



# **Proposed Timaru District Plan**

## **Section 42A Report: Cross-plan submissions (Sweep Up)**

**Report on submissions and further submissions**

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**Date: 4 August 2025**

## Contents

|  |    |
|--|----|
| List of Submitters and Further Submitters Addressed in this Report:..... | 4  |
| Original Submitters .....  | 4  |
| Further Submitters.....  | 4  |
| Abbreviations Used in this Report: .....                                 | 4  |
| 1. Introduction .....  | 5  |
| 1.1 Experience and Qualifications.....                                   | 5  |
| 1.2 Purpose and Scope of this Report.....                                | 5  |
| 1.3 Procedural Matters .....   | 6  |
| 2. Topic Overview .....  | 6  |
| 3. Overview of Submission and Further Submissions .....                  | 6  |
| 4. Relevant Statutory Provisions .....                                   | 6  |
| 5. Statutory Instruments.....  | 7  |
| 6. Analysis and Evaluation of Submissions .....                          | 7  |
| 6.1 Approach to Analysis.....  | 7  |
| 7. Cross-Plan Submissions.....   | 8  |
| 7.1 General Submissions.....   | 8  |
| Submissions and Analysis.....  | 9  |
| Analysis .....   | 10 |
| Conclusions and Recommendations.....                                     | 10 |
| 7.2 Drafting .....   | 10 |
| Submissions and Analysis.....  | 11 |
| Conclusions and Recommendations.....                                     | 14 |
| 7.3 Activity Status and Notification .....                               | 14 |
| Submissions and Analysis.....  | 14 |
| Conclusions and Recommendations.....                                     | 15 |
| 7.4 Costs.....   | 15 |
| Submissions.....   | 15 |
| Analysis .....   | 16 |
| Conclusions and Recommendations.....                                     | 16 |
| 8. Demolition .....  | 16 |
| Analysis .....   | 16 |
| Conclusions and Recommendations.....                                     | 17 |
| 9. Appendix 3 .....  | 17 |
| Submissions and Analysis.....  | 17 |
| Conclusions and Recommendations.....                                     | 18 |
| 10. Conclusion.....  | 18 |

## **Appendices**

### Appendix 1 – Recommended Responses to Submissions

## List of Submitters and Further Submitters Addressed in this Report:

### Original Submitters

| Submitter Ref | Submitter Name  | Abbreviation              |
|---------------|---|---------------------------|
| 73            | Waterton Farm Ltd   | Waterton                  |
| 92            | Bruce Wain Rogers   | Rogers, B W               |
| 100           | David and Judith Moore  | Moore, D and J            |
| 105           | Peel Forest Estate  | Peel Forest               |
| 113           | Kerry & James McArthur  | McArthur, K and J         |
| 116           | Z Energy Limited  | Z Energy                  |
| 120           | Leslie Raymond Rawlings   | Rawlings, L R             |
| 152           | Radio New Zealand Limited   | Radio NZ                  |
| 156           | Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)  | Forest and Bird           |
| 159           | Transpower New Zealand Limited  | Transpower                |
| 166           | Penny Nelson, Director-General of Conservation<br>Tumuaki Ahurei            | Dir. General Conservation |
| 174           | Rooney Holdings Limited   | Rooney Holdings           |
| 181           | Opuha Water Limited   | OWL                       |
| 182           | Federated Farmers   | Federated Farmers         |
| 183           | Canterbury Regional Council (Environment Canterbury)                        | ECan                      |
| 184           | House Movers Section of the New Zealand Heavy Haulage Association Inc       | NZHHA                     |
| 185           | Te Rūnanga o Ngāi Tahu  | Te Rūnanga o Ngāi Tahu    |
| 191           | Gary James Herbert Rooney   | Rooney, GJH               |
| 196           | bp Oil New Zealand Limited; Mobil Oil New Zealand Limited; Z Energy Limited | BP Oil et al              |
| 219           | Timaru Town Centre Ratepayers Action Group                                  | Timaru TC Ratepayers      |
| 223           | Timaru Civic Trust  |                           |
| 240           | Te Tumu Paeroa, Office of the Māori Trustee                                 | Te Tumu Pareora           |
| 249           | Rooney Group Limited  | Rooney Group              |
| 250           | Rooney Farms Limited  | Rooney Farms              |
| 251           | Rooney Earthmoving Limited  | Rooney Earthmoving        |
| 252           | Timaru Developments Limited   | TDL                       |

### Further Submitters

| Submitter Ref | Further Submitter Name   | Abbreviation    |
|---------------|--|-----------------|
| 60            | Milward Finlay Lobb  | MFL             |
| 90            | Hermann Frank  | Frank, H        |
| 156           | Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird) | Forest and Bird |
| 229           | Kāinga Ora - Homes and Communities   | Kāinga Ora      |
| 252           | Timaru Developments Limited  | TDL             |

## Abbreviations Used in this Report:

| Abbreviation | Full Text                            |
|--------------|--------------------------------------|
| Council      | Timaru District Council              |
| CRPS         | Canterbury Regional Policy Statement |
| PDP          | Proposed Timaru District Plan        |
| RMA          | Resource Management Act 1991         |

# 1. Introduction

## 1.1 Experience and Qualifications

- 1.1.1 My full name is Elizabeth (Liz) Jane White. I am an independent planning consultant, having been self-employed (Liz White Planning) for the last four years. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
- 1.1.2 I have over 18 years of planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports, as well as providing planning input in Environment Court processes. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents.
- 1.1.3 I have been assisting the Council with their District Plan Review process since 2019.
- 1.1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.
- 1.1.5 It should be noted that where stated within this report, input has also been sought from other s42A report authors.<sup>1</sup> The experience and qualifications of those authors is set out in the s42A reports which they have authored on topics included in Hearings A – F.

## 1.2 Purpose and Scope of this Report

- 1.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
- 1.2.2 This report is prepared under s42A of the RMA in relation to a number of submission points that relate to general matters across the PDP as a whole, and which have not been addressed in the other, more specific topics. This report considers the submissions and further submissions that were received in relation to these general matters. It includes recommendations to either retain provisions without amendment, delete, add to or amend

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<sup>1</sup> Andrew MacLennan, Andrew Willia, Nick Boyes, Matt Bonis and Rachael Williams.

the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in this Report.

- 1.2.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

### **1.3 Procedural Matters**

- 1.3.1 There have been no pre-hearing conferences or expert witness conferencing in relation to submissions on this topic.

## **2. Topic Overview**

- 2.1.1 As noted above, this report does not relate to specific topics, but to submission points that relate to general matters across the PDP as a whole. In most cases, these do not relate to specifically identified provisions.

## **3. Overview of Submission and Further Submissions**

- 3.1.1 The full list of submission points addressed in this report are set out in **Appendix 1**. The submission points falling within this topic are discussed in more detail in the 'Analysis and Evaluation of Submissions' section of this report. Given the broad nature of submission points, a summary of key issues is not provided in this report.

## **4. Relevant Statutory Provisions**

- 4.1.1 The assessment for the PDP 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)).
- 4.1.2 In addition, assessment of the PDP must also 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. Statutory Instruments

- 5.1.1 Given the broad nature of submission points, there is a wide range of statutory requirements and relevant planning context that potentially apply to the points covered in this topic. The provisions in planning documents that are considered to be particularly relevant to any submission point are noted in the analysis and evaluation of those points.

## 6. Analysis and Evaluation of Submissions

### 6.1 Approach to Analysis

- 6.1.1 The analysis undertaken in this report is on a topic-by-topic basis.
- 6.1.2 The assessment of submissions generally follows 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 s32AA.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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. Further submissions are not listed within Appendix 1. 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 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.

6.1.6 Waterton Farm [73.2], Rogers, B W [92.1], Moore, D and J [100.2], Peel Forest [105.1] and McArthur, K and J [113.1], in a primary submission, support the submission of Federated Farmers and seek the same relief as sought in that submission. Discussion of the Federated Farmers submission points and recommendations made in relation to these therefore applies to that of Waterton Farm [73.2], Rogers, B W [92.1], Moore, D and J [100.2], Peel Forest [105.1] and McArthur, K and J [113.1].

## 7. Cross-Plan Submissions

### 7.1 General Submissions

7.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 1:

| SUBMITTER NAME            | SUBMISSION POINT NUMBER(S) |
|---------------------------|----------------------------|
| Z Energy                  | 116.1                      |
| Radio NZ                  | 152.1                      |
| Forest and Bird           | 156.1                      |
| Transpower                | 159.1                      |
| Dir. General Conservation | 166.1                      |
| Rooney Holdings           | 174.1                      |
| Rooney, GJH               | 191.1                      |
| BP Oil et al              | 196.1                      |
| Te Tumu Pareroa           | 240.1                      |
| Rooney Group              | 249.1                      |
| Rooney Farms              | 250.1                      |
| Rooney Earthmoving        | 251.1                      |
| TDL                       | 252.1                      |



***Submissions and Analysis***

- 7.1.2 Z Energy [116.1] and BP Oil et al [196.1] seek, in addition to the specific relief set out in their submission, that the PDP is amended to: achieve the purpose and principles of the RMA and consistency with the relevant provisions in Sections 6 - 8 RMA; give effect to the CRPS; assist the Council to carry out its functions under Section 31 RMA; meet the requirements of the statutory tests in section 32 RMA; and avoid, remedy or mitigate any relevant and identified environmental effects. The submitter also seeks any alternate or consequential relief required to give effect to the matters raised in its submission.
- 7.1.3 Forest and Bird [156.1] requests that the PDP gives effect to National and Regional Direction and takes into consideration the proposed NPSIB.
- 7.1.4 Radio NZ [152.1] states that due to its civil defence role, the PDP needs to provide greater recognition and protection of submitter's facilities, including recognising its critical contribution; its technical/operational constraints; and the need to avoid reverse sensitivity effects. The relief sought is stated as being outlined in specific submission points.
- 7.1.5 Transpower [159.1] broadly seeks that the provisions of the PDP that manage the potential adverse effects of the National Grid are refined, to achieve consistency, remove duplication and avoid possible conflict between provisions in different chapters. The submitter also seeks the alignment of the 'effects tests' provisions for the development of the National Grid with the NPSET; amendments to provisions that protect the National Grid to reflect the submitter's nationally consistent approach; revisions to matters of discretionary to enable the consideration of the benefits of the National Grid; and provisions that appropriately enable the operation, maintenance and particularly upgrading of the National Grid within various overlays. In addition to the specific relief sought in relation to these matters, Transpower seeks any further alternative or consequential relief as may be necessary to fully give effect to its submission.
- 7.1.6 Dir. General Conservation [166.1] set out the particular provisions that they support or seek changes to, and in addition, broadly seeks that any further, alternate or consequential relief required to give effect to the matters raised in its submission or which are required for consistency.
- 7.1.7 Six submitters<sup>2</sup> consider that the PDP has been drafted as a restrictive planning document, seeking to micromanage the effects of many activities that have previously been permitted, particularly compared to other district plans. The submitter considers that this is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management. The submitter seeks that the PDP is amended to be more enabling and only restrict activities where necessary to achieve statutory requirements.

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<sup>2</sup> Rooney Holdings [174.1], Rooney, GJH [191.1], Rooney Group [249.1], Rooney Farms [250.1], Rooney Earthmoving [251.1] and TDL [252.1]

- 7.1.8 Te Tumu Pareroa [240.1] considers amendments are required to recognise all Māori landowners, reduce ambiguity and provide clear direction to those implementing plan. The relief sought is however detailed in more specific submissions.

### ***Analysis***

- 7.1.9 In relation to Z Energy [116.1], Forest and Bird [156.1] and BP Oil et al [196.1], I note that the s42A Report Authors for each hearing topic have undertaken their assessment of submissions on the PDP provisions in accordance with the RMA, taking into account its purpose and principles, as well as the provisions of national policy statements and the CRPS that are relevant to each topic, the functions of the district council, the requirements of s32 of the RMA, and the management of environmental effects. As such, I do not consider that further consideration of these broader submission points is required.
- 7.1.10 I note that the more specific submission points relating to the broader submissions of Radio NZ [152.1], Transpower [159.1], Dir. General Conservation [166.1] and Te Tumu Pareroa [240.1] have been addressed within the s42A Reports to which they pertain. This includes, where relevant, any alternate or consequential changes. As such, I do not consider that further consideration is required in relation to these broader submission points.
- 7.1.11 In relation to those submissions seeking that the PDP is amended to be more enabling, I note that the framework proposed in each chapter of the PDP, and then reconsidered in light of submissions, has been prepared and then reconsidered in light of s32 of the RMA. In a broad sense, the management of the effects of activities is related to the outcomes sought across the PDP, and how best to achieve these through the policy and rule framework, taking into account efficiency and effectiveness, including costs and benefits. Restrictions on activities – whether in terms of conditions that permitted activities must meet, or a requirement for resource consent to be obtained – are therefore those which have been considered to be appropriate in order to achieve the relevant plan objectives. Where these submissions have identified concerns with specific rules, these have been considered in the relevant s42A topic reports. Beyond the identification of any other specific rules to which this overarching concern relates, I do not recommend any further changes (or further ‘re-review’ of provisions) in response to these submissions.

### ***Conclusions and Recommendations***

- 7.1.12 No changes are recommended in response to these submissions.

## **7.2 Drafting**

- 7.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 1:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|----------------|----------------------------|
| OWL            | 181.1                      |

|                        |                     |
|------------------------|---------------------|
| Federated Farmers      | 182.2               |
| ECan                   | 183.13, 183.3       |
| Te Rūnanga o Ngāi Tahu | 185.4, 185.5, 185.6 |

### ***Submissions and Analysis***

- 7.2.2 OWL [181.1] states that the PDP contains various spelling and grammatical errors; omits the text for footnotes; shows terms as “defined” which either are not defined in the PDP (or the RMA) or do not have operational cross-linkages; contains inconsistent terminology both within chapters and across chapters; and refers to outdated (repealed) legislation (e.g., Health & Safety in Employment Act 1992) amongst other various issues. It notes that these are addressed in the specific submission points, but generally seeks that s42A report authors address spelling and grammatical errors; omitted footnotes; inconsistency of terminology used within and between chapters; technological issues, such as e-plan definition cross-linkage errors; and references to outdated (repealed) legislation.
- 7.2.3 I note that where these matters have been raised in relation to specific provisions, these have been considered in the relevant s42A Reports. Beyond this, I consider that the type of changes sought are largely those that would fall within clause 16(2), Schedule 1 of the RMA, being either alterations which are of minor effect, or the correction of minor errors. I note that various clause 16(2) changes have been recommended by s42A Report Authors, to address such errors or make minor alterations, as they have been picked up. In addition, Ms Williams has undertaken a “consistency check” of the PDP Chapters and identified a number of corrections that she recommends be made under clause 16(2). These are identified in the s42A Officers Final Reply Consolidated Set of Provisions in red, to distinguish these corrections from other recommendations. These include:
- Consistent use of capital letters e.g. in heading titles, zones, precincts, specific control areas, District, Region etc.
  - Updating terms in the provisions to use the definitions in the PDP (where that is considered to have been the intent).
  - Updating rule headings to be plural (e.g. ‘commercial activities’ rather than ‘commerical activity’).
  - Consistency in provisions when referring to measurements, time etc.
  - Consistent use of abbreviations.
- 7.2.4 In addition, where further errors are discovered, the Council will continue to be able to make changes under clause 16(2), noting that once the PDP is made operative, the opportunity to correct minor errors is still provided under clause 20A.
- 7.2.5 I consider that changes which extend beyond those provided for under clause 16(2) or 20A, where they have not been specifically identified in a submission, would need to be considered under a Schedule 1 process in future. For example, there may be instances where

terminology used across the PDP is not consistent, but it is not an 'error', and it might substantively alter how some provisions apply. In my view, this type of change would need to be specifically considered through a Schedule 1 process. I therefore recommend that OWL's submission point be accepted in part.

- 7.2.6 Federated Farmers [182.2] seeks that the rules are written clearly and concisely; have conditions that are able to be complied with and are enforceable; are consistent with objectives and policies contained in the District Plan; avoid the reservation of the council's discretion where it is not required or appropriate; are consistent with the rules of other authorities such as the National Grid provider; are consistent with the national direction set through National Environmental Standards and National Policy Statements; and minimise the use of prohibited activity status which place unwarranted barriers for resource consent applicants.
- 7.2.7 I note that what is requested by the submitter relates to requirements under the RMA, or matters that in my view fall within what is considered to be best practice for plan drafting. The s42A Report authors for each hearing topic have undertaken their assessment of submissions on the PDP rules in line with best practice drafting and in consideration of s32 of the RMA. In absence of the identification of specific rules which are not considered to align with the matters raised by the submitter, I do not recommend any further changes in response to this submission.
- 7.2.8 ECan [183.13] notes that a number of definitions refer to either "facility" or "activity", and the terms are not used consistently. It considers that it is necessary to ensure that both the activity, and the buildings, are covered by the definitions. I firstly note that in many cases, the definitions proposed in the PDP are taken from the National Planning Standards, (which the PDP must adopt), and this in turn defines, in some cases "activities" (e.g. commercial activity) and in some cases "facility" (e.g. community facility). As such, it is not possible to amend various definitions so that they use either "facility" or "activity" as this would be inconsistent with the Planning Standards. At a broader level, I note that the actual rules in the PDP already manage both activities and buildings, such that I do not consider there to be a gap that would require changes to the definitions (or rules). In most cases, the PDP rules manage the establishment of buildings separate to their use. In the GRZ rules, for example, buildings themselves are managed under GRZ-R2 (residential units), GRZ-R9 (buildings and structures including fences) and GRZ-R10 (fences). The remaining rules then apply to activities undertaken in the GRZ – whether these are undertaken within a building or not. I therefore do not consider that any changes are required to respond to this submission.
- 7.2.9 ECan [183.3] considers there are a number of inconsistencies across zones within the plan in terms of assessment criteria for activities. It considers that the assessment criteria should be drafted the same, unless there is a good reason not to, for the same activity. It seeks that the assessment criteria across the PDP is reviewed to ensure that the same assessment criteria for activities across different zones are consistent. I assume that reference to assessment criteria is in relation to matters of control or discretion. In this regard, I note that

these matters are related to the policy and objective framework for each zone. I do not consider there to be any particular benefit in applying the same matters of control/discretion across different zones; but conversely I consider that there is a risk that in 'standardising' what is considered, the matters considered could either be unnecessarily narrowed and omit matters of particular importance in one zone and/or widened to address matters that are not necessary to consider in the context of the policy direction and outcomes sought in any particular zone. I therefore do not recommend changes to standardise the matters of control and discretion across zones.

- 7.2.10 Te Rūnanga o Ngāi Tahu [185.4] states that the PDP contains minor errors that could impact the ability of Council to implement it as intended, such as the use of abbreviations and legislation references. It seeks that a full check of the PDP is undertaken by a suitably qualified person with understanding of the legal requirements for consistency with legislation and case law as well as consistency between chapters.
- 7.2.11 As noted above in response to OWL, I consider that alterations which are of minor effect, or the correction of minor errors can be undertaken under clause 16(2) and many such alterations have been recommended by s42A Report Authors or through Ms Williams consistency check. Beyond this, I consider that broader changes which relate to consistency with legislation, case law, or between chapters, would need to have been specifically identified within a submission and considered on a case-by-case basis as to whether the changes were a more appropriate way to achieve the outcomes sought in the PDP, and more broadly to achieve the purpose of the RMA. In absence of specific inconsistencies having been identified, I do not recommend any further changes in response to this submission point, beyond those recommended by Ms Williams through her consistency check.
- 7.2.12 Te Rūnanga o Ngāi Tahu [185.5] acknowledges that a document the size of the PDP will contain some mistakes in the te reo Māori language used. However, to address this, the submitter seeks that a full check of the te reo Māori used in the plan and the section 32 reports is undertaken by a suitably qualified person with understanding of the Kāi Tahu dialect before sections/parts become operative. In relation to the s32 Reports, I note the requirement (under s32(5)) is for these to be made available at the time the PDP was notified. While a further assessment of changes is required under s32AA, the original s32 reports cannot be reviewed and re-publicised. For the PDP provision themselves, I agree with the submitter that mistakes in the te reo Māori used in the PDP should be corrected, and consider that this can be undertaken under clause 16(2). As noted in the Hearing E Reply, for efficiency reasons, the Council intends to do this review once the decision version of provisions is released by the Hearings Panel.
- 7.2.13 Te Rūnanga o Ngāi Tahu [185.6] supports the use of dual naming throughout the PDP, but considers the approach needs to be consistent throughout the plan. The submitter seeks that the entire plan is amended to ensure the use of dual naming is consistent throughout the plan with te reo Māori first and English second. I agree with the submitter that it is appropriate for dual naming to be undertaken on a consistent basis. This has been reviewed

and corrected as part of Ms Williams consistency check, and changes she has identified in this regard are shown using red tracking.

### ***Conclusions and Recommendations***

- 7.2.14 No changes are recommended in response to these submissions, except those identified through Ms Williams consistency check (and identified in red in the s42A Officers Final Reply Consolidated Set of Provisions).

## **7.3 Activity Status and Notification**

- 7.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 1:

| SUBMITTER NAME    | SUBMISSION POINT NUMBER(S) |
|-------------------|----------------------------|
| Federated Farmers | 182.2                      |
| ECan              | 183.2                      |

### ***Submissions and Analysis***

- 7.3.2 Federated Farmers [182.2] seeks that that PDP is reviewed to apply a controlled activity status where possible. The submitter considers that where a consent is required, a controlled status should be used, rather than restricted discretionary and/or discretionary status (which allows Council the ability to decline the consent), stating that this would allow the Council to future proof the plan for when the Natural and Built Environment Act comes into force, which includes the removal of a restricted discretionary activity classification. Controlled status is also considered by the submitters to give certainty to users that the resource consent will be granted provided certain conditions are met. It considers that this is appropriate for activities that will have no more than minor effects on the environment and where the non-compliance with the permitted activities rules is minor.
- 7.3.3 I note that the Natural and Built Environment Act has been repealed, and therefore no longer has a bearing on consideration of the use of a restricted discretionary status. At a broad level, I consider that controlled activity status is only appropriate where an activity is considered to be appropriate in all instances, and in particular, align with the policy direction and objectives in all cases. In general, I consider that a restricted discretionary or discretionary status should be used in circumstances where an activity may, or may not be appropriate (when considered in light of the objectives and policies) and a case-by-case assessment of the specifics of any particular proposal is required to determine this. Where non-compliance with a rule is minor, this does not necessarily mean that effects of the non-compliance will be no more than minor, nor that it will align with the objectives and policies. In instances where an activity is considered to have no more than minor effects on the environment, consent is likely to be granted. However, I do not think it possible to draft a controlled activity rule in a way that captures only activities with more than minor effects.

Where submissions have requested consideration of the use of a controlled activity status in specific circumstances, I note that these have been considered in the relevant s42A topic reports. In absence of the identification of any other specific rules that might lend themselves to a controlled activity status, I do not recommend any further changes (or further 're-review' of rules across the PDP) in response to this submission.

- 7.3.4 ECan [183.2] notes that across the PDP, there are very few activities that propose to dispense with public or limited notification, whereas there are many activities where either public or limited notification is, in its view, not warranted, such as for breach of outdoor living space. It seeks that the PDP is reviewed to identify where limited or public notification can be dispensed with.
- 7.3.5 I firstly note that the RMA sets out the tests for when public or limitation notification of a resource consent application is required. These are only to be dispensed with, when a rule expressly precludes notification. The default approach, therefore, is to allow for the consideration of notification. In my view, the case therefore needs to be made for why it is appropriate, in any particular circumstance, to diverge from the default approach. Where, as part of the plan review process, it was considered appropriate to dispense with notification, this has been included in the PDP; and similarly where a submission has requested preclusion of notification in relating to a particular rule, this has been considered in the relevant s42A Report. It is my view that the appropriateness of limited or public notification being precluded needs to be considered on a case-by-case basis. In absence of the submitter identifying specific rules where this is sought, I do not recommend any further changes to the notification provisions (or further 're-review' of all plan rules) in response to this submission.

### ***Conclusions and Recommendations***

- 7.3.6 No changes are recommended in response to these submissions.

## **7.4 Costs**

- 7.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 1:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|----------------|----------------------------|
| Rawlings, L R  | 120.2                      |

### ***Submissions***

- 7.4.2 Rawlings, L R [120.2] notes that the PDP has a lot of discretionary activities and the cost of opposing requests is expensive. The submitter states that the Court does not grant costs in most cases and the cost should be borne 50:50 by the applicant and the person opposing it. No specific relief is specified by the submitter.

**Analysis**

- 7.4.3 In my view, this is a matter that sits outside the District Plan, as it is for the Court to consider the awarding of costs where a matter is appealed to the Court.

**Conclusions and Recommendations**

- 7.4.4 No changes are recommended in response to this submission.

**8. Demolition**

- 8.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 1:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|----------------|----------------------------|
| NZHHA          | 184.2                      |

- 8.1.2 NZHHA [184.2] seeks that the demolition of non-heritage buildings is provided for as a permitted activity in all zones where building activities are provided for as a permitted activity.

**Analysis**

- 8.1.3 My understanding of the ODP is that alteration, removal or demolition of a structure or part of a structure (that is not otherwise managed under a zone-based rule) is permitted under a General Rule<sup>3</sup>, where this is essential to establishing a permitted, controlled or discretionary activity. I have reviewed the control of demolition in the PDP and note that controls are included in the Historic Heritage Chapter in relation to Historic Heritage Items and Areas (e.g. HH-P8, HH-P9, HH-P16, HH-R9, HH-R10, HH-R11 and HH-R15); and in the TCZ and CCZ in relation to managing the potential for demolition to result in gaps in the streetscape (TCZ-P4, TCZ-R7, CCZ-P4, CCZ-R6). Except in these instances, the policy direction in the zone chapters does not appear to seek to manage demolition of buildings or structures. Because of the approach in the ODP, and because these are the only rules specifically controlling demolition, I consider that it was intended that demolition in other instances would be permitted. However, in absence of a general rule, I consider that there is a risk that demolition of buildings and structures might get caught by the 'default' discretionary rule included in each zone chapter for activities not otherwise explicitly listed within the chapter. I therefore agree with the submitter that it is appropriate to permit demolition of buildings and structures in all zones where building activities are provided for as a permitted activity. I have considered whether this could be 'added' to the existing 'buildings and structures' rules, but given these refer to compliance with the built form standards, I consider it best that a standalone rule be provided for full or partial demolition.

<sup>3</sup> Part D8 – Appendices, General Rule, Rule 6.0.1(1).



### Conclusions and Recommendations

- 8.1.4 I recommend that a new rule be added to each zone chapter, sequential to the ‘buildings and structures’ rule in each chapter, permitting the partial or full demolition of buildings or structures where demolition is not otherwise subject to a proposed control. An example rule for the NCZ is shown below:

|                       |   |  |
|-----------------------|---|--|
| <b><u>NCZ-R3A</u></b> | <b><u>Full or Partial Demolition of a Building or Structure</u></b> |  |
| <b><u>NCZ</u></b>     | <b><u>Activity Status: Permitted</u></b>                            | <b><u>Activity status where compliance not achieved: N/A</u></b> |

- 8.1.5 As demolition is only defined in relation to a heritage item (and the wording of the definition is specific to those items) I recommend that an additional definition be added to support these rules, as follows:

*DEMOLITION [not in relation to a heritage item] means permanent destruction, in whole or in part, of a building or structure.*

## 9. Appendix 3

- 9.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 1:

| <b>SUBMITTER NAME</b> | <b>SUBMISSION POINT NUMBER(S)</b> |
|-----------------------|-----------------------------------|
| Timaru TC Ratepayers  | 219.14                            |
| Timaru Civic Trust    | 223.17                            |

### Submissions and Analysis

- 9.1.2 Timaru TC Ratepayers [219.14] and Timaru Civic Trust [223.17] support the inclusion of CPTED guidance for the design of public open spaces. However, the submitters consider that it must be made clear when and how this guidance is to be used and whether it is mandatory, or not. The submitter states that CPTED and its principles are not ‘hard and fast’ rules, rather, they are guiding principles that must be adapted to fit the local context. They seek that the relevant chapters of the PDP to make it clear when and how the guidance contained in APP3 is to be used.
- 9.1.3 I have reviewed the references to APP3 within the PDP, and in my view, consider that it is already clear in what manner the guidance is to be used. More specifically, the references to APP3 are contained in either the policy direction relating to specific activities<sup>4</sup> (e.g. areas of car parking in certain commercial zones and open space/recreation/community facilities in certain open space and recreation zones); or in matters of discretion for particular

<sup>4</sup> TCZ-P3, CCZ-P4, OSZ-P1, SARZ-P1, SARZ-P4

activities where resource consent is required<sup>5</sup> (e.g. car parking areas with over 20 spaces, larger buildings in the Local Centre Zone, and structures breaching height and/or setbacks in certain open space and recreation zones). The direction is to consider the “consistency” of a proposal with the guidance.<sup>6</sup> I therefore consider that the manner in which the guidance is to be considered is clear, does not treat it as ‘hard and fast’ rules, and allows consideration of the guidance in particular circumstances which are appropriate to the local context.

### ***Conclusions and Recommendations***

9.1.4 I do not recommend any changes in response to this submission.

## **10. Conclusion**

10.1.1 This report has considered various submission points that relate to general matters across the PDP as a whole. In general, the matters raised in submissions are broad. In many cases, they have been considered in the various s42A Reports where the matter has been raised in submission points on specific provisions. In other cases, I consider that the relief sought is so broad in nature, that in absence of the identification of specific provisions requiring amendment, it is not appropriate to make changes to the provisions in response to these submissions, or to undertake a ‘re-review’ of the matter raised across the whole PDP. The exception to this is where changes have been recommended by Ms Williams, which are intended to improve consistency across the PDP provisions.

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<sup>5</sup> TRAN-R6, LCZ-R3, OSZ-S1, OSZ-S4, SARZ-S1

<sup>6</sup> Except in the matters of discretion for LCZ-R3, which instead refer to the extent to which development has been designed to “incorporate” the guidance.