

Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council - Planning Unit

Date received: 09/12/2022

Submission Reference Number #:13

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Submitter:

Milward Finlay Lobb - Andrew Rabbidge

Address for service:

Milward Finlay Lobb
Milward Finlay Lobb Ltd PO Box 434 Timaru 7940
New Zealand

Email: admin@mflnz.co.nz

Submission on behalf of:

David George Earl and Maria Lucia Earl

Attachments:

Submission - David Earl - Complete.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **No**

Submission points

Point 13.1

Section: Planning Maps

Sentiment: Support

Submission:

See attached report

Relief sought

It is proposed that rezoning the adjoining properties to Rural Lifestyle Zone while retaining the subject site as General Rural Zone land is an oversight and the zone should be extended to cover the site.



**milward
finlay lobb**



Submission on the Proposed Timaru District Plan

Client David & Maria Earl

Address 42 Burdon Road, Woodbury

File Number 147527/01

Date December 2022

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

David George Earl and Maria Lucia Earl

[State full name]

This is a submission on the following proposed plan *or* on a change proposed to the following plan *or* on the following proposed variation to a proposed plan *or* on the following proposed variation to a change to an existing plan) (the 'proposal'):

Proposed Timaru District Plan

[State the name of proposed or existing plan and (where applicable) change or variation].

I ~~could~~/could not* gain an advantage in trade competition through this submission.

*[*Select one.]*

The specific provisions of the proposal that my submission relates to are: *[Give details]*

Rezone to Rural Lifestyle Zone from General Rural Zone.

My submission is: *[Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or*
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]*

Please see attached report.

I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

It is proposed that rezoning the adjoining properties to Rural Lifestyle Zone while retaining the subject site as General Rural Zone land is an oversight and the zone should be extended to cover the site.

I wish (~~or do not wish~~) † to be heard in support of my submission.

*[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*

[†Select one.]

I wish to be heard in support of my submission

***If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[*Delete if you would not consider presenting a joint case.]*

Yes

Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Electronic means

Date **9 December 2022**

Electronic address for service of submitter:

admin@mflnz.co.nz

Telephone: **03 684 7688**

Postal address (or alternative method of service under s352 of the Act):

PO Box 434, Timaru 7940

Contact person: *[name and designation, if applicable]*

Melissa McMullan
Planner
Milward Finlay Lobb Ltd

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - It is frivolous or vexatious:
 - It discloses no reasonable or relevant case:
 - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - It contains offensive language:
 - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

Doc# 636102



Table of Contents

Introduction	3
Site Description.....	3
Reasons for the Submission.....	4
National Policy Statement On Highly Productive Land	6
Decision Sought by Submitter	7
Conclusion.....	7



Submission on the Proposed Timaru District Plan

On behalf of David and Maria Earl, we submit the following to Timaru District Council for their consideration as part of the consultation on the Proposed Timaru District Plan.

Introduction

1.0 This submission is prepared on behalf of the submitters to address the rezoning of the Woodbury settlement. It is proposed that rezoning the adjoining properties at 16, 22 and 36 Burdon Road to Rural Lifestyle Zone while retaining the subject site as General Rural Zone land is an oversight.

It is noted that the submitter was part of a joint submission with the adjoining properties that have been rezoned. That submission was made as part of the Growth Management Strategy, and the submitter represented themselves at a hearing with the review panel at Timaru District Council.

Site Description

2.0 42 Burdon Road (Lot 3 DP 415886) is 3.5080 hectares of land currently zoned Rural 1 in the Operative Timaru District Plan. The site is surrounded by Rural 1 land with the Woodbury Recreation Reserve located immediately to the east of the site. The current zoning is shown below in Figure 1.

Figure 1 – Current Zoning of the site, the subject site is outlined in orange.





- 3.0 The site has an existing connection to Council’s reticulated Woodbury Water Supply. There is no reticulated sewer or stormwater network in Woodbury. Discharge of septic waste and stormwater is to ground in accordance with Environment Canterbury requirements. The site has two vehicle access points to Burdon Road.
- 4.0 The site is a small lifestyle block. There is a residential dwelling and sheds located on the southern portion of the site with the remaining land being paddocks with hedges. The site is flat in topography.
- 5.0 The site is not registered on the Listed Land Use Register administered by Environment Canterbury. The site is also not known to be subject to any natural hazard risk.

Reasons for the Submission

- 6.0 The site is situated adjacent to land that has been rezoned Rural Lifestyle Zone, however the subject site has not been rezoned and as a result the site is zoned General Rural Zone. It is not considered that there are any site constraints that would preclude the zoning being extended to the site. The site has the same level of servicing as the neighbouring sites. The situation is considered to have been an oversight that needs to be rectified. It is noted that the submitter was part of a joint submission with the adjoining properties that have been rezoned. That submission was made as part of the Growth Management Strategy, and the submitter represented themselves at a hearing with the review panel at Timaru District Council. A screenshot of the zoning in the Proposed District Plan is provided below in Figure 2.



Figure 2 – The proposed zoning of the subject site in the Proposed District Plan. The subject site is adjacent to the Rural Lifestyle Zone. The Settlement Zone that covers the Woodbury township is shown by the yellow zone, the Woodbury Recreation Reserve is now zoned as an Open Space Zone.



- 7.0 The vehicle access options available allow for the site to be easily subdivided further. This, along with the orientation of built development provides plenty of space for additional allotments subject to achieving onsite effluent disposal in accordance with the Canterbury Land and Water Regional Plan. The majority of the site is also situated behind 50 and 60 Burdon Road, therefore any future development of residential lifestyle will be screened by these existing sites. The site is already screened from the Woodbury Recreation Reserve by a large existing hedge.
- 8.0 It is considered that the site is within the transitional area between the Woodbury township and the surrounding rural area. The existing lot size of the subject site supports this further. As there are a limited number of rural lifestyle sections available in the Woodbury area (and the adjoining three allotments are the only sites with this zoning in the Proposed District Plan in this locality) it is considered that the site will allow for a small but important extension to this zoning. Furthermore, the three rezoned allotments have some limitations on the site as they are all subject to the Drinking Water Protection notation. This must be taken into account as part of future subdivision as the sites are not connected to a reticulated wastewater network (See rule DWP-R2). It is noted that there are some corrections required to the wording of DWP-R2 and email correspondence with Council confirming this are supplied as part of this submission. The Drinking Water Protection overlay as it applies to the adjoining sites is demonstrated below in Figure 3. As the subject site has none of these concerns it is considered to be a favourable site to allow further subdivision to be carried out on.



Figure 3 – The adjoining (and only) Rural Lifestyle Zone sections in Woodbury are subject to the Drinking Water Protection zone. This has impacts on future subdivision.



9.0 In the absence of a Council reticulated sewer network and that the subject land is not subject to a development area plan, we request that the subject land (Lot 3 DP 415886) be added to SUB-S1 4.1 to enable a nett site area of 5,000 square metres for allotments.

National Policy Statement On Highly Productive Land

10.0 The National Policy Statement on Highly Productive Land (NPS-HPL) does apply to the site as the site is classed as having LUC-3 soils. This is demonstrated below in Figure 4.



Figure 4: Aerial view from Canterbury Maps demonstrating the LUC-3 soil classification for the site and surrounding areas.

11.0 As the adjoining sites have been proposed to be rezoned to Rural Lifestyle it is considered that this should not be withheld from the subject site as there are no discernible differences between the use of the land. It is considered that the site is not large enough to be used as an economically viable production unit. As the site is also surrounded by smaller sections and the Woodbury Recreation Reserve it is also considered that there would be reverse sensitivity effects that would arise if the site was to be used for production purposes. The paddocks available come to just over 2 hectares.



Decision Sought by Submitter

12.0 It is considered that the omission of the subject site from the Rural Lifestyle Zone was an oversight by the Timaru District Council. This submission is asking that this oversight be corrected and the site be rezoned to Rural Lifestyle Zone rather than the General Rural Zone and added to SUB-S1 4.1.

Conclusion

13.0 There has been a small area of Rural Lifestyle Zone provided for in the Woodbury settlement. This submission asks that the zoning be extended by one more property as it is considered that this should have been included but was missed. There are a number of factors that make this zoning change plausible: namely the current site layout, the services available to the site are the same as other properties, there are 2 vehicle access points already established, the site is not subject to the Drinking Water Protection Zone and any development of the site is screened by neighbouring site hedging and activities. Accordingly, we would request that the site be zoned Rural Lifestyle rather than General Rural Zone.

Prepared by:

Melissa McMullan
LLB BA MPlan
Planner

Reviewed by:

Andrew Rabbidge
BSurv (credit), RPSurv, Assoc NZPI, MS+SNZ, CSNZ
Licensed Cadastral Surveyor
Director, Milward Finlay Lobb Limited

9 December 2022



Attachments

- Correspondence with the Timaru District Council District Plan Review Team regarding the Drinking Water Protection Zone rules dated 22 November 2022

Melissa McMullan

From: District Plan Review Team <dprteam@timdc.govt.nz>
Sent: Tuesday, 22 November 2022 11:05 AM
To: Melissa McMullan
Cc: Andrew Rabbidge
Subject: RE: Drinking Water Protection Rules

Hi Melissa,

Thanks for your email. Good spotting, there is a typo.

RDIS-1 should be deleted or amended to read "*The subdivision is not connected to a community wastewater treatment system.*"

The rule heading should be amended to 'DWP-R2 Subdivision not connected to a community wastewater treatment system' since the term is defined.

Feel free to include this in your submission. We'll also make a note of this.

Regards

TIMARU District Plan Review Team



Timaru District Council | PO Box 522 | Timaru 7940
P: 03 687 7200 | W: www.timaru.govt.nz

From: Melissa McMullan <melissa@mflnz.co.nz>
Sent: Monday, 21 November 2022 5:21 PM
To: District Plan Review Team <dprteam@timdc.govt.nz>
Cc: Andrew Rabbidge <andrew@mflnz.co.nz>
Subject: Drinking Water Protection Rules

Hello,

I was wondering whether someone could please explain how you are interpreting the Drinking Water Protection rules? In particular DWP-R2?

DWP-R2	Subdivision not connected to a community sewage system	
<p>DWPA - for Community Drinking Water Supply</p> <p>DWPA - within 50m from a private drinking water supply</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1</p> <p>The subdivision is connected to a community wastewater treatment system.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and 2. the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and 3. Risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021. 	<p>Activity status where complian</p>

I completely understand how subdivision where the DWPZ applies should be a Restricted Discretionary Activity if there is no connection to a reticulated network as the discharge to ground is likely to effect groundwater at some point. However, RDIS-1 has confused me as based on my reading of that part of the rule, if the site is connected to a network then it is a restricted discretionary activity and the following matters of restriction apply. That seems at odds with the title of the Rule, and there is no rule provision/matters of discretion if a site is discharging septic waste to ground. Can you please confirm that my interpretation is correct and there is a mistake in the wording of RDIS-1? If I am wrong, can someone please explain to me how this rule works?

Thanks in advance.

Kind Regards,

Melissa McMullan | Planner



www.mflnz.co.nz | m: 027 277 7230 | p: (03) 684 7688 | e: melissa@mflnz.co.nz

CAUTION: This message and any attachments contain information that is CONFIDENTIAL and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this email message or attachments is strictly prohibited. If you have received this message in error, please notify immediately and erase all copies of this message and attachments.