image002.png  
image003.png  
image047485.png

Hello Lisa

Thanks for the PDF, Form 6 sent in on behalf of I G Urquart.

However, it **remains incomplete** as the "Please explain Section" Highlighted in Yellow remains unfilled and secondly the name is not clear thus making it difficult to ascertain the identity of the submitter. I do understand that you are submitting on behalf of IG Urquart. Is it possible to get the hard copy so that it can be scanned in TDC? Or can I G Urquart it be post to TDC? Thank you.

!

DISTRICT COUNCIL  
TE KAUNHERA & ROHE  
O TE TIRI O MARU

Timaru District Council  
1 Longbridge Place  
Timaru 7522  
Phone 03 687 7200

Further submission in support of, or in opposition to, submission on the  
Proposed Timaru District Plan  
(Clause 9 of Schedule 1, Resource Management Act 1991)

Further submissions close on Friday 8 August 2023 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the Proposed Timaru District Plan.

Full name of person making further submission:  
Lisa Zwarts

Organisation name and contact (if representing a group or organisation):  
A former potentially affected by SNA

Only certain persons can make a further submission. Please select the option that applies.  
I am:

a person representing a relevant aspect of the public interest,  
 a person who has an interest in the proposal that is greater than the interest the general public has,  
 the local authority for the relevant area.

Please explain why you come within the category selected above:

Hearing options

**TIMARU**  
DISTRICT COUNCIL  
Te Kaunhera & Rohe  
o Te Tiri o Maru

Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

**From:** Lisa Zwarts <zwartshunter@xtra.co.nz>  
**Sent:** Wednesday, August 30, 2023 9:50 AM  
**To:** PDP <pdp@timdc.govt.nz>  
**Subject:** Fwd: [Potential Impersonation] - Email submission on behalf of I G Urquart

Hi Jane  
In Pdf format as requested

Kind regards  
Lisa

Sent from my iPhone

Begin forwarded message:

**From:** Lisa Zwarts <[lisa.zwarts@timdc.govt.nz](mailto:lisa.zwarts@timdc.govt.nz)>  
**Date:** 30 August 2023 at 9:48:01 AM NZST  
**To:** Lisa Zwarts <[zwartshunter@xtra.co.nz](mailto:zwartshunter@xtra.co.nz)>  
**Subject:** RE: [Potential Impersonation] - Email submission on behalf of I G Urquart



**Lisa Zwarts** | Environmental Health Support Officer

Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Lisa Zwarts <[zwartshunter@xtra.co.nz](mailto:zwartshunter@xtra.co.nz)>  
**Sent:** Wednesday, 30 August 2023 9:39 AM  
**To:** Lisa Zwarts <[lisa.zwarts@timdc.govt.nz](mailto:lisa.zwarts@timdc.govt.nz)>  
**Subject:** Fwd: [Potential Impersonation] - Email submission on behalf of I G Urquart

Sent from my iPhone

Begin forwarded message:

**From:** PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)>  
**Date:** 23 August 2023 at 2:10:18 PM NZST  
**To:** Lisa Zwarts <[zwartshunter@xtra.co.nz](mailto:zwartshunter@xtra.co.nz)>  
**Subject:** RE: [Potential Impersonation] - Email submission on behalf of I G Urquart

Hey Lisa,

We require these as either a word document or a pdf. Are you able to scan the hardcopy through to us? Alternatively, you could submit them as a hard copy document to Timaru District Council and our Records Team could scan them through to us.

Kind regards,  
Alanna



Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Lisa Zwarts <[zwartshunter@xtra.co.nz](mailto:zwartshunter@xtra.co.nz)>  
**Sent:** Tuesday, August 22, 2023 7:58 PM  
**To:** PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)>

**Subject:** Re: [Potential Impersonation] - Email submission on behalf of I G Urquart

Hi Jane  
Updated form attached

**TIMARU**  
DISTRICT COUNCIL  
1 King George Road  
Timaru 7840  
Phone 03 682 1000

Further submission in support of, or in opposition to, submission on the  
**Proposed Timaru District Plan**  
(Clause 8 of Schedule 1, Resource Management Act 1991)

Further submissions close on Friday 4 August 2023 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the Proposed Timaru District Plan.

Full name of person making further submission:  
Isobel Grace Urquart

Organisation name and contact (if representing a group or organisation):  
A further submission on behalf of SNA

Only certain persons can make a further submission. Please select the option that applies.

I am:

- a person representing a relevant aspect of the public interest;
- a person who has an interest in the proposal that is greater than the interest the general public has;
- the local authority for the relevant area.

Please explain why you come within the category selected above:

\_\_\_\_\_

\_\_\_\_\_

**Hearing options**

I wish to be heard in support of my further submission?  Yes  No

If others make a similar further submission, I will consider presenting a joint case with them at a hearing.

Yes  No

Signature: \_\_\_\_\_ Date: 11-08-23

In support Groundwater submission 24.

(of person making submission or person authorised to make decision on behalf)

**PLEASE NOTE** - A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.

Electronic address for service of person making further submission:

Telephone: 03 6126604

Postal address (or alternative method of service under section 352 of the Act):  
2310 Backline rd, Timaru

Contact person: (name and designation, if applicable)

You have served a copy of the further submission on the original submitter (this is required under the Resource Management Act 1991 Schedule 1, s8A(2) to be completed within 5 working days after it is served on the Timaru District Council)

Yes  No

Further submissions close on Friday 4 August 2023 at 5pm.

On 22/08/2023, at 10:22 AM, PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)> wrote:

Hello Lisa,

Thank you, for the further submission, on behalf of Isobel Grace Urquart. Please note that the attached form 6 is incomplete and the section that requires Isobel to “explain why she comes within the category selected above” on the form 6 requires to be completed. Please have it filled out and resend the completed form 6. Thank you.

regards

Jane

---

Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Lisa Zwarts <[zwartshunter@xtra.co.nz](mailto:zwartshunter@xtra.co.nz)>

**Sent:** Friday, August 11, 2023 4:27 PM

**To:** PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)>; [hello@groundswell.org.nz](mailto:hello@groundswell.org.nz)

**Subject:** [Potential Impersonation] - Email submission on behalf of I G Urquart

This message was sent from outside the company by someone with a display name matching a user in your organisation. Please do not click links or open attachments unless you recognise the source of this email and know the content is safe.

Please find attached submission supporting Groundswell submission 214 on behalf of I G Urquart.  
<image001.jpg><image002.jpg>

## Hannah Price

---

**From:** Lisa Zwarts <zwartshunter@xtra.co.nz>  
**Sent:** Wednesday, 30 August 2023 9:50 am  
**To:** PDP  
**Subject:** Fwd: [Potential Impersonation] - Email submission on behalf of I G Urquart  
**Attachments:** IszySubmission.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jane  
In Pdf format as requested  
Kind regards  
Lisa

Sent from my iPhone

Begin forwarded message:

**From:** Lisa Zwarts <lisa.zwarts@timdc.govt.nz>  
**Date:** 30 August 2023 at 9:48:01 AM NZST  
**To:** Lisa Zwarts <zwartshunter@xtra.co.nz>  
**Subject:** RE: [Potential Impersonation] - Email submission on behalf of I G Urquart



**Lisa Zwarts** | Environmental Health Support Officer

Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Lisa Zwarts <zwartshunter@xtra.co.nz>  
**Sent:** Wednesday, 30 August 2023 9:39 AM  
**To:** Lisa Zwarts <lisa.zwarts@timdc.govt.nz>  
**Subject:** Fwd: [Potential Impersonation] - Email submission on behalf of I G Urquart

Sent from my iPhone

Begin forwarded message:



Timaru District Council  
1 Longbridge Place  
Timaru 7510  
Phone 03 937 7000

Further submission in support of, or in opposition to, submission on the  
Proposed Timaru District Plan  
Clause 2 of Schedule 1, Resource Management Act 1991

Further submissions close on Friday 4 August 2023 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the Proposed Timaru District Plan.

Full name of person making further submission:

David Grace Upton

Organisation name and contact (if representing a group or organisation)

A former councillor elected by SNA

Only certain persons can make a further submission. Please select the option that applies. I am:

- a person representing a relevant aspect of the public interest;  
 a person who has an interest in the proposal that is greater than the interest the general public has;  
 the local authority for the relevant area.

Please explain why you come within the category selected above:

### Hearing options

I wish to be heard in support of my further submission?  Yes  No

If others make a similar further submission, I will consider presenting a joint case with them at a hearing.

Yes  No

Signature [Signature] Date 11-08-23

In support Grantville submission 24.

(of person making submission or person authorised to make decision on behalf)

PLEASE NOTE - A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.

Electronic address for service of person making further submission:

Telephone 03 6126604

Postal address (or alternative method of service under section 352 of the Act):

2310 Backline Rd, Timaru

Contact person: (name and designation, if applicable)

You have served a copy of the further submission on the original submitter (this is required under the Resource Management Act 1991 Schedule 1, s8A(2) to be completed within 5 working days after it is served on the Timaru District Council)

Yes  No

Further submissions close on Friday 4 August 2023 at 5pm.

## Hannah Price

---

**From:** Lisa Zwarts <zwartshunter@xtra.co.nz>  
**Sent:** Tuesday, 22 August 2023 7:58 pm  
**To:** PDP  
**Subject:** Re: [Potential Impersonation] - Email submission on behalf of I G Urquart

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jane


  
**TIMARU**  
 DISTRICT COUNCIL  
 Newmarket Lane  
 Timaru

Timaru District Council  
 2 King George Place  
 Timaru 7840  
 Phone 03 687 1000

**Further submission in support of, or in opposition to, submission on the  
 Proposed Timaru District Plan**  
(Class 8 of Schedule 1, Resource Management Act 1991)

Further submissions close on Friday 4 August 2023 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the Proposed Timaru District Plan.

Full name of person making further submission:  
David Grace Upton

Organisation name and contact (if representing a group or organisation):  
A farmer potentially affected by SNA

Only certain persons can make a further submission. Please select the option that applies.

I am:

a person representing a relevant aspect of the public interest;

a person who has an interest in the proposal that is greater than the interest the general public has;

the local authority for the relevant area.

Please explain why you come within the category selected above:

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**Hearing options**

I wish to be heard in support of my further submission?  Yes  No

If others make a similar further submission, I will consider presenting a joint case with them at a hearing.

Yes  No

Signature: [Signature] Date: 11-08-23

In support Grandview submission 24.

Updated form attached

*(of person making submission or person authorised to make decision on behalf)*

**PLEASE NOTE** - A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.

Electronic address for service of person making further submission:

Telephone: 03 6126604

Postal address (or alternative method of service under section 352 of the Act):  
2310 Backline Rd, Timaru

Contact person: (name and designation, if applicable): \_\_\_\_\_

You have served a copy of the further submission on the original submitter (this is required under the Resource Management Act 1991 Schedule 1, s8A(2) to be completed within 5 working days after it is served on the Timaru District Council)

Yes  No

Further submissions close on Friday 4 August 2023 at 5pm.

On 22/08/2023, at 10:22 AM, PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)> wrote:

Hello Lisa,

Thank you, for the further submission, on behalf of Isobel Grace Urquart. Please note that the attached form 6 is incomplete and the section that requires Isobel to “ explain why she comes within the category selected above” on the form 6 requires to be completed. Please have it filled out and resend the completed form 6. Thank you.

regards

Jane

---

Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Lisa Zwarts <[zwartshunter@extra.co.nz](mailto:zwartshunter@extra.co.nz)>

**Sent:** Friday, August 11, 2023 4:27 PM

**To:** PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)>; [hello@groundswell.org.nz](mailto:hello@groundswell.org.nz)

**Subject:** [Potential Impersonation] - Email submission on behalf of I G Urquart

This message was sent from outside the company by someone with a display name matching a user in your organisation. Please do not click links or open attachments unless you recognise the source of this email and know the content is safe.

Please find attached submission supporting Groundswell submission 214 on behalf of I G Urquart.<image001.jpg><image002.jpg>

## Hannah Price

---

**From:** PDP  
**Sent:** Tuesday, 22 August 2023 10:23 am  
**To:** Lisa Zwarts  
**Subject:** RE: [Potential Impersonation] - Email submission on behalf of I G Urquart

Hello Lisa,

Thank you, for the further submission, on behalf of Isobel Grace Urquart. Please note that the attached form 6 is incomplete and the section that requires Isobel to “ explain why she comes within the category selected above” on the form 6 requires to be completed. Please have it filled out and resend the completed form 6. Thank you.

regards

Jane



Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Lisa Zwarts <[zwartshunter@xtra.co.nz](mailto:zwartshunter@xtra.co.nz)>  
**Sent:** Friday, August 11, 2023 4:27 PM  
**To:** PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)>; [hello@groundswell.org.nz](mailto:hello@groundswell.org.nz)  
**Subject:** [Potential Impersonation] - Email submission on behalf of I G Urquart

This message was sent from outside the company by someone with a display name matching a user in your organisation. Please do not click links or open attachments unless you recognise the source of this email and know the content is safe.

Please find attached submission supporting Groundswell submission 214 on behalf of I G

**TIMARU**  
DISTRICT COUNCIL  
Te Kaitiaki o Te Timu a Māui

Timaru District Council  
2 King George Place  
Timaru 7910  
Phone: 03 687 7200

**Further submission in support of, or in opposition to, submission on the Proposed Timaru District Plan**  
Clause 8 of Schedule 1, Resource Management Act 1991

---

Further submissions close on Friday 4 August 2023 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the Proposed Timaru District Plan.

Full name of person making further submission:  
Isabel Grace Urquhart

Organisation name and contact (if representing a group or organisation):  
\_\_\_\_\_

Only certain persons can make a further submission. Please select the option that applies.  
I am:

- a person representing a relevant aspect of the public interest;
- a person who has an interest in the proposal that is greater than the interest the general public has;
- the local authority for the relevant area.

Please explain why you come within the category selected above:  
\_\_\_\_\_  
\_\_\_\_\_

**Hearing options**

I wish to be heard in support of my further submission?  Yes  No

If others make a similar further submission, I will consider presenting a joint case with them at a hearing.  
 Yes  No

Signature:  Date: 11-08-23

In support Groundswell submission 214.

Urquhart.

*(of person making submission or person authorised to make decision on behalf)*

**PLEASE NOTE** - A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.

Electronic address for service of person making further submission:

Telephone: 03 6126604

Postal address (or alternative method of service under section 352 of the Act):

2310 Backline Rd, Timaru.

Contact person: *(name and designation, if applicable):* \_\_\_\_\_

You have served a copy of the further submission on the original submitter (this is required under the Resource Management Act 1991 Schedule 1, s8A(2) to be completed within 5 working days after it is served on the Timaru District Council)

Yes  No

Further submissions close on Friday 4 August 2023 at 5pm.



Timaru District Council  
2 King George Place  
Timaru 7910  
Phone: 03 687 7200

## Further submission in support of, or in opposition to, submission on the Proposed Timaru District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

---

Further submissions close on Friday 4 August 2023 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the **Proposed Timaru District Plan**.

**Full name of person making further submission:**

Nic twaddle Amy Alison and Robert Whittam

**Organisation name and contact** (if representing a group or organisation):

[Click to enter text.](#)

**Only certain persons can make a further submission. Please select the option that applies.**

**I am:**

- a person representing a relevant aspect of the public interest;
- a person who has an interest in the proposal that is greater than the interest the general public has;
- the local authority for the relevant area.

Please explain why you come within the category selected above:

[Click or tap here to enter text.](#)

### Hearing options

I wish to be heard in support of my further submission?  Yes  No

If others make a similar further submission, I will consider presenting a joint case with them at a hearing.

Yes  No

Signature: nic twaddle

Date: 11 August 2023

*(of person making submission or person authorised to make decision on behalf)*

**PLEASE NOTE** - A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.

**Electronic address for service of person making further submission:** [Click to enter text.](#)

Telephone: 0220945270

Postal address (*or* alternative method of service under section 352 of the Act): 24 Haig St Whakatane

Contact person: *[name and designation, if applicable]*: Nic twaddle

**You have served a copy of the further submission on the original submitter (this is required under the Resource Management Act 1991 Schedule 1, s8A(2) to be completed within 5 working days after it is served on the Timaru District Council)**

Yes  No

**Further submissions close on Friday 4 August 2023 at 5pm.**

## Hannah Price

---

**From:** PDP  
**Sent:** Wednesday, 6 September 2023 3:02 pm  
**To:** Nic Twaddle  
**Subject:** RE: Document shared with you: "form 6 further sub.docx"  
**Attachments:** Natural-Features-and-Landscapes.pdf; Natural-Hazards.pdf

Hello Nic,

Please find attached a couple of summary of submissions. Look through the Natural Hazards summary to see if any of these points match up with what you would like to support/oppose, and similar look through the Natural Features and Landscapes in regards to the visual amenity overlay.

I also thought this submission point may cover some of the points you would want to support/oppose in a further submission.

Robert Whitham	121.1	OSZ - Open Space zone	General	General	Oppose	Considers there is an absence of the following information: - Specific provisions to manage natural hazard risk and effects on landowners and infrastructure from Kowhai Stream. - How to maintain safe access to the national park. - A specific analysis of the existing landscape character of 'Blandswood' and the surrounding area and the appropriateness of future growth. - A specific analysis of the development constraints of Peel Forest Settlement Zone. - A specific analysis of the appropriateness of the OPZ for Blandswood.	Decline the PDP change to Open Space Zone.
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We are moving onto further stages of the District Plan Review very shortly, so I would suggest getting back to us as soon as possible.

Please note you need to complete Form 6, and the excel spreadsheet table I sent you a few weeks ago for your further submission to be considered a complete submission. A lot of the text you provided in the Form 6 could be your 'reasons' but you need to be able to tie them to an original submission point, as new submission points cannot be raised at this stage in the process.

Kind regards,  
Alanna



Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

**From:** Nic Twaddle (via Google Docs) <whakatane@gmail.com>  
**Sent:** Monday, September 4, 2023 10:14 AM  
**To:** PDP <pdp@timdc.govt.nz>  
**Subject:** Document shared with you: "form 6 further sub.docx"

## Nic Twaddle shared a document



Nic Twaddle ([whakatane@gmail.com](mailto:whakatane@gmail.com)) has invited you to **edit** the following document:



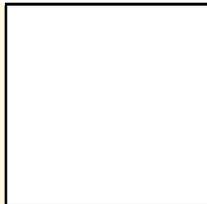
Hi Alanna,

Please find attached our amended submission for the proposed district plan.

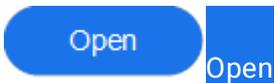
Kind regards,

Nic

form 6 further sub.docx



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You have received this email because [whakatane@gmail.com](mailto:whakatane@gmail.com) shared a document with you from Google Docs.



## Hannah Price

---

**From:** PDP  
**Sent:** Tuesday, 5 September 2023 4:27 pm  
**To:** Nic Twaddle  
**Subject:** RE: Document shared with you: "form 6 further sub.docx"

Hello Nic,

Would you be able to send this through as an attached word document? I cannot download the form through Google Docs.

Kind regards,  
Alanna



Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Nic Twaddle (via Google Docs) <whakatane@gmail.com>  
**Sent:** Monday, September 4, 2023 10:14 AM  
**To:** PDP <pdp@timdc.govt.nz>  
**Subject:** Document shared with you: "form 6 further sub.docx"

## Nic Twaddle shared a document



Nic Twaddle ([whakatane@gmail.com](mailto:whakatane@gmail.com)) has invited you to **edit** the following document:



Hi Alanna,

Please find attached our amended submission for the proposed district plan.

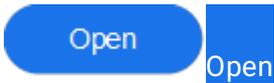
Kind regards,

Nic

form 6 further sub.docx



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Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [whakatane@gmail.com](mailto:whakatane@gmail.com) shared a document with you from Google Docs.



## Hannah Price

---

**From:** Nic Twaddle (via Google Docs) <whakatane@gmail.com>  
**Sent:** Monday, 4 September 2023 10:14 am  
**To:** PDP  
**Subject:** Document shared with you: "form 6 further sub.docx"

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### Nic Twaddle shared a document



Nic Twaddle ([whakatane@gmail.com](mailto:whakatane@gmail.com)) has invited you to **edit** the following document:

Hi Alanna,

Please find attached our amended submission for the proposed district plan.

Kind regards,

Nic

 form 6 further sub.docx



This email grants access to this item without logging in. Only forward it to people you trust.

Open

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [whakatane@gmail.com](mailto:whakatane@gmail.com) shared a document with you from Google Docs.

Google™

## Hannah Price

---

**From:** PDP  
**Sent:** Tuesday, 29 August 2023 11:36 am  
**To:** Nic Twaddle  
**Subject:** Submission points relating to zoning of Blandswood  
**Attachments:** Blandswood Zoning Submission Points.docx

Hello Nic,

Please find attached a table of all the original submission points relating to the zoning of Blandswood. For your further submission, you can go through this list and outline which submissions you support or oppose and what you are seeking from Timaru District Council (to accept or reject original submission point, for example).

You will be able to use the excel spreadsheet I emailed you on the 22 August to complete your further submission table.

Let me know if you have any further queries.

Kind regards,  
Alanna



Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

---

**From:** Nic Twaddle <[whakatane@gmail.com](mailto:whakatane@gmail.com)>  
**Sent:** Friday, August 11, 2023 5:03 PM  
**To:** PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)>  
**Subject:** Re:

Hopefully attached here

On Friday, 11 August 2023, Nic Twaddle <[whakatane@gmail.com](mailto:whakatane@gmail.com)> wrote:

Please see attached submission for Nic Twaddle Robert Whittam send Amy Alison. Opposing changes to the zoning of blandswood.

Kind regards

Nic Twaddle

Submitter	Sub No.	Section/Appendix	Sub-section	Oppose/ Support/ Amend	Submission Point Summary	Relief/Decision Sought Summary
Aaron Carson	8.1	Planning Maps	Rezone	Oppose	Opposes the inclusion of Blandswood, a long established settlement, in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and 2. Any consequential amendments to the Proposed Plan.
Rachel Smith	9.1	Planning Maps	Rezone	Oppose	Opposes the inclusion of Blandswood in the Natural Open Space Zone. The zoning is not appropriate for private land with existing dwellings.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and 2. Any consequential amendments to the Proposed Plan.
Mike Lamb	24.1	Planning Maps	Rezone	Oppose	Considers the proposed OSZ will mean resource consent is required to do anything on the submitter's section on Lookout Road at Blandswood. Considers the sloping ground makes a transportable building or caravan impossible. Considers the proposed zoning will mean the section is worthless.	Rezone Lookout Road (CB26A/1208, Lot 27 DP8214,VR 2464011211) at Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Rural 4B</b> from the Operative District Plan.
Scott Jesen	67.1	Planning Maps	Rezone	Oppose	Opposes the zoning of 166 Blandswood Road as OSZ with a Hut Precinct Overlay.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> .
Ruth Melrose	69.1	Planning Maps	Rezone	Oppose	Opposes the zoning of Blandswood as OSZ, it would result in a vacant section not being able to be built on despite its suitability for residential development. [See original submission for full reasons].	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> ; and 2. Any consequential amendments to the Proposed Plan.
Graham John and Kathleen Veronica Collins	71.1	Planning Maps	Rezone	Oppose	Oppose having Blandswood in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> ; and 2. Any consequential amendments to the Proposed Plan.
Miriam Jowett	75.1	Planning Maps	Rezone	Oppose	Opposes having Blandswood in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> ; and 2. Any consequential amendments to the Proposed Plan.
Luke Challies and Elizabeth Ireland	77.1	Planning Maps	Rezone	Oppose	Oppose the zone change from Rural 4B to Open Space Zone - Hut Precinct within the Blandswood Area, due to detracting from the area as maintenance and development/improvement of properties will be restricted. Considers property owners should have greater freedom and rights to improve their properties. [Refer original submission for full reason]	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> ; and 2. Any consequential amendments to the Proposed Plan.
Catharina Treeby	93.1	Planning Maps	Rezone	Oppose	Oppose having Blandswood in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> ; and 2. Any consequential amendments to the Proposed Plan.
Ali Bras	96.1	Planning Maps	Rezone	Oppose	Oppose having Blandswood included in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> ; and 2. Any consequential amendments to the Proposed Plan.
David Stanley Woods	102.1	Planning Maps	Rezone	Oppose	Opposes having Blandswood included in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> . 2. Make any consequential amendments in the Proposed District Plan.
Gordon & Jillian Ireland	110.1	Planning Maps	Rezone	Oppose	Oppose the inclusion of Blandswood in the Open Space Zone as considered the area is more appropriate for Settlement Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> . 2. Make any consequential amendments in the Proposed District Plan.

					[Refer original submission for full reason]	
Hamish Laird	111.1	Planning Maps	Rezone	Oppose	Opposes the inclusion of Blandswood in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> . 2. Make any consequential amendments in the Proposed District Plan.
Robert Whitham	121.1	OSZ - Open Space zone	General	Oppose	Considers there is an absence of the following information: - Specific provisions to manage natural hazard risk and effects on landowners and infrastructure from Kowhai Stream. - How to maintain safe access to the national park. - A specific analysis of the existing landscape character of 'Blandswood' and the surrounding area and the appropriateness of future growth. - A specific analysis of the development constraints of Peel Forest Settlement Zone. - A specific analysis of the appropriateness of the OPZ for Blandswood.	Decline the PDP change to Open Space Zone.
Elizabeth Jane Small and Roger Ellis Buchanan	123.1	Planning Maps	Rezone	Oppose	It is unreasonable to zone the Blandswood area OSZ. Subject to suitable controls it is suitable for residential development. The land as purchased on the basis that a house could be built. Rates have also been paid on that basis.	Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to <b>Settlement Zone</b> .
Amy Alison	126.1	Open Space Zone	General	Oppose	Considers there is an absence of the following information: - Specific provisions to manage natural hazard risk and effects on landowners and infrastructure from Kowhai Stream. - How to maintain safe access to the national park. - A specific analysis of the existing landscape character of 'Blandswood' and the surrounding area and the appropriateness of future growth. - A specific analysis of the development constraints of Peel Forest Settlement Zone. - A specific analysis of the appropriateness of the OPZ for Blandswood .	Decline the PDP change to Open Space Zone.
Louis Brown Nicolas John Twaddle	127.1	OSZ - Open Space Zone	General	Oppose	Considers there is an absence of the following information: - Specific provisions to manage natural hazard risk and effects on landowners and infrastructure from Kowhai Stream. - How to maintain safe access to the national park. - A specific analysis of the existing landscape character of 'Blandswood' and the surrounding area and the appropriateness of future growth. - A specific analysis of the development constraints of Peel Forest Settlement Zone. - A specific analysis of the appropriateness of the OPZ for Blandswood .	Decline the PDP change to Open Space Zone.

David William & Siobhan Mary Collins	141.1	Planning Maps	Rezone	Oppose	Oppose the Open Space Zoning of Blandswood, it is different from the other areas where this zoning is proposed.	1. Rezone Blandswood from <b>OSZ</b> to <b>SETZ</b> AND 2. Make any necessary consequential amendments.
Gregory Andrew and Vivienne Louise Wilkinson	144.1	Planning Maps	Rezone	Oppose	Opposes the Open Space Zone for Blandswood as this unduly restricts property owners to develop and improve their homes or holiday homes.	Rezone Blandswood from the Open Space Zone to the <b>Settlement Zone</b> .
Christian Bras	154.1	Planning Maps	Rezone	Oppose	Oppose having Blandswood included in the Open Space Zone.	1. <b>Rezone</b> Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and 2. Any consequential amendments.
Graham and Sharon Melrose	195.1	Planning Maps	Rezone	Oppose	The Submitter opposes the inclusion of Blandswood in the Open Space Zone. The reason is due to the area not being leasehold but in private ownership and is not in the same category as cemetery or fishing hut. The submitter considers the OSZ will severely limit their options on their non-built land and request the area be zoned Settlement Zone.	1. <b>Rezone</b> Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and 2. Any consequential amendments to the Proposed Plan.
Peter Bras	232.1	Planning Maps	Rezone	Oppose	Oppose having Blandswood included in the Open Space Zone.	1. Rezone Blandswood from Open Space Zone - Holiday Hut Precinct to Settlement Zone; and 2. Any consequential amendments in the Proposed District plan.

## Hannah Price

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**From:** PDP  
**Sent:** Tuesday, 22 August 2023 1:21 pm  
**To:** Nic Twaddle  
**Subject:** RE: Re:  
**Attachments:** Further-Submission-Table.xlsx

Hello Nic,

For your further submission to be treated as complete, we require detail on the specific points you wish to support or oppose from the original submissions, with reasons. I have attached a form that sets this out for you.

As for Form 6, to note this form as complete you need to complete the section explaining why you are 'a person who has a greater interest in the proposal than the interest the general public has' (as ticked on your form).

You will need to complete these requirements for your further submission to be considered.

Please let me know if you have any questions.

Kind regards,  
Alanna



Timaru District Council | PO Box 522 | Timaru 7940  
P: 03 687 7200 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

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**From:** Nic Twaddle <[whakatane@gmail.com](mailto:whakatane@gmail.com)>  
**Sent:** Friday, August 11, 2023 5:03 PM  
**To:** PDP <[pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)>  
**Subject:** Re:

Hopefully attached here

On Friday, 11 August 2023, Nic Twaddle <[whakatane@gmail.com](mailto:whakatane@gmail.com)> wrote:

Please see attached submission for Nic Twaddle Robert Whittam send Amy Alison. Opposing changes to the zoning of blandswood.

Kind regards

Nic Twaddle

## Hannah Price

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**From:** Nic Twaddle <whakatane@gmail.com>  
**Sent:** Friday, 11 August 2023 5:03 pm  
**To:** PDP  
**Subject:** Re:  
**Attachments:** form 6 further sub.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hopefully attached here

On Friday, 11 August 2023, Nic Twaddle <[whakatane@gmail.com](mailto:whakatane@gmail.com)> wrote:

Please see attached submission for Nic Twaddle Robert Whittam send Amy Alison. Opposing changes to the zoning of blandswood.

Kind regards

Nic Twaddle