

# 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:**

Simo Enterprises Limited  
[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'):**

Please refer attached Maven letter dated 15/12/2022  
[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.]

~~\*I am/am not 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.~~

[\*Delete or strike through entire paragraph if you 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]

Please refer attached Maven letter dated 15/12/2022  
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**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.]

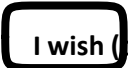
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**I seek the following decision from the local authority:** *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

Please refer attached Maven letter dated 15/12/2022

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**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.]*

**\*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.]*

**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]*

**Date** Please refer attached Maven letter dated 15/12/2022

**Electronic address for service of submitter:** sarahd@maven.co.nz

**Telephone:**

**Postal address (or alternative method of service under s352 of the Act):** PO Box 2128, Washdyke, Timaru

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

**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.

15 December 2022

Ref: 752017

To: Timaru District Council  
PO Box 522  
Timaru 7940

Name of Submitter: Simo Enterprises Limited  
311 Old North Road, 92 & 102-108 Hilton Highway  
Timaru

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**Submission on the Timaru District Council Proposed District Plan**

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**1.0 INTRODUCTION**

- 1.1 Maven South Limited have been engaged by Simo Enterprises Limited “The Submitter” to prepare a submission with respect to the Timaru District Council Proposed District Plan “PDP”.
- 1.2 The Submitter operates a carpet and flooring business from 102 Hilton Highway, and also owns 88-92, 104, 108 Hilton Highway and 311 Old North Road (refer to **Figure 1** below).



**Figure 1: Properties owned by Simo Enterprises Limited within the area subject to this submission**  
(Source: Grip)

- 1.3 The Submitter will not gain an advantage in trade competition through this submission.
- 1.4 The Submitter **opposes** the proposal to rezone the area outlined in **Figure 2** below “the subject area” to General Industrial Zone, for the reasons outlined in the submission. The submitter seeks a light industrial/commercial precinct that enables a variety of land uses, consistent with and complimentary to the established use of the immediate environment, or alternatively a Mixed-Use Zoning for this discrete area.
- 1.5 The Submitter wishes to be heard in support of this submission. If other submitters make similar points, we would consider presenting a joint submission.



Figure 2: Land parcels subject to this submission (Source: Grip)

## 2.0 OVERVIEW

- 2.1 The subject area is somewhat secluded by identifiable constraints (the Washdyke Stream to the east, and residential zoning to the west (Lot 1 DP 59517) off Old North Road and south off Mahoneys Hill Road) and current land uses are not generally consistent with or compatible with the land uses permitted under the proposed General Industrial zoning.
- 2.2 The subject area under the Operative District Plan is zoned Industrial L, which provides for low scale industrial activities with minor to moderate environmental effects, which can be appropriately mitigated for neighbouring zones.

A plethora of activities are currently considered permitted in the Industrial L zone, including industrial activities, but also some retailing, offices, places of assembly, hire of equipment, some residential accommodation. Of note, service stations are a Discretionary Activity (which are proposed to be permitted under the proposed zoning).

- 2.2 The PDP proposes to rezone the subject area to General Industrial Zone. This zone is intended to be applied to areas of the District that primarily contain industrial activities which have significant economic benefits, but can have effects on the environment. Industrial Activities means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

The intention of this zoning is to provide for areas that are utilitarian, with large sites, large yard spaces, external storage and large volumes of traffic.

Activities such as trade suppliers, laboratories, service stations, motor garage, emergency services facilities and Vet clinics are permitted, along with Industrial Activities, as well as convenience stores, cafes and take away food outlets. Any other activity in this zone is likely to be assessed as a Non-Complying Activity.

The sea water inundation overlay extends over this entire area, as well as the Flood Assessment area and Wahi Tupuna Overlays.

### **3.0 PROPOSED ZONING**

- 3.1 The rezoning of this area of land to General Industrial is not consistent with the established businesses and activities in the area. The established commercial businesses, which generally require more space than retail stores are best placed in this environment. This commercial element is generally inconsistent with the proposed zoning which enables heavy industrial activities to occur.
- 3.2 Character of the established environment along the Hilton Highway generally has a retail element to the trading undertaken – i.e. Placemakers, Flooring Xtra, Hirepool, Stihl Shop and TWL. Other businesses which are not akin to Industrial activities but operate within this area include NZ Couriers, WaterForce Timaru, Forward Care Home Health, Hynds and Claas Harvest centre, etc. These businesses need visibility and road frontage to encourage customers but require more space than what can be accommodated within a retail area.
- 3.3 The general industrial zone enables very heavy vehicle movements, and large-scale industrial activities which are both incompatible with access via the state highway, and incompatible given the relative lot areas of the sites within the subject area.
- 3.4 The subject area is unique in its position near residential zoned land and bounded to the east by the Washdyke Creek. This area would be better suited to a Mixed-Use zone, or an area-specific overlay which enables greater flexibility in allowing commercial/retail activities to operate alongside Residential and possibly light industrial, but not to the scale the heavy industrial activities enable within the General Industrial Zone.
- 3.5 Proposed rules would be very restrictive to further development of established businesses in the area, they may need to relocate to have the ability to expand.
- 3.6 The relative height in relation to boundary rule (GIZ-S1) appears difficult to interpret, understand, and apply.

### **4.0 PROPOSED OVERLAYS**

#### **4.1 Sea Water Inundation Overlay**

The Sea Water Inundation Overlay appears to encourage the construction of future buildings to consider flooding and natural hazards with respect to minimum floor levels. While this is considered a necessary element, the rules restrict new buildings or extensions to a maximum ground floor area per site of 25m<sup>2</sup> over a 10-year period, which is very restrictive. Non-compliance with this would need to prove a functional or operational need, which is arbitrary at best, and unnecessarily restrictive.

#### **4.2 Flood Assessment Area**

This overlay limits earthworks to 250m<sup>2</sup> within any calendar year. Buildings or extensions are permitted only if there is a flood risk certificate issued. The flood risk certificate must state that the activity is not on land within an overland flowpath or a high hazard area. If a flood risk

assessment confirms that the activity is not on land within an overland flowpath or high hazard area, is it really necessary to restrict the area of earthworks within a calendar year?

## 5.0 RELIEF SOUGHT

5.1 The submitter seeks an area specific overlay that addresses the individual characteristics of the immediate area, enabling a commercial precinct with an underlying General Industrial Zoning that allows commercial activities with a need for a larger space (such as Placemakers, Flooring Xtra), courier depots, places of assembly, residential (at first floor and above), offices health practitioners and vet clinics. Alternatively, applying a Mixed-Use zone to this area could be appropriate.

### 5.2 Sea Water Inundation Overlay

Rule CE-R4(4) – Sea Water Inundation overlay within urban areas

Remove 25m<sup>2</sup> limit on new buildings or extensions (rule 4 PER-1), with respect to sites within the Seawater inundation overlay, enable development within Industrial Land if flood modelling can be provided and buildings can be demonstrated to be safe. If residential dwellings are provided this could be above ground floor area within appropriate zones.

Remove 10-year period parameter criteria – this is hard to accurately determine over extended periods of time for larger landholdings.

Remove matter of discretion point 3 where the onus is on the applicant to demonstrate a functional need or operational need for the location. This is arbitrary and very difficult to prove.

### 5.3 Flood Assessment Area Overlay

Enable greater parameters in terms of area for earthworks to proceed if a flood risk assessment is provided.

### 5.4 Height in Relation to Boundary

Provide simplified Height in Relation to boundary Rule parameters (ie. 2.5m height + 45 degree angle) – this provides certainty in assessments and does not unnecessarily confuse the public when trying to interpret the District Plan.

Yours faithfully,

**Maven South Limited**



**Sarah Duffy**

**Principal Planner**

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