

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND the proposed Timaru District Plan

Evidence of Elizabeth Moya Williams
on behalf of the Director-General of Conservation *Tumuaki Ahurei*
Hearing B: B1 Rural Zones
Submitter No. 166 Further Submitter No.166
Dated: 5 July 2024

Department of Conservation | *Te Papa Atawhai*

Private Bag 4715

Christchurch Mail Centre

Christchurch 8140

Solicitor rōia: Ceri Warnock and Alice McCubbin-Howell

Phone waea: 0273436890 / 0272013551

Email Īmera: cwarnock@doc.govt.nz / amccubbinhowell@doc.govt.nz

Table of Contents

INTRODUCTION.....	2
CODE OF CONDUCT	2
SCOPE	3
MATERIAL CONSIDERED.....	3
CONCLUSION	9
APPENDIX 1: TABLE COMPARING THE ZONE PROVISIONS FOR OPEN SPACE ZONE HOLIDAY HUT PRECINCT 4 AND THE SETTLEMENT ZONE.....	10
APPENDIX 2 PUBLIC CONSERVATION LAND AND THE NATURAL OPEN SPACE ZONE MAPPING.....	12

Introduction

1. My full name is Elizabeth Moya Williams.
2. I have been asked by the Director-General of Conservation Tumuaki Ahurei ('the D-G') to provide expert planning evidence on the proposed Timaru District Plan.
3. This evidence relates to part B1 of Hearing B, which includes the General Rural Zone, Rural Lifestyle Zone, Settlement Zone, Special Purposes Zones in Rural Environment and relevant planning maps, definitions and general submissions.

Qualifications and experience

4. I am employed by the Department of Conservation (DOC) in Dunedin as a Resource Management Planner. I have worked for DOC in this role since June 2022.
5. Prior to this I have over fifteen years of experience in resource management, including roles in both consenting and plan development. This includes four years as a planner at the Environment Agency (a national public body in England and Wales), a combined total of eleven years as a Consents Officer at Christchurch City Council, Campbell River City Council (Canada) and Tasman District Council, and more recently two years as a Policy Planner at Dunedin City Council. I have experience in providing input on planning consents and Council plans from a national perspective, processing resource consents including notified/limited notified consents, Section 42A reporting for a plan variation and involvement in plan appeals and Environment Court mediation.
6. I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University.
7. I am an Intermediate Member of the New Zealand Planning Institute.

Code of Conduct

8. Although this is a Council hearing, I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2023 (the Code). I have complied with the Code when preparing my written statement of evidence.

9. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
10. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
11. For the avoidance of doubt, in providing this evidence as an expert witness in accordance with the Environment Court Code of Conduct, I acknowledge that I have an overriding duty to impartially assist the Panel on matters within my area of expertise. The views expressed are my own expert views, and I do not speak on the D-G's behalf.

Scope

12. I have been asked to provide planning evidence in relation to the notified proposed Timaru District Plan, the D-G's submission (submitter number 166), the D-G's further submission, and further submissions lodged on the D-Gs submission.
13. My evidence is divided into the following parts:
 - (a) *Gravel Extraction Overlay;*
 - (b) *Blandswood rezoning request; and*
 - (c) *Other matters related to the Rural Zone and Hearing D Open Space Zone.*

Material Considered

14. In preparing my evidence I have read and relied upon the following documents:
 - (d) Proposed Timaru District Plan 2022
 - (e) The Section 32 Evaluation Reports:
 - (i) Overview Section 32 report dated July 2022
 - (ii) Rural Zones Section 32 report dated May 2022
 - (iii) Open Space and Recreation Zone Section 32 report dated May 2022

- (f) The D-G's submission dated 15 December 2022 and further submissions dated 4 August 2023 and 18 March 2024.
- (g) The Officer's Section 42A report on Rural Zones dated 19 June 2024.

Gravel Extraction Overlay

15. The Officer's Section 42A report sets out the relevant submission points which requested that the proposed District Plan include a gravel extraction overlay across land where existing land-based gravel extraction and clean fill deposition occurs and that such a layer should recognise and provide for this activity. The D-Gs further submission (166.30, 166.31 & 166.32) opposed this request given the provisions already proposed within the Rural zone chapter to manage gravel extraction ('quarrying'¹) activities.
16. The D-G's primary concern with a new gravel extraction overlay is how the environmental effects of gravel extraction activities would be managed as part of the proposed overlay and whether the existing sites are located within or near to sensitive environments. To date, there have been no further details from the submitters in terms of where the gravel extraction overlay would be located within the district or what the plan provisions would be for gravel extraction sites within the overlay area.
17. As described in the expert evidence provided from Science Advisor, Dr Clement Lagrue, gravel extraction occurs in a number of environments and the differences between land-based, floodplain or riverbed extraction can be contentious (page 4, para 18). It is further noted by Dr Lagrue that the appropriateness and potential environmental effects of gravel extraction activities are both site specific and method specific (page 5, para 20).
18. The uncertainties associated with quarrying activities and how these activities could be managed by the Plan were assessed as part of the Section 32 evaluation. The preferred option within the proposed Plan was through a 'combined approach' that permits low risk, small scale quarrying activities (subject to standards) and requires resource consent for quarrying activities that do not meet the rules and standards within the Rural Zone². This was evaluated as the most appropriate approach as it was recognised that "*...due to the wide range in quarrying activities... there is a high*

¹ Quarrying activities are defined in the proposed Plan (Part 1, Interpretation) and includes extraction, processing, storage and the deposition of overburden material.

² GRUZ-O5, GRUZ-P6, GRUZ-R16, GRUZ-R23

*degree of uncertainty and lack of information about the specific effects of each proposal. This can only appropriately be addressed through a consent requirement..*³. Given this and the evidence provided by Dr Lagrue, I consider that it would be difficult to manage gravel extraction activities through an overlay with associated standards in the Plan to cover all possible scenarios fully or manage the environmental effects comprehensively.

19. The proposed provisions within the Plan enable small scale quarry activities subject to standards to protect the environment and sensitive activities (GRUZ-P6). Quarries that are more than 2000m² or where there is a proposal to expand an existing consented quarry require resource consent under the proposed Plan rules GRUZ-R16 & R23. In regard to reverse sensitivity, it is also noted that the proposed policy GRUZ-P5 and standard GRUZ-S4 requires that no new 'sensitive activity' (including residential activities, education facilities and visitor accommodation) may be established within 500m from...*(c) a lawfully established quarry or mine.*
20. In terms of providing for existing gravel extraction activities, I agree with the comments made in the Council Officers s42A report (para 8.9.5, page 57) noting that existing land-based gravel extraction and clean fill deposition would have an existing resource consent to operate or have existing use rights provided under Section 10 of the Resource Management Act 1991 (RMA 1991).
21. Overall, I agree with the recommendation made by the Council Officer that a new gravel extraction overlay is not required given the existing use provisions under the RMA and given the proposed provisions in the Plan for managing new gravel extraction activities. These provisions are considered appropriate due to the need to assess proposals for gravel extraction on a site and method specific basis.

Blandswood Rezoning Request

22. The D-Gs further submission (FS166.33, 166.34, and 166.35) opposed the request to rezone the Blandswood residential area from Open Space Zone-Holiday Hut Precinct to the Settlement Zone. The D-G's submission sought that any provisions proposed for this area takes into account the high ecological values of the Blandswood area and the effects of residential development on these values and adjoining public conservation land.

³ Section 32 Evaluation Report Rural Zones, Section 8.4, page 36.

23. As shown in Figure 1, the Blandwood residential area is surrounded by public conservation land, Peel Forest. The forest is identified as the Peel Forest Park Scenic Reserve and covers 4,100 hectares containing walks which can be accessed from Blandwood Road. As described in the expert evidence provided by Technical Advisor Mr Richard Clayton (para 25, Page 6), Peel Forest contains one of the largest remaining stands of original podocarp forest in lowland Eastern South Island. Mr Clayton further comments that it has regional and national ecological significance, scoring highly for all of the ecological significance criteria set out in the National Policy Statement for Indigenous Biodiversity⁴ and the Canterbury Regional Policy Statement⁵.



Figure 1: Map showing Peel Forest Park Scenic Reserve in blue surrounding Blandwood Residential Area.

24. The proposed zoning for the Blandwood Settlement is the Open Space – Holiday Hut Precinct which provides for the on-going use and maintenance of established holiday huts at Blandwood. The area is identified as being characterised by “...in the case of the Blandwood Huts, the forested backdrop” with a well-established

⁴ NPS-IB 2023, Appendix 1, Criteria for identifying areas that qualify as significant natural areas (SNAs)

⁵ CRPS, July 2021, Appendix 3 Criteria for determining significant indigenous vegetation and significant habitat of indigenous biodiversity

cluster of buildings and structures that is generally small-scale development (PREC4-O1).

25. The zone objectives and policies for the Holiday Hut Precinct give recognition to the high natural and amenity values present in Blandswood. In particular, Policy PREC4-P1 sets out that activities are only allowed within this zone where, amongst other criteria, adverse effects on the natural environment are avoided. This is considered appropriate given the high ecological values described in the expert evidence from Mr Richard Clayton.
26. I have reviewed the provisions of the Settlement Zone, which the submissions have requested the Blandswood area be rezoned too. In my opinion, the provisions within the Settlement Zone provide for a wider range of permitted activities and development that would be inappropriate for the Blandswood Area (refer to comparison in Appendix 1). Further, the objectives and policies for the Settlement Zone contain no reference to the natural environment values of the Blandswood area or the character and qualities of the area such as its setting within a forested area. It is considered that a more specific zoning, such as the proposed Holiday Hut Precinct zone, is necessary to ensure that development within the area is managed to avoid adverse effects on the natural values of the area. As described in Mr Clayton's evidence (para 33, page 8), the Blandswood area not only provides habitat for indigenous species but acts as a continuous link between the surrounding parts of the Peel Forest.
27. On this basis, I agree with the Council Officers s42A recommendation that the submissions to rezone the Blandswood area to the Settlement Zone be declined.

Other Matters in relation to Rural Zoning and Hearing D: Open Space Zone

28. In regard to the recommendation within the s42A Council Officer's report and further evidence in response to Minute 10 (dated 1 July), that the provisions of the Open Space Zone Holiday Hut Precinct for Blandswood can be discussed in more detail at Hearing D, I confirm that this evidence should be considered relevant to those later discussions, in terms of the location of the Blandswood area adjoining Peel Forest, the high ecological values of the area and ensuring that any provisions have regard to the effects of development on the natural environment. It is further noted that detailed evidence is intended to be provided on this matter at the later hearing.

29. The D-Gs further submission also raised the point about requiring greater setbacks from Peel Forest (zoned Natural Open Space). As part of the Hearing D discussions on the provisions within the Open Space Holiday Hut Precinct, I request an amendment to the Open Space Zone standards OSZ-S4 to require that:

Buildings and structures must not be located in:

...

(x) 3m from all other site boundaries that adjoin any Natural Open Space Zones.

I consider that the requested amendment is consistent with the current setback standard for the Rural 4B Zone under the Operative Timaru District Plan, which applies to the rear of the Blandswood area where the proposed setback would apply (i.e. where site boundaries adjoin the Natural Open Space Zone/Peel Forest and where sites do not adjoin roads). Under the proposed Open Space Zone Holiday Hut Precinct provisions, there is no required building setback from the adjoining Natural Open Space Zone and the building setback from 'all other site boundaries' is 1.5 metres. The s32 Reports for the Rural and Open Space Zones do not provide further explanation on why the 3-metre setback has been reduced in the Blandswood area, but it is noted that the 1.5 metre setback reflects the Recreation 1 Zone standard under the Operative District Plan. A small part of the Blandswood area is zoned Recreation 1 Zone, within the southern part of the residential area adjoining Lookout and Blandswood Road. A greater setback is required where sites adjoin the Peel Forest Park Scenic Reserve to avoid adverse 'edge' effects such as shading, light spill, and surface water effects. The setback from the Natural Open Space Zone would provide separation of residential activities and their associated boundary effects from the Reserve.

30. Further, I have identified in the proposed planning maps an area where public conservation land has not been zoned as the 'Natural Open Space Zone' and remains as 'General Rural Zone'. The area includes part of the Peel Forest Park Scenic Reserve, including Peel Forest Campground (adjoining the Rangitata River) and the area below the Blandswood Area, that incorporates the Dennistoun Bush Walk. Please refer to Appendix 2 which identifies where these areas are located and the current proposed zoning. No submissions have been made on the zoning of these sites. The land is owned by the Crown and managed by the Department of Conservation. I recommend that the zoning maps are updated to include these areas

within the Natural Open Space Zone. This amendment could be achieved by Council utilising Clause 16 in Schedule 1 of the RMA or, if not deemed to be an alteration that is of '*minor effect*', through a subsequent plan variation.

Conclusion

31. The D-Gs submission contained limited points related to the provisions covered by this topic. In relation to the D-Gs further submission points, I agree with the approach recommended in the s42A Officer's report and that the submissions relating to a request for a gravel extraction overlay and to rezone the Blandswood area are declined.



Elizabeth Williams

RMA Planner

DATED this 5 July 2024

APPENDIX 1: TABLE COMPARING THE ZONE PROVISIONS FOR OPEN SPACE ZONE HOLIDAY HUT PRECINCT 4 AND THE SETTLEMENT ZONE

	Proposed Open Space Zone Holiday Hut Precinct (PREC4) provides for the ongoing use and maintenance of established holiday huts ...that were originally established to provide short term residential accommodation	Request to Rezone to Settlement Zone seeks to enable residential and complementary non-residential activities and preserve the low density and pleasant character of these settlements.
Relevant Policies:	PREC4-P1 Only allow activities in the Holiday Hut Precinct where they will: 1. Maintain or enhance the existing character... 2. Generate low volumes of noise and traffic... 3. Avoid adverse effects on the natural environment...	SETZ-P1 Enable residential activities and non-residential activities that: 1. Can be adequately and safely serviced by reticulated water supply and by on-site wastewater and stormwater.. 2. Maintains the amenity and character of the settlement the activity is located; and 3. Are compatible with the purpose, character and qualities of the settlement zone
Activities:	<p>Permitted Activities</p> <ul style="list-style-type: none"> • Park management activity • Non intensive primary production – limited to grazing (except cattle or deer) and growing/harvesting of grass • Public Artwork and Playground equipment <p>Restricted Discretionary</p> <ul style="list-style-type: none"> • Buildings and Structures (new) relevant assessment matters for new buildings and structures include: <ul style="list-style-type: none"> • extent proposal will avoid adverse effects on the natural environment and • whether the new or extended building or structure can be connected to reliable and safe potable water supply/and whether wastewater from the new or extended building can be appropriately captured and treated <p>Discretionary</p> <ul style="list-style-type: none"> • Residential activities • Car parking facility <p>Non Complying</p> <ul style="list-style-type: none"> • Recreation activity • Community activity, cultural activity and educational facility, • Commercial activity • Campgrounds • Motorsport Events 	<p>Permitted Activities</p> <ul style="list-style-type: none"> • One residential unit per site, • Visitor accommodation (up to 6 guests), • Home business, • Education facility, • 75m² of market gardens, recreation activities • Grazing of animals (number limits for poultry and 1 pig) • Offices (up to 6 staff) • Buildings and structures subject to standards <p>Controlled activity</p> <ul style="list-style-type: none"> • Community Facilities • Cafes • Industrial activities within existing industrial buildings • Emergency Service Facilities: <p>Restricted Discretionary Industrial activities not located within existing industrial buildings</p> <p>Discretionary Any activities not otherwise listed</p>
Building Standards Scale of building and structures	Maximum gross floor area of all buildings/structures must not exceed 10m ²	No limit
Height	4 metres	10 metres
Building Setback	5m from the road 5m from site boundaries that adjoin any residential zones 10 metres for those site boundaries adjoining the rural zone and, 1.5m from all other site boundaries	4.5m road 3m internal boundary
Height in relation to boundary	Does not apply as there are no residential zones adjoining the Blandswood Area.	Applies

Site Coverage building and impermeable surfaces of the site	35%	35%
Servicing	Servicing is likely to be assessed as part of any resource consent given that a new residential activity is assessed as a discretionary activity.	Water supply: all activities must be connected to a community drinking water supply, a private drinking water supply or store 45,000 litres of potable water onsite. Wastewater: Any activity must be connected to an available sewage network or be served by an on-site treatment system consented by CRC.
Subdivision	Restricted Discretionary subject to standards	Restricted Discretionary subject to standards
Relevant Overlays: Visual amenity Area and Outstanding Natural Landscape	Part of the area is located within the proposed ' visual amenity area' VAL-2 (Four Peaks Downlands) and 'Outstanding Natural Landscape' (ONL-2) – this requires resource consent for any building other than for a farm building/structure. No clearance of indigenous vegetation in association with any activity is permitted within the VAL-2 or ONL-2 overlay.	
Wahi Tapuna Site SASM-6	Maximum area of earthworks permitted of 750m ² in association with a new residential building/structures.	
Light Sensitive Area	This has lighting standards including illuminance levels of 5 lux (horizontal and vertical) at a site boundary from 7am-10pm and 1 lux 10pm-7am also requires lighting fixtures must be fully shielded and have a colour temp of no more than 3000K and are orientated so that light is emitted away from any adjoining and adjacent properties.	
High Hazard Area	Noncomplying activity status for development within this overlay. The properties located within the southwestern corner of Blandswood residential area have this overlay (adjoining Lookout Road and Blandswood Road).	

APPENDIX 2 PUBLIC CONSERVATION LAND AND THE NATURAL OPEN SPACE ZONE MAPPING

Map 1: Public Conservation land shown in blue identifying the Peel Forest Park Scenic Reserve



Map 2: Proposed Timaru District Planning Maps (yellow highlighted area showing Public Conservation Land which is zoned as General Rural Zone and not as the Natural Open Space Zone)

