

**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

Hearing Stream G

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**STATEMENT OF EVIDENCE IN CHIEF OF MELISSA JANE MCMULLAN  
ON BEHALF OF  
WENDY AND TRISTRAM JOHNSTON (SUBMITTER NUMBER 145)**

Dated: 27 June 2025

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## 1. INTRODUCTION

- 1.1 My full name is Melissa Jane McMullan. I am the sole proprietor and Planner at Break The Mold, a planning consultancy and employment law advocacy firm that I have recently started following four years at Milward Finlay Lobb Limited, a planning, surveying and engineering company, based in Timaru. I reside in Fairlie. I have been a Planner for 5 and a half years and am an intermediate member of the New Zealand Planning Institute.

### Qualifications and experience

- 1.2 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 5 and a half years experience as a planner, including preparing and processing subdivision and land use consent applications, policy analysis and submissions.

### Code of Conduct

- 1.3 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.

## 2. SUBMISSION

- 2.1 Wendy and Tristram Johnston (**the submitters**) made a submission on the Proposed Timaru District Plan (**PDP**) requesting to rezone their property at 340 King Street, Temuka from the Proposed General Rural Zone (**GRUZ**) to the General Residential Zone (**GRZ**).
- 2.2 This request has been recommended to be accepted in the section 42A report by Mr Matt Bonis. I briefly address some of the matters discussed in the section 42A report for the assistance of the Panel and respond to the further submission in opposition by Mr Wayne Shield.

## 3. SCOPE OF EVIDENCE

- 3.1 My evidence will briefly address matters in relation to the appropriateness of the rezoning, National Policy Statement for Urban Development and National Policy Statement for Highly Productive Land matters and the conclusions that have been reached by Mr Matt Bonis in relation to the appropriateness of the rezone. My evidence will also address the further submission against the rezone request by a neighbour to the property, Mr Wayne Shield.

3.2 My evidence is structured as follows:

- (a) Section 42A Report and Recommendations;
- (b) Further Submission from Wayne Shield;
- (c) Conclusions

#### **4. SECTION 42A REPORT AND RECOMMENDATIONS**

4.1 I agree that the matters of agreement listed at paragraph 12.3.6 in Mr Bonis' report are an accurate reflection of the nature of the site in terms of its zoning, landscape and natural character values, biodiversity, hazards, culture and heritage, contamination and infrastructure.

4.2 I agree that the development of the site would reflect a type of residential infill development that is able to be fully serviced by reticulated infrastructure which is consistent with the approach preferred by Timaru District Council. Therefore I agree with Mr Bonis' comments at paragraph 12.3.8 that the proposal can be considered to be consistent with the National Policy Statement for Urban Development (**NPS-UD**).

4.3 I agree with Mr Bonis that the rezoning does not offend the objectives and policies of the National Policy Statement for Highly Productive Land (**NPS-HPL**) given the insignificant area involved and the surrounding environment. In addition to the comments that have been made by Mr Bonis that the rezone does not offend the Objectives and Policies of the NPS-HPL I would also note that the site would fall into the exceptions found within Clause 3.10 of the NPS-HPL in that: there are permanent constraints on the land due to the LUC 2 land comprising only 250m<sup>2</sup> of the site, due to this any development would not cause a significant loss of productive land to the District, the productive land in the surrounding area is already fragmented due to the size and nature of the allotments in the surrounding area and there are no reverse sensitivity issues likely to arise due to the nature of the surrounding environment. I agree with Mr Bonis that the rezone presents greater environmental, social, cultural and economic benefits as opposed to retaining a GRUZ zoning across the small LUC 2 portion of the site.

4.4 For these reasons I agree with Mr Bonis that the site should be rezoned to GRZ.

#### **5. FURTHER SUBMISSION**

5.1 A further submission has been received from Mr Wayne Shield of 26 Neal Street requesting that the rezoning of the site be rejected. 26 Neal Street is a lifestyle block to the immediate west of 340 King Street.

- 5.2 In his further submission Mr Shield refers to an earlier subdivision application for 340 King Street that was limit notified to him as a neighbour. The further submission makes reference to the Decision made by the Independent Commissioner Mr Anthony Hughes-Johnson KC and the submission states that the *“decision made it very clear that subdivision for residential usage was not in keeping with the surrounding area”*.
- 5.3 However my understanding of the decision is that the reasons for declining the six-allotment subdivision were based on its location within the underlying Rural Zone and the associated objectives and policies particularly those regarding rural character and amenity. The decision also acknowledged that the future of the site, including its zoning called for re-examination given the Commissioner’s finding that it was unlikely that the site would be used for productive purposes in the future.
- 5.4 Landscaping and amenity effects on the context of the surrounding area have been considered by Ms Yvonne Pfluger in her evidence as part of the Section 42A report where she states that: *“340 King Street (State Highway 1) in Temuka is already surrounded by small sections and contains an existing residential dwelling and mature vegetation. Both the site and immediately surrounding context exhibit a residential (although low density) character and amenity. The site is considered suitable for residential development from a landscape perspective, as the rural character has already been diminished in light of surrounding development.”*
- 5.5 I rely on that assessment for the consideration of landscape and amenity effects for the purposes of my evidence.

## **6. CONCLUSION**

- 6.1 As discussed above I agree with the conclusions reached by Mr Bonis in his s42A Report. The extension of the GRZ over the site reflects the nature of the site and its surrounding environment and supports future residential infill which is in line with the intent of the PDP. The availability of reticulated infrastructure servicing to the site is a key factor in supporting the rezone. The site is consistent with the NPS-UP and does not offend the Objectives and Policies of the NPS-HPL. The further submission from Mr Wayne Shield states that the site is rural in nature. I prefer the assessment of Ms Yvonne Pfluger and rely on this in rebutting the further submission by Mr Shield. I consider the proposed changes to be consistent with section 32 of the Resource Management Act 1991.

Melissa Jane McMullan

27 June 2025