

**BEFORE INDEPENDANT HEARING COMMISSIONERS
APPOINTED BY THE TIMARU DISTRICT PLAN**

UNDER: the Resource Management Act 1991

IN THE MATTER OF: Submissions and further submissions in
relation to Timaru Proposed District
Plan

**STATEMENT OF EVIDENCE IN CHIEF OF MELISSA JANE MCMULLAN
ON BEHALF OF
MILWARD FINLAY LOBB LIMITED (SUBMITTER NUMBER 60)**

Dated: 30 January 2025

MILWARD FINLAY LOBB LIMITED
Planners, Engineers, Surveyors
6 THE TERRACE, TIMARU 7910
Telephone: 03 684 7688
melissa@mflnz.co.nz

CONTENTS

1. SUMMARY STATEMENT	3
2. INTRODUCTION	3
Qualifications and experience	3
Background	3
Code of Conduct	4
3. SCOPE OF EVIDENCE	4
4. MFL SUBMISSION POINTS 60.16-20	4
5. MFL SUBMISSION POINT 60.24	4
6. MFL SUBMISSION POINT 60.26	6
7. SECTION 42A REPORT AND RECOMMENDATIONS	6
8. CONCLUSION	7

1. SUMMARY STATEMENT

- 1.1 Milward Finlay Lobb Limited (**MFL**) made various submissions on the Proposed Timaru District Plan (**PDP**). As a Planning, Surveying and Engineering firm with decades of experience working in the local environment, the intention of our submissions was to address how we consider the rules are likely to affect our current and future clients.
- 1.2 In response to the section 42A reports by Andrew Willis, Nick Boyes and Liz White. I have provided further comment on MFL submission points where I considered it would aid the Hearings Panel in furthering their understanding of the MFL position.

2. INTRODUCTION

- 1.3 My full name is Melissa Jane McMullan. I am a Planner at Milward Finlay Lobb Limited, a planning, surveying and engineering company, based in Timaru and residing in Fairlie. I have been a Planner at MFL for three and a half years and am an intermediate member of the New Zealand Planning Institute.

Qualifications and experience

- 1.4 I hold a Bachelor of Laws and Bachelor of Arts in History from the University of Canterbury (2015) and a Master of Planning from Lincoln University (First Class Honours) (2019). I have nearly 5 years experience as a planner, including preparing and processing subdivision and land use consent applications, policy analysis and submissions.

Background

- 1.5 I have written a number of submissions on behalf of clients throughout the Timaru District on the Proposed Timaru District Plan along with the submission on various matters we identified as a firm that would have an impact on our clients in the future.
- 1.6 I am familiar with the provisions of the Proposed Timaru District Plan (**PDP**) to which these proceedings relate. In preparing my evidence, I have reviewed the relevant parts of the section 32 Report and the section 42A Report.
- 1.7 I am authorised to provide this evidence on behalf of MFL.

Code of Conduct

- 1.8 I acknowledge the Hearing Panel's directions in Minute 6 (at [36]) and confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. I further confirm that I have complied with the Code of Conduct in preparing my evidence and will do so when giving oral evidence or otherwise participating in this hearing.

3. SCOPE OF EVIDENCE

- 3.1 My evidence will address matters in relation to subdivision, stormwater and Sites and Areas of Significance to Maori, submission point identifiers are provided in each relevant section.

- 3.2 My evidence is structured as follows;

- (a) MFL submission points 60.16-60.20;
- (b) MFL submission point 60.24
- (c) MFL submission point 60.26
- (d) Section 42A Report and Recommendations;
- (e) Conclusions

4. MFL SUBMISSION POINTS 60.16-20

- 4.1 Since the release of the Section 42A Report on Infrastructure Milward Finlay Lobb Limited's Engineering Department has been in contact with the Stormwater Leader, Mr Kevin Kemp. At the time of writing this brief I am aware that there are proposed changes to the wording of the Stormwater Management Rules and Standards. However, no changes have been seen by Milward Finlay Lobb. I would request that Milward Finlay Lobb is included in continuing discussions on potential changes to the Stormwater Management Chapter.

5. MFL SUBMISSION POINT 60.24

- 5.1 The submission point made seeks to request a Restricted Discretionary Activity Status to apply to subdivisions where the Sites and Areas of Significance to

Māori (**SASM**) overlay applies, with measurable assessment matters, primarily around the need to consult with iwi. I consider this to be more practical, as the concerns related to SASM matters should be limited to cultural concerns, and should not give Council the ability to consider any matter as allowed by the Discretionary Activity status. The SASM overlay applies to provide a tool to manage potential adverse effects on the values of sites and areas that are significant to mana whenua, as described in the Introduction to the SASM section of the Proposed District Plan. Of the eight rules listed in the section all of them have a Restricted Discretionary Activity status, or fall to a Restricted Discretionary Activity if they do not meet the Permitted Activity status except for Temporary Events (SASM-R4), an exception to mining and quarrying within the Wai taoka overlay SASM-R5.2, PER-2), Mining and quarrying within the Wāhi taoka, wāhi tapu and wai tapu overlays (SASM-R5.3), intensively farmed livestock within the Wāhi taoka, wāhi tapu and wai tapu overlays (SASM-R6.2), shelterbelts or woodlots or plantation forestry within the wāhi tapu overlay – SASM8 and SASM9 only and subdivision (SASM-R7).

- 5.2 Subdivision is treated differently across the Proposed District Plan depending on the overlay, Drinking Water Protection Areas (DWP-R2), parts of the Coastal Environment (CE-R11.1 and .2), Versatile Soil (VS-R2), Natural Hazards, excluding the High Hazard Area (NH-R8), Subdivision of land within the National Grid Subdivision Corridor (EI-R29) are all rules that provide for subdivision as a Restricted Discretionary Activity. I note a number of these areas consider subdivision to be appropriate where conditions have been met, such as a Flood Hazard Certificate. I consider that a subdivision with a SASM overlay can be treated the same as it will require consultation to be carried out with mana whenua regardless.
- 5.3 Natural Character (NATC-R6), Natural Features and Landscapes (NFL-R9), Sites containing a Significant Natural Area (ECO-R6) and Historic Heritage (HH-R10) are all rules that require subdivision to be treated as a Discretionary Activity, I note that there are submissions that have been made on the Historic Heritage Rules also requesting that this be changed to a Restricted Discretionary Activities. I agree that sites with overlays that relate to natural landscapes should be treated as Discretionary Activities as a subdivision will more than likely result in a change to the landscape, and this must be carefully considered.

6. MFL SUBMISSION POINT 60.26

- 6.1 The submission point from MFL referred to as 60.26 seeks to remove the requirement of the minimum allotment size of 40 hectares in the General Rural Zone (**GRUZ**) when it comes to boundary adjustments. In my experience boundary adjustments are utilised in the GRUZ Zone where neighbouring properties require a change in boundaries to be made to better reflect the day to day use of the land, more often than not in the case of a boundary adjustment an unofficial agreement has been in place between neighbouring property owners for years that eventually requires a change to the legal property boundaries to be made. The other instance where I have found a boundary adjustment is likely to arise in the GRUZ is where a landowner has more than one record of title and they wish to alter the boundaries between these to better align their farming operations, or to carry out succession planning. In these instances meeting a minimum allotment size of 40 hectares is challenging and does not achieve the preferred outcome. I request that this be considered as a Discretionary Activity to reflect that it is still important to consider the potential adverse effects that might arise from a boundary adjustment, as opposed to a Non-Complying Activity.

7. SECTION 42A REPORT AND RECOMMENDATIONS

- 7.1 In his section 42A Report, Mr Willis recommends submission points 60.16-19 are accepted in part, while submission point 60.20 be rejected based on commentary provided by WPS. As noted above the position on this matter does not appear to be settled at the time of writing and I would request that MFL continue to be included in conversations in relation to the proposed framework.
- 7.2 In her section 42A Report Ms White rejects submission point 60.24 as she considers there are a number of matters that would need to be cross referenced if a Restricted Discretionary Activity status was used. I agree that with any subdivision there are a number of matters that must be considered, with the relevant planning overlays showing on a property being the starting point. As discussed above at paragraphs 5.2 and 5.3 there are numerous matters throughout the PDP that must be taken into account when proposing to carry out a subdivision. Any SASM overlay requires consideration of cultural matters to be undertaken, and more often than not requires consultation to be carried out with mana whenua. This process is more closely aligned to the manner in

which Restricted Discretionary Activities (relating to subdivision) are proposed to be managed within the PDP. I note that the change to a Restricted Discretionary status would not restrict mana whenua in the comments they are able to make, the proposed activity status is to streamline a process where the appropriate consultation has been undertaken. Furthermore, this process is still in accordance with the Objectives and Policies of the SASM Chapter of the PDP which place a reliance on Kāti Huirapa being involved in decision making (SASM-O1) and also being consulted and engaged (SASM-P2). This change in activity status does not remove the need to still carry out these activities.

- 7.3 In Mr Boyes section 42A Report he proposes to change the activity status of a boundary adjustment that does not meet the minimum allotment size as described in SUB-S1 from a Non-Complying Activity to a Discretionary Activity. I acknowledge this has been expanded out to include all boundary adjustments, not just those in the GRUZ Zone. I accept this is the most appropriate manner to manage this situation.

8. CONCLUSION

- 8.1 The submission points in discussion seek to streamline the process across the stormwater management, SASM and boundary adjustment sections of the PDP. The proposed changes MFL seek to the notified PDP achieve this while still being in accordance with the Objectives and Policies as they apply in each section. I consider these changes to be consistent with section 32 of the Resource Management Act 1991.

Melissa Jane McMullan

30 January 2025