

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED TIMARU DISTRICT PLAN**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Proposed Timaru District Plan

AND

IN THE MATTER of Hearing Stream G: Future Development Area Chapter

**STATEMENT OF EVIDENCE OF DEIDRE FRANCIS ON BEHALF OF THE
CANTERBURY REGIONAL COUNCIL**

FUTURE DEVELOPMENT AREAS

26 JUNE 2025

SUMMARY STATEMENT

- 1 My evidence focuses on the recommendations that are important in giving effect to the Canterbury Regional Policy Statement (**CRPS**) and where the provisions of the Land and Water Regional Plan (**LWRP**) may have implications for those recommendations.
- 2 The Canterbury Regional Council (**Regional Council**) submission questioned the amount of land identified in the Future Development Area (**FDA**) overlay. It requested amendments to the proposed Timaru District Plan (**pTDP**) to only identify land as an FDA, in the pTDP, where it is required in the short to medium term and recommended that land identified for long-term development be included in a relevant Future Development Strategy, or similar. This evidence addresses the Section 42A (**S42A**) report's response to that submission. It notes that identifying land suitable for development, beyond the timeframe of the existing plan, could create a risk that there will be pressure to develop prematurely, ahead of development readiness, and out of sequence with budgeted funding for infrastructure in the Timaru District Council's (**TDC**) Long Term Plan. This could undermine the objectives of achieving consolidated urban growth. While the risk of out of sequence development applications remains, it needs to be balanced against the risk of land identified for long-term future development being inappropriately developed.
- 3 The s42A officer (**Mr Bonis**) requested further information from the Regional Council about the reasons for deleting specific long-term FDAs 5, 6, and 13. My evidence notes that there is a difference between the Regional Council's submission not to include long-term FDAs in the pTDP and deletion of those FDAs. Deletion of FDAs was not requested.
- 4 Mr Bonis asked the Regional Council to highlight any issues that may affect the ability to obtain resource consent for on-site wastewater management systems (**OWMS**) in FDA11. I have outlined the policy framework regarding OWMSs and the relevant Canterbury Land and Water Regional Plan (**CLWRP**) rule. I have relied on the evidence of Mr Trewartha, Senior Scientist – Groundwater Resources Science, Canterbury Regional Council, for information on groundwater and have concluded that there is insufficient information to have certainty around the acceptability of OWMSs on FDA11.

- 5 I have identified that FDA11 has a number of Listed Land Use Register (**LLUR**) sites. I have relied on the evidence of Dr Massey, Principal Science Advisor in the Contaminated Land and Waste Team at Canterbury Regional Council, and again conclude that there is insufficient information to determine the impacts of these LLUR sites.

INTRODUCTION

- 6 My full name is Deidre Francis. I am a Principal Planner at the Regional Council, a position I have held since August 2022.
- 7 I hold a master's degree with distinction in Regional and Resource Planning from the University of Otago (1995) (MRRP). I have over 20 years' experience in resource management planning.
- 8 My relevant experience includes drafting plan provisions, preparing s32A reports, preparing s42A reports and decisions reports for council Plan hearings, preparing submissions and presenting at hearings on proposed district plans. I led the development of the first Southland Regional Coastal Plan and the first Southland Regional Water Plan.
- 9 Prior to joining the Regional Council, I worked as a Senior Management Planner for the Department of Conservation based in the Christchurch office, working on the development of the Rangitahi/Molesworth Recreation Reserve Management Plan and leading the rewrite of the draft Aoraki Mount Cook National Park Management Plan. Prior to that I worked for 14 years at the Southland Regional Council, starting as a graduate planner and finishing as Senior Planner. I also worked for the Planning Consultancy Ernest New and Associates in Invercargill, part time, while completing my MRRP.
- 10 I have prepared this planning evidence on behalf of the Regional Council.

CODE OF CONDUCT

- 11 Whilst I acknowledge that this is not an Environment Court hearing, I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving any oral evidence during this hearing. Except where I state that I am relying on the

evidence of another person, my 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 that I express.

- 12 Although I am employed by the Regional Council, I am conscious that in giving evidence in an expert capacity that my overriding duty is to the Hearing Panel as an independent planning expert. The recommendations made in this evidence are my own, based on my expertise.

SCOPE OF EVIDENCE

- 13 I have been asked to provide evidence in relation to the Future Development Area chapter of the pTDP. My evidence addresses:
- a. An overview of the Regional Council's interest in the pTDP and the Future Development Area chapter of the pTDP;
 - b. The relevant statutory framework with a particular focus on the CRPS;
- 14 Recommendations in Mr Bonis' Section 42A Report (insofar as they relate to the Regional Council's submission points).
- 15 In preparing my evidence I have reviewed the following documents:
- a. The Resource Management Act 1991 (**RMA**);
 - b. The National Planning Standards 2019 (**NPS**);
 - c. The National Policy Statement on Urban Development 2020 (**NPS-UD**);
 - d. The Canterbury Regional Policy Statement 2013 (**CRPS**);
 - e. the Section 32 report prepared and notified by Timaru District Council (**TDC**);
 - f. the notified provisions of the Future Development Area chapter of the pTDP;
 - g. Memorandum of Ms Kylie Hall, Principal Planner – AECL, 31 March 2025;
 - h. Evidence of Mr Kevin Kemp, Stormwater Team Leader – TDC, 30 May 2025;

- i. Evidence of Mr Mark Trewartha, Senior Scientist – Groundwater Resources Science, Canterbury Regional Council, June 2025; and
- j. Evidence of Dr Michael Massey, Principal Science Advisor in the Contaminated Land and Waste Team at Canterbury Regional Council, June 2025.

REGIONAL COUNCIL'S INTEREST AND OVERVIEW OF SUBMISSIONS IN HEARING STREAM G OF THE PROPOSED TIMARU DISTRICT PLAN

- 16 The Regional Council collaborates with territorial authorities on urban development, including engagement on draft district plan provisions, and strategic documents such as strategies for district development, growth management and town centres. It also lodges submissions on publicly notified plan changes and proposed District Plans where issues of relevance to the CRPS are identified.
- 17 This is in line with RMA s18A to promote collaboration between local authorities on common resource management issues. It also acknowledges the requirements of RMA s75(3) & (4) where District Plans must give effect to the CRPS and must not be inconsistent with any relevant regional plan.
- 18 The Regional Council's submission focused on ensuring the CRPS is given effect to, avoiding inconsistencies with the regional planning framework. This aligns with the Regional Council's statutory responsibility for implementing the CRPS.
- 19 The Regional Council's submission questioned the amount of land identified in the FDA overlay. It requested that land be included in the District Plan, as FDA, only where it is required in the short to medium term. This submission was made because of concerns that identifying too much land in the pTDP could lead to pressure to develop land ahead of schedule.
- 20 The Submission also addressed terminology, definitions and appropriateness of locating certain objectives and policies within the FDA chapter. The further submission supported others that sought consistency with national policy statements and the CRPS. After reading the s42A report. I have no further comment to make regarding these aspects of the Regional Council's submission.

- 21 The FDA chapter of the pTDP generally gives effect to the CRPS.

STATUTORY FRAMEWORK

- 22 The statutory framework is accurately described in section 1.3 of the RMA section 32 report for the Development Areas Chapter and in section 5 of Mr Bonis' s42A report. No further comment is needed.

RESPONSE TO SECTION 42A REPORT

Identification of Future Development Areas beyond 10 years

Including long-term FDAs in the pTDP

- 23 The Regional Council submission requested that only land needed for development within the next 10 years (defined as short to medium term by the NPS-UD) be included in the pTDP FDA overlays.
- 24 The submission aimed to highlight the risk of premature development pressure on the TDC, resulting from the inclusion of long-term FDAs in the pTDP. FDAs 4 – 6, 11, 13 & 14 are identified for development beyond 10 years. All of these FDAs received submissions seeking earlier development. Submitter 237¹ opposed the long-term timeframe for FDA6, arguing that providing land supply now and deferring development until the next plan review is illogical. Others may share this view, and the inclusion of long-term FDAs may create pressure to rezone these areas ahead of schedule.
- 25 Signalling that this land is suitable for future development could lead to premature development and undermine the objectives of the NPS-UD, the CRPS, and the TDP. There is a particular risk in relation to out of sequence applications being inconsistent with infrastructure funding² and sequencing, compact urban form, and coordinated development patterns.³ Addressing out of sequence development is not unique to TDC. A 2023 report by the Auckland Council found that of 16 plan change applications for development since 2016, eight were out of sequence and none were refused. The authors noted that the

¹ [10.6.2] Mr Bonis' s42A report.

² NPS-UD Objective 6(a).

³ CRPS Policy 5.3.1.

overarching strategic framework, and the policy framework were probably not strong enough to prevent the development.⁴

- 26 I acknowledge that there can also be benefits from including long-term FDAs in the pTDP. The s42A report highlights these benefits.⁵ Including long-term FDAs and rules about land use within identified FDAs may help avoid fragmentation, preserve future development options, and ensure access to key facilities, particularly where the land is under single ownership.⁶
- 27 The benefits and risks associated with including the long-term FDAs within the pTDP itself, largely hinges on the ability of the plan provisions to mitigate the risks.

Evaluation of pTDP ability to address out of sequence development

- 28 I did not prepare the original Regional Council submission. My approach to assessing the risk of including long-term FDAs in the pTDP involves an evaluation of the plan provisions to determine if they are adequate to assess out of sequence proposals.
- 29 Analysis of the pTDP shows it contains a number of provisions to mitigate the risk of out-of-sequence development. Objective FDA-O2 makes it clear that urban growth or rural lifestyle development cannot occur in an FDA until it has been rezoned and has had a Development Area Plan (**DAP**) approved.
- 30 Objective FDA-O3 only provides for out of sequence development when significant development capacity is provided and it contributes to a well-functioning urban environment.
- 31 Policy FDA-P2 requires development within an FDA to align with the scheduling sequence and anticipated land use set out in SCHED15 - Schedule of FDAs and to submit a plan change that includes a Development Area Plan (DAP) consistent with FDA-P4.

⁴ www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/Documents/future-development-strategy-overall-evidence-report.pdf page 105

⁵ [10.5.15] Mr Bonis' s42A report.

⁶[10.5.15], [10.6.18], [10.6.26] of the s42A report.

- 32 FDA-P4 sets out 13 matters that need to be addressed in a DAP including:
- a. compact urban form;
 - b. co-ordinated and integrated infrastructure;
 - c. effective internal and external connectivity; and
 - d. good urban design principles.
- 33 FDA-P5 requires that unanticipated and out-of-sequence development be avoided unless it provides significant development capacity and contributes to a well-functioning urban environment. These directions are also reflected in UFD-O1(12), as recommended in the s42A report⁷ for Strategic Directions and Urban Form and Development Chapters written by Mr Andrew Willis. Mr Willis recommended adding an additional clause where out of sequence development would be avoided for the same reasons as stated in FDA-P5.
- 34 A similar approach is outlined in FDA-P6 for rural lifestyle development, where out of sequence development is to be avoided unless eight conditions can be met.
- 35 In my opinion, the policy framework is robust and addresses the issues posed by out of sequence applications and I am unable to suggest any further provisions that could strengthen the pTDP. The risk that out of sequence applications will be granted still remains because the foreshadowing of these long-term FDAs in the pTDP may still lead to pressure on the Council for earlier development. Removing the long-term FDAs from the pTDP overlay could decrease the risk of out of sequence development applications. However, it would also remove the restrictions placed on that land by FDA-P1 and subsequent rules. This could compromise the future ability to fulfil the FDA purposes. The Panel may wish to balance the benefits against the risks.

⁷ Strategic Directions and Urban Form and Development Chapters s42A report for proposed Timaru District Plan hearing written April 2024

Specific Future Development Areas: FDAs 5, 6, 11 and 13

FDA5 Young Farm, Geraldine, FDA6 Factory Road, Temuka and FDA13 – Seadown Road, Washdyke

- 36 Mr Bonis⁸ has requested further information from the Regional Council to help guide whether FDA5, FDA6 and FDA13 should be deleted. The Regional Council's submission (183.166) did not request removal of FDA zoning from these specific sites. It requested that *long-term* FDAs be identified outside the pTDP in another document.

FDA11 (Templer Road – Geraldine)

- 37 The Regional Council made a further submission on this FDA, agreeing with Waka Kotahi (143.197) that analysis against national direction and the CRPS was needed to determine if the proposed FDA was appropriate.
- 38 Mr Bonis⁹ asked the Regional Council to provide information about on-site wastewater treatment systems (**OSWMs**), ground water quality and impacts on cultural values. If his s42A recommendations are adopted¹⁰, FDA11 will be rezoned Rural Lifestyle with a specific control area to ensure a minimum size of 2ha. An application to subdivide would require a restricted discretionary consent process under SUB-R3 of the pTDP.
- 39 Policy SUB-P15 of the pTDP requires rural lifestyle zones to be connected to a reticulated drinking water network. Because of this I have not considered issues concerning the use of groundwater as a potable water supply.
- 40 Policy SUB-P15 of the pTDP states a preference for reticulated wastewater on rural lifestyle blocks but allows for OSWMs where reticulated wastewater networks are not available, subject to compliance with standard SUB-S4. The applicant will need to demonstrate that the wastewater discharge will either comply with the Regional Plan or have a discharge consent.

⁸ At [10.5.15], [10.6.26] and [10.13.30] of Mr Bonis' s42A report.

⁹ At [10.11.27] of Mr Bonis' s42A report.

¹⁰ At [10.11.36] and [10.11.37] of Mr Bonis' s42A report.

- 41 CRPS Policy 5.3.5 requires appropriate and efficient development of sewage and stormwater, and the provision of potable water. The need to consider servicing development early in the process is emphasised to ensure appropriate decisions are made about servicing, whether the proposed development is appropriate and what site limitations may exist. It also highlights that early consideration of these matters will allow joint consideration of the proposal where resource consents are required from the Regional Council and District Council.
- 42 Under Method 3(a) Territorial authorities are required to set out objectives and policies and may include methods in district plans to implement CRPS Policy 5.3.5. These plan provisions aim to ensure that before rezoning occurs, it can be efficiently and effectively served for the collection, treatment and disposal of sewage and stormwater, and the provision of potable water.
- 43 Under Method 1(a) of CRPS Policy 5.3.5, the Regional Council is required to have objectives and policies and may include methods in regional plans which avoid the cumulative effects of discharges from on-site sewage treatment and disposal systems. CLWRP Policy 4.1.2 states that there should be no direct discharge of untreated sewage to surface waterbodies or groundwater.
- 44 Mr Bonis recommends allowing lot sizes of 2ha on FDA11. If lot sizes are smaller than 4ha, a restricted discretionary resource consent is required under the CLWRP for any OSWM. Separation distances of 20 metres from a surface water body and 50 metres from any bore used for water abstraction would also need to be factored into the feasibility of the subdivision relying on OSWMs. FDA11 has a spring fed plains river (Ruakapuka Stream) running down the middle of it, which has significance to mana whenua. Ms Hall's memorandum makes it clear that mana whenua have concerns about both wastewater and stormwater, and possible impacts on the stream¹¹.

¹¹ Memorandum of Ms Kylie Hall, Principal Planner AECL to Aaron Hakkaart, Planning Manager District Plan review dated 31 March 2025, page 12.

- 45 Based on Mr Trewartha's evidence, further investigation and assessment will be needed to evaluate potential adverse effects to groundwater and sensitive receptors from any on-site wastewater systems proposed for FDA11.
- 46 FDA11 is in a pTDP Flood Assessment Area (FAA) and appropriate site selection and floor levels will need to be assessed through the flood assessment process.
- 47 If OSWMs are not appropriate for FDA11, holding tanks could be considered. However, Mr Kemp has identified that the Geraldine wastewater system lacks capacity and waste would need to be transported to Timaru for disposal.¹² The Regional Council website notes that the cost of pumping out holding tanks is high and may only be appropriate for dwellings used infrequently, like baches and shearing sheds. To minimise the cost of pumping out, there may be circumstances where it is possible to have a system where only blackwater drains into the holding tank and greywater is discharged on site as a permitted activity. All conditions of LWRP Rule 5.12, would need to be met and the house would need to be plumbed with this in mind. I understand there are properties in sensitive areas or high nitrate areas, in Canterbury, that have chosen this option.
- 48 My understanding is the only alternative to holding tanks is composting toilets, which would need to meet discharge standards in the CLWRP. Composting toilets need to be constructed to have no liquid discharge from the system at all, I understand this is possible with some brands. The solids can be discharged to land as a permitted activity if they meet all conditions of LWRP Rule 5.16. I understand that composting toilet systems require two cartridges and when one is full, it is left for 12 months to decompose before discharge. It is not an option that has been widely adopted.
- 49 There is uncertainty about whether it will be possible to get resource consent for OSWMs. In my opinion it would be premature to provide an immediate pathway for FDA11, without first obtaining more information about the proposal. Without understanding the reality of the ability to get

¹² Evidence of Mr Kevin Kemp, Stormwater Team Leader, TDC, 30 May 2025 page 15.

resource consents from the Regional Council, a false expectation of the ability to successfully subdivide could be created.

LLUR sites within FDA11

- 50 Because neither the submission requesting the subdivision of FDA11 nor the s42A report identify the presence of sites listed in the LLUR (refer to Figure 1 below), I bring this to the attention of the Panel. I rely on Dr Massey's evidence to describe the contaminated land issues for FDA11, but it is my understanding that further investigations are needed before any conclusions can be reached.

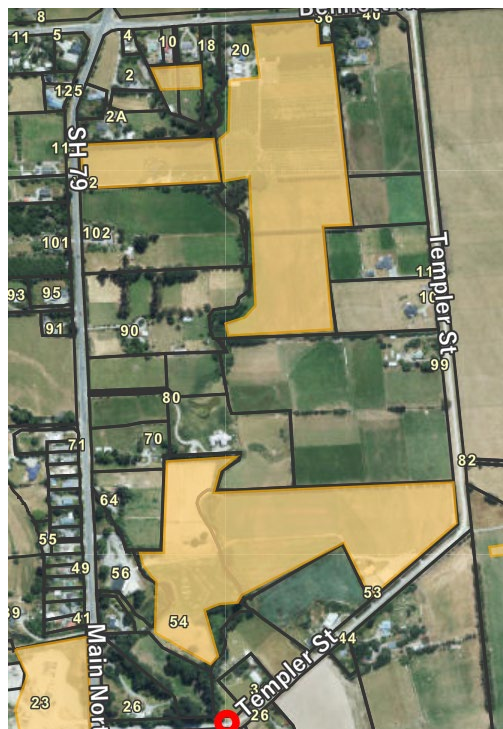


Figure 1: Image of LLUR land (orange blocks) on proposed subdivision – Source: ECan Maps

- 51 In my opinion, the issues with wastewater and contaminated land do not necessarily preclude FDA11 from being developed. However, if it is made available for subdivision before these issues are resolved, it could create a false expectation of whether the area can be successfully subdivided.

- 52 If the panel is inclined to accept the recommendation to provide for immediate subdivision, I would recommend a joint consent assessment pathway process, where the subdivision could be assessed by both the TDC and the Regional Council, simultaneously.

Dated this 26th day of June 2025

A handwritten signature in blue ink that reads "Deidre Francis". The script is cursive and fluid, with the first name "Deidre" and the last name "Francis" clearly legible.

Deidre Francis