

**BEFORE THE HEARING COMMISSIONERS  
IN TIMARU DISTRICT**

**IN THE MATTER** of the Resource Management Act 1991 (“**the Act**”)

**AND**

**IN THE MATTER** of the Proposed Timaru District Plan Hearing  
G Growth

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**SUMMARY STATEMENT  
LYNETTE PEARL WHARFE  
FOR D & S PAYNE (SUBMITTER 160 AND FURTHER SUBMITTER 160)  
9 JULY 2025**

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## 1. SUMMARY

- 1.1 Thank you for the opportunity to address the hearing today on behalf of David and Susanne Payne.
- 1.2 Thankyou also for the extension granted for evidence due to health issues. This was much appreciated.
- 1.3 It may be that the circumstances have meant that some matters in my evidence need further explanation and I am happy to provide that today.
- 1.4 My statement of evidence addresses submissions and further submissions made by D and S Payne on provisions relating to Growth, in particular Future Development Area – FDA11.
- 1.5 This summary addresses matters that have arisen in the s42A Summary Report and the evidence of Environment Canterbury in respect to FDA11, especially regarding contaminated land and wastewater management.
- 1.6 A submitter package was provided in response to the preliminary s42A Report.
- 1.7 The s42A Report has assessed the submitter package and is recommending that the PTDP be amended as follows:
  - (a) The FDA notation for FDA11 be removed and deleted from SCHED- 15
  - (b) The FDA11 area be rezoned from General Rural Zone (GRUZ) to Rural Lifestyle Zone (RLZ)
  - (c) A Specific Control area overlay of 2ha be inserted for the area
  - (d) The versatile soils overlay be deleted for the FDA11 area.
- 1.8 The basis for these recommendations is set out in 10.11.30 of the s42A Report:
  - (a) Gives effect to the NPS-HPL
  - (b) Gives effects to the NPS-UD
  - (c) Gives effect to the CRPS
  - (d) Is consistent with RLZ-O2 character of the rural lifestyle zone



- (e) Infrastructure, apart for wastewater, is in place, with wastewater subject to a regional council consent.
  - (f) Tension with SD-O1(2) would still exist even if retained as FDA11.
- 1.9 I support the recommendations to amend the PTDP to remove FDA11 from Schedule 15 and rezone it as Rural Lifestyle Zone. I also support the recommendation to remove the versatile soils overlay from the FDA11 area.
- 1.10 In particular, I support the removal as an FDA as I do not consider that an area with 38 titles, many of which are small and fragmented which have no potential for future development, is an appropriate candidate for a DAP approach.
- 1.11 DAP processes or structure plans are more suited to greenfields development type scenarios and areas where there are a limited number of landowners who are all seeking development, such as FDA3.
- 1.12 However, I do not support the recommendation of a minimum lot size of 2ha as a Special Control Area in the FDA11 area. I address this matter below.

*Housing Availability and Land Supply report*

- 1.13 Attached to my evidence is a report 'Housing Availability and Land Supply: An Evidence Based Assessment of Geraldine, South Canterbury'. This report has been undertaken this year to determine the need for housing and land supply in Geraldine as the data presented by TDC did not seem to align with the local lived experience in Geraldine.
- 1.14 The survey data collected (from 148 survey responses and supporting statements from business, schools and community organisations) showed:
- (a) 72% of respondents consider that there is insufficient residential land in Geraldine
  - (b) 68% respondents consider that there is inadequate rural lifestyle section availability
  - (c) 60% of respondents stated that lack of land and housing availability had impacted their ability to operate or grow a business or community organisation
  - (d) 88% of respondents consider that housing and land constraints are undermining Geraldine's ability to attract and



retain residents and workers, with 58% considering that this impact as significant.

- 1.15 The Property Economics (PE) Report considers that there is sufficient land zoned for growth in Geraldine.
- 1.16 Given the findings of the Housing Availability and Land Supply report it is contended that greater land supply should be provided in Geraldine in the PTDP with an immediate timeframe – not deferred into the future.
- 1.17 It is important to note that the demand for worker accommodation is for permanent workers, not seasonal workers. Many of these workers are professional people – such as vets, engineers, and teachers. Therefore, the type of accommodation required is suitable housing.
- 1.18 In addition, the PE report is based on a yield of 96 lots in FDA11 but the s42A Report is recommending only six new lots in addition to the existing 38 – providing a yield of 44 lots – somewhat short of the 96 projected.
- 1.19 This deficit does not appear to have been considered in recommendations to provide for growth in Geraldine, let alone the local demand that has been identified by a number of submitters.

## **2. 2HA MINIMUM LOT SIZE**

- 2.1 The point of contention between Mr Bonis and myself relates to what should the minimum lot size be for the FDA11 area.
- 2.2 The s42A Report recommendation to impose a Specific Control Area (SCA) of 2ha on the FDA11 area is predicated on the basis that the proposed plan in SUB-S1(4) has a 2ha lot size, unless there is a sewer connection to each residential lot.
- 2.3 I consider that a minimum lot size of 1.5ha would be appropriate for the FDA11 area.
- 2.4 A 1.5 ha minimum lot size for FDA11 where access is not onto the SH 79 would provide a yield of 10 lots compared to six lots under a 2ha scenario.
- 2.5 The overall extent of lot increase is not significant, yet a 1.5 ha minimum lot size provides more flexibility to develop lots in a manner that is more sensitive to land contours and design, enabling more efficient use of the land.
- 2.6 The matter of the 2ha minimum lot size was traversed at the subdivision hearing.



- 2.7 My evidence for that hearing found that the 2ha requirement was not supported by the Canterbury Regional Policy Statement (CRPS), the Timaru Growth Management Strategy (GMS) or the s32 Report for Subdivision.
- 2.8 While matters have been addressed in respective hearings the various provisions need to be considered in an integrated manner.
- 2.9 Decisions that are made on the previous chapters will influence the extent to which the recommendation to adopt a SCA of 2ha for the FDA11 area is accepted.
- 2.10 I have not found the evidential basis that Council is relying on for the establishment of the 2ha minimum lot for rural lifestyle in SUB-S1(4) where there is no wastewater reticulation.
- 2.11 It is difficult to address this matter when the original rationale for the council decision is not clear.
- 2.12 Despite this lack of articulation of the evidential basis for the 2ha minimum, I have assessed the effects of a 1.5ha minimum lot based on the s42A Report and the expert reports attached to Mr Bonis report.
- 2.13 Mr Bonis considers that a 1.5ha density would likely create conflict with the application of SUB-S1 (4).
- 2.14 Mr Bonis does not refer to SUB-P15 which provides for RLZ subdivision by providing a suitable site for onsite disposal - with no area stipulated.
- 2.15 I consider that SUB-S1(4) conflicts with SUB-P15 and that the rule and standard should implement the policy direction in SUB-P15.
- 2.16 There are currently conflicts across the plan in respect of the provision of wastewater in the RLZ which are subject to submission and evidence.
- 2.17 SUB-S1(4) is subject to submission and decision by the Hearing Panel and any potential conflict could be addressed through that process.
- 2.18 The landscape report of Ms Pfluger considers that lot sizes of 1.5 – 2ha would be appropriate.
- 2.19 The transport report<sup>1</sup> considers that the effects of FDA11 area are localised and effects are minor. An additional 40vpd from an additional four lots would be generated, being a total of additional

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<sup>1</sup> Mat Collins Review of submitter evidence – Transport 27 May 2025



100vpd from the FDA11 area, which is still less than 50v/hr that the report uses as a benchmark. I have specifically sought that the 1.5ha minimum lot size only apply where the access is not onto SH79 to avoid additional impacts onto the SH.

- 2.20 The economic memorandum of Mr Heath<sup>2</sup> does not consider that the additional yield of up to six allotments would 'move the dial' in terms of sufficiency.
- 2.21 In my opinion the same rationale would apply if the potential number of lots was an additional four lots – a total of ten from the FDA11 area.
- 2.22 Given the deficit in lot yield for the FDA11 area a minimum lot size of 1.5ha would provide a greater yield and provide a more efficient use of land, but still address adverse effects.
- 2.23 Culture and heritage: the report of Ms Hall<sup>3</sup> regarding manawhenua matters considers both 22 Templer St (FDA3) and 20 Bennett Rd (FDA11) in the same section. However, FDA3 is for a Residential rezoning with between 110 – 130 lots, while FDA11 is for rural lifestyle. Despite this difference, the report comes to the same conclusion for both FDA's even though the effects of the developments would be inherently different.
- 2.24 Ms Hall would like to see the existing Council reticulated infrastructure extended to accommodate the future density to ensure that stormwater and wastewater do not degrade the Waihi River and Raukapuka Stream further.
- 2.25 Such a request is certainly relevant to FDA3 and residential development. In response to Ms Hall, Mr Bonis (10.3.22) states in respect to FDA3 that subject to reticulation and appropriate stormwater management through the subdivision process and associated regional council consents a rezoning would therefore uphold cultural values.
- 2.26 Yet he does not repeat the same conclusion in respect to FDA11 and manawhenua values even though it would equally apply.
- 2.27 In my EIC I respond to Ms Hall's report and note that Kai Tahu values would be considered by both the Regional Council and District Council during consent processes.

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<sup>2</sup> T Heath, Response to submissions on Growth Chapter as relates to Economic matters 29 May 2025

<sup>3</sup> Kylie Hall Cultural review of properties seeking rezoning as part of Hearing G 31 March 2025



- 2.28 Water supply: As noted in my EIC, the rezoned area would be serviced by the Te Moana water supply and there would be sufficient water to service an additional ten lots.
- 2.29 Stormwater: As identified in my EIC, management of stormwater would be subject to consent from ECAN and a design developed to reflect the configuration of lots in any proposed development, be it six or ten lots.
- 2.30 Wastewater: I addressed provision of onsite wastewater management in my EIC and also below in respect of the ECAN evidence. It is my contention that any development would need to ensure that appropriate onsite wastewater management systems could be developed. I do not consider a difference between six or ten lots to be significant because the design could only include the number of lots for which sufficient capacity could be developed.
- 2.31 I support an alternative lot size of 1.5 ha for the FDA11 area where the access is not onto Main North Rd/ SH79 as it would:
- (a) Provide a more efficient and effective use of the land resource
  - (b) Be consistent with the current environment of the FDA11 area and RLZ objectives and policies
  - (c) Give effect to the CRPS, particularly Policy 5.3.1 for limited rural residential living
  - (d) Be supported in the landscape assessment
  - (e) Not create transport effects greater than localised
  - (f) Be subject to obtaining resource consent for wastewater and stormwater discharges from ECAN, including assessment of Ngai Tahu values
  - (g) Provide for water through the Te Moana water scheme
  - (h) Provide for rural lifestyle capacity in the Geraldine area.
- 2.32 In my opinion this would result in a more efficient and effective use of land, be consistent with the existing environment and achieve the policies and objectives of the PTDP and give effect to the purpose of the RMA.



### **3. ENVIRONMENT CANTERBURY EVIDENCE**

- 3.1 Environment Canterbury (ECAN) has filed evidence that is specific to the Payne's property and submission. It is the only property that the ECAN evidence addresses.
- 3.2 ECAN's submission on the FDAs was general in nature and did not address specific sites. ECAN did not make a further submission on FDA11, but has subsequently filed evidence in that regard.
- 3.3 It appears that the evidence was written in response to a request from the s42A Report writer.
- 3.4 In my opinion, such information should have been attached to the s42A Report and commented on by Mr Bonis as part of his assessment.
- 3.5 The issues that ECAN evidence address relate to the perceived risks of contaminated land and wastewater.

#### *Contaminated Land*

- 3.6 The National Environment Standard for Assessing and Managing Contaminants in Soil to protect human health (NЕСS) applies to any development that is undertaken. The District Council is responsible for implementing the NESCS through the resource consent process.
- 3.7 The Regional Council is responsible for identifying contaminated land or potentially contaminated land based on the Hazardous Activities and Industries List (HAIL). Such land is then listed on the Listed Land Use Register (LLUR).
- 3.8 Clause 5 of the NESCS identifies subdivision as an activity to which the NESCS applies and as orcharding has been undertaken on the land and is identified as a HAIL activity, the NESCS would require that an investigation be undertaken of the FDA11 land as part of any subdivision application.
- 3.9 The PTDP has a specific chapter in the Hazards and Risks section on Contaminated Land that sets out the policy framework and relies on the rules in the NESCS.
- 3.10 SUB-R3 has a matter of discretion requiring consideration of measures to avoid, remedy or mitigate adverse effects of any natural hazard or other risks and also the suitability of any future development what would be enabled as a result of the subdivision.
- 3.11 The outcomes and recommendations of such an investigation would be part of any subdivision application.



- 3.12 This is a process that happens whenever a subdivision is undertaken on land listed as HAIL and would be recognised as part of the development and consenting process.
- 3.13 The evidence of Mr Massey for ECAN has identified four sites on the Listed Land Use Register (LLUR) within FDA11 but did not identify which relates to which title. My analysis shows the following:

LLUR no	DP no	Address	History
209624	Lot 3 447735	53 Templer St	NI former orchard
209650	Lot 1 356462	112 Main North Rd	NI Former orchard investigation done 2003 Cleared for residential housing
209770	Lot 2 365462	20 Bennett Rd	NI Some in Orchard from 1994-2007 Some never in orchard A small area is still in orchard.
209772	Lot 4 10999	107 Templer St	Investigated 18 Feb 2013 Verified non-hail

- 3.14 Mr Massey said that the sites were identified through historical aerial imagery from the 1960's and 70's but that there has been no investigations undertaken on the sites apart from the site at 107 Templer St.
- 3.15 The Paynes subdivided the land at 112 Main North Rd in 2003 (LLUR 209650) prior to the NESCS (2011) and had soil tests done pre-sale in case such results were requested at that time. While some residues were detected they were at low levels and the report determined that they were not in any way dangerous to humans or food for human consumption processed on that land.
- 3.16 The report concluded that the parcel of land was all clear to have residential housing without any potential threat to the occupiers.
- 3.17 I understand that this parcel of land was the oldest area of orchard in the FDA11 block and would have had greatest exposure to historic



use of persistent pesticides. Use of these substances ceased around 1980.

- 3.18 Some areas within 209770 at 20 Bennett Rd were planted in orchard mid- 1990's and some of the title has never been planted in orchard.
- 3.19 Due to the demands of the Integrated Fruit Production system, the level of agrichemical use in the orchard has only been as required, has been subject to careful monitoring and has always met industry and export market guidelines. No nitrogen has been used on the orchard.
- 3.20 The 2013 investigation at 107 Templer St (209772) has been categorised by ECAN as verified non-HAIL. The orcharding on this block was similar to that which has taken place on the adjacent south block of 20 Bennett Rd.
- 3.21 This history, along with the 2003 test results, suggests that no issues of concern would be found at 20 Bennett Rd, which in any case would be subject to investigation at the time of any subdivision development.
- 3.22 I consider that this issue is not a relevant matter for this re-zoning hearing or a matter that should preclude a rezoning as it is adequately managed through the NESCS and the PTDP.

#### *Wastewater*

- 3.23 Mr Trewartha has filed evidence for ECAN relating to potential impacts of groundwater from the proposed development.
- 3.24 He considers that the groundwater and water bodies to be susceptible to adverse effects from discharges to land at the Payne's property and recommends further investigation and assessment.
- 3.25 This position is based on assumptions regarding the FDA11 area from a desktop study that does not appear to have been groundtruthed. As a result, he implies that it may not be possible for a development proposal in the area to obtain resource consent for OSWM from ECAN.
- 3.26 I note that this hearing is a rezoning hearing - not a resource consent process - and that there is no development proposal currently before the Council for consideration.
- 3.27 I consider that Mr Trewartha's evidence does not reflect the reality on the ground.
- 3.28 Mr Trewartha (15) states that there is currently no connection to reticulation services for drinking water.



- 3.29 This statement is incorrect as the FDA11 area is serviced by the Te Moana Water Supply and water is available, as presented elsewhere in my evidence.
- 3.30 Mr Trewartha states (21) that one spring is mapped on the property and one spring is mapped just outside the southwest corner of the property.
- 3.31 The Paynes have lived at the property since 1995 and are not aware of any springs on their property.
- 3.32 They are aware of wet areas within neighbouring properties within FDA11, particularly at 2 Main North Road which then leads into Raukapuka Stream (not an unnamed spring fed river as stated by Mr Trewartha).
- 3.33 The submitter package provided to Mr Bonis included photos of extensive riparian planting that the Paynes have undertaken along Raukapuka Stream where it passes through their property.
- 3.34 Mr Trewartha states (23) that depth of groundwater is mapped as less than 1m below ground surface and that a review of water level data within the property consistently indicates depth to water at less than 2m (24).
- 3.35 The Paynes advise that they have a well on the property and that they need to go to a depth of at least 3m to reach water.
- 3.36 At para 25 Mr Trewartha states that nitrate - nitrogen (N) concentrations in the area range between less than 1 to 9 mg/l and *E. coli* frequency concentrations have been detected between 5 to 25% of the time.
- 3.37 In April 2014 the Paynes had testing undertaken of the well. The results showed a level of N of 0.36 g/m<sup>3</sup> compared to the Maximum Acceptable Value (MAV) in the Drinking Water Standard for NZ of 11.3 g/m<sup>3</sup> for this determinant.
- 3.38 Therefore, there is no issue with N in the groundwater. There has been no nitrogen applied to the orchard property so this result is what would be reasonably anticipated in such a scenario.
- 3.39 However, under ECAN's Plan Change 6 this has made the Nitrogen Baseline for the property very low and is an inhibitor to changing to other rural land uses where a higher nitrogen use would be needed.
- 3.40 The *E. coli* level detected in the test result was less than 1 MPN/100mL which is lower than the Maximum Acceptable Value (MAV).



- 3.41 Therefore, there is no evidence of exceedance of drinking water standards parameters for *E. coli*.
- 3.42 Given these findings, I consider that the evidence of Mr Trewartha could inaccurately lead the Hearing Panel to believe that there are considerable problems with water and potential discharges within FDA11 that could preclude obtaining a resource consent for onsite wastewater discharges. Despite the severely limited time available to obtain evidence to respond to these concerns, these findings conflict with relevant material available and are not reliable.

### *Consultation*

- 3.43 Mr Bonis has obviously engaged with ECAN regarding the submissions to rezone FDA11.
- 3.44 Had the submitters been involved in such discussions they would have had the opportunity to seek further advice rather than being caught by surprise by the discussions that were happening about issues that had not been raised in ECAN's earlier submission.
- 3.45 Mr Bonis is now suggesting that caucusing with TDC, ECAN and the submitters could take place.
- 3.46 I do not consider that such caucusing is necessary and am uncertain about what outcome he would anticipate through such a process.
- 3.47 The ability to discharge wastewater is provided for in the ECAN Land and Water Plan and requires a resource consent application. It is at that time that detailed discussions can take place and an appropriate design be developed.
- 3.48 To suggest that a rezoning should not occur because of wastewater when ECAN has consented wastewater systems on neighbouring properties over many years is unreasonable. It pre-empts consideration of any future subdivision consent application and therefore is inconsistent with ECAN plans and processes.
- 3.49 It therefore fails to preserve the natural justice rights of landowners to have their applications considered on a case-by-case basis in accordance with the relevant planning processes and rules that apply at the point in time when the consent application is made.
- 3.50 Further, it is interesting to note that in December 2023 ECAN issued a resource consent to discharge onsite wastewater to land at 69 Main North Rd, Geraldine.
- 3.51 This property is 900m<sup>3</sup> and on the opposite side of Main North Rd from the FDA11 area and backs onto the Waihi River.



- 3.52 The Paynes understand that there were considerable constraints on the site but that a suitable solution was able to be developed subject to consent conditions.
- 3.53 The system used is an advanced secondary treatment system with proprietary effluent filter and land application into a sand trench and then applied to land through evapotranspiration drip lines.
- 3.54 Such a system is a much more advanced technological solution than traditional single chamber septic tanks with a soak pit, and new technology continues to be developed.
- 3.55 This consent demonstrates that it is possible to obtain consent for an onsite waste water management system on a small property near the FDA11 area.
- 3.56 I consider that if ECAN and Manawhenua are concerned about the impact of onsite wastewater management discharges in the Geraldine and Waihi River area, then they should be advocating to TDC for reticulation for wastewater up Main North Rd through the Long-Term Plan process, as long term this would provide greater benefit than opposing the rezoning of FDA11 land to rural lifestyle.

*False expectations*

- 3.57 Ms Francis considers that creating an immediate pathway for rezoning FDA11 may create a false expectation of the ability to subdivide and get resource consent from the Regional Council for onsite wastewater management systems (19).
- 3.58 TDC identified FDA11 as a future RLZ area and, in doing so they created an expectation that the area is suitable for rural living.
- 3.59 Mr Bonis has identified that it is inappropriate to retain FDA11 as GRUZ. The most appropriate alternative is RLZ.
- 3.60 There is always a risk for developers when undertaking development that expectations cannot be realised. This is a commercial risk that they accept and the reason developers undertake due diligence as part of the process.
- 3.61 That is what the resource consent process is for – not a rezoning process.
- 3.62 Ms Francis then suggests that if the rezoning recommendation is accepted then a joint consent process with TDC and ECAN should be undertaken.



- 3.63 Whether or not a joint process should occur should be considered at the point in time when a consent application is lodged, not during rezoning process
- 3.64 I consider that it would be pre-emptive to determine that such a process should occur without the benefit of being able to assess a resource consent application.

#### **4. RESPONSE TO MATTERS RAISED AT HEARING ON 8 JULY**

- 4.1 The NPSUD does not apply to rural lifestyle as it is a rural zone. However there is a tension evident through evidence of Mr Heath and Mr Bonis that suggests that rural lifestyle is incompatible with a well-functioning urban environment that is required by the NPSUD.
- 4.2 This appears to have led to a bias against rural lifestyle.
- 4.3 Rural lifestyle is a choice that many in the community aspire to, it is recognised as an appropriate zone within the National Planning Standards and can co-exist alongside urban living, recognising that each provides choices to suit peoples different circumstances.
- 4.4 Mr Heath suggested at the hearing yesterday that there is no connection between the growth in primary production and demand for urban housing.
- 4.5 I consider that this is inaccurate. Increase in rural productivity will lead to increase in demand for rural supply services and increased labour which flow through to rural service towns, such as Geraldine and Timaru.
- 4.6 For instance: if farmers are buying more tractors and machinery the local machinery distributors will increase staff to cater for a higher demand, which will then lead to increase in urban population and demands for services such as schools. This is a direct flow on from primary production growth.
- 4.7 Interestingly, Venture Timaru has recently come out with a report that says that Agriculture is a major influence on the economy in Timaru District.<sup>4</sup>
- 4.8 Therefore I see the urban/ rural issues as related but do not consider that rural lifestyle should be limited due to a desire to enforce consolidation and infill development in towns, when that is not the type of living environment that is sought.
- 4.9 Diversity in living environments is positive and should be encouraged.

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<sup>4</sup> <https://www.vtdevelopment.co.nz/business/economy>



- 4.10 Mr Bonis has suggested caucusing with ECAN regarding matters raised in the ECAN evidence, which I do not support.
- 4.11 However, I consider that it could be beneficial to undertake caucusing with planners to address the inconsistencies and internal conflicts in the plan, such as the various positions on onsite wastewater management. (SD -O1 ii) SUB-P15, SUB-S1(4), SUB-S4,RLZ-O2, RLZ-P1, RLZ-P9

## **5. CONCLUSION**

- 5.1 I seek provisions that give effect to the CRPS, is not inconsistent with the Regional Land and Water Plan and provides consistency within the PTDP.
- 5.2 Such an approach will achieve sustainable management of natural and physical resources in the rural area of Timaru District.

**Lynette Wharfe**

**9 July 2025**



