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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]*

[Refer to attached submission.](#)
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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 15 December 2022
Electronic address for service of submitter: penny.g@do.nz richard.mcewan@xtra.co.nz
Telephone: 0278403199 (Penny)
Postal address (or alternative method of service under s352 of the Act): Davis Ogilvie (Aoraki) Ltd,
PO Box 359, Timaru 7940
Contact person: *[name and designation, if applicable]* Penny Gallagher, Consultant Planner, Davis Ogilvie
(Aoraki) 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.

SUBMISSION ON THE PROPOSED TIMARU DISTRICT PLAN

(Clause 6 First Schedule Resource Management Act 1991)

This submission is made by Broughs Gully Development Limited (BGDL).

STATEMENT OF INTEREST AND BACKGROUND

1. BGDL own a site at 27 Dampier Street and 28 and 30 Tasman Street, Broughs Gully, Timaru. It is 5.2ha and is legally described as Lot 4 and 5 DP 49771, and Lot 3, 14 and 20 DP 47318, held in Records of Title CB38C/776, CB38C/777, CB38C/778 and CB26F/1258.
2. The site is rolling grassland and comprises the lower south facing slope of Mahoneys Hill and Broughs Gully which runs west-east through the site. The site, together with surrounding land, sits within the Broughs Gully Outline Development Plan (Operative Timaru District Plan), which was approved through Plan Change 21 to the Timaru District Plan (2017).
3. BGDL is in the process of engineering design associated with the development of its site.
4. The Proposed Timaru District Plan (PTDP) proposes the site as General Residential Zone (GRZ) and identifies the following overlays:
 - Development Area (DEV1 – Broughs Gully Development Area)
 - Flood Assessment Area
 - Wahi Tupuna (SASM3)
 - Indicative and Proposed Roads
 - Urban Area – Timaru

SUBMISSION

Decision Sought

5. BGDL's submission is in general support of the Proposed Timaru District Plan (PTDP), as it relates to its site, subject to the relief set out below and in the attached submission table.
6. The primary relief sought is to upzone the central area of the BGDL site from GRZ to Medium Density Residential Zone (MRZ). The MDZ provides for a higher site density than GRZ, through smaller minimum lot size, increased building height and coverage, and lower landscaping area requirements, and no minimum lot size where a dwelling is proposed. This supports a sustainable urban form and greater housing choice and affordability.
7. The MDZ chapter sets out that the zone is located in existing residential areas near commercial centres. The BGDL site is located in an existing residential area and residential zone and some 400m (as the crow flies) from the new commercial centre at Showgrounds Hill (proposed Large Format Retail Zone – LFRZ). The LFRZ at Showgrounds Hill will provide for daily shopping needs such as supermarket and café. This is similar to the amenities at Highfield Mall, which also has proposed MRZ nearby.

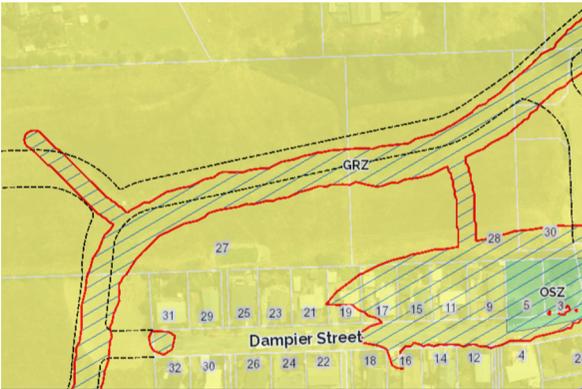
8. The spatial extent of the proposed MRZ is indicated on the attached plan. The MRZ will be some 3.66ha, and be located either side of Road 1, at the centre of the Broughs Gully Development Area.

Consequential Amendments

9. Consequential amendments may be necessary if Council accepts the relief sought.

SUBMISSION TABLE – BGD, BROUGHS GULLY, TIMARU

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
PLANNING MAPS			
<p>General Residential Zone (GRZ)</p> <p>Medium Density Residential Zone (MRZ)</p>	<p>Oppose in part</p>	<p>The primary relief sought is to upzone the central area of the BGD site from GRZ to MRZ. This is also the central area of the Broughs Gully Development Area. The MDZ provides for a higher site density, which supports a sustainable urban form and greater housing choice and affordability.</p> <p>The MDZ chapter sets out that the zone is located in existing residential areas near commercial centres. The BGD site, although undeveloped, is located in an existing residential area and residential zone and some 400m (as the crow flies) from the new commercial centre at Showgrounds Hill (proposed Large Format Retail Zone – LFRZ). The LFRZ at Showgrounds Hill will provide for daily shopping needs such as supermarket and café. This is similar to the amenities at Highfield Mall, which also has proposed MRZ nearby.</p> <p>The spatial extent of the proposed MRZ is indicated on the <u>attached plan</u>. The MRZ will be some 3.66ha, and be located either side of Road 1, at the centre of the Broughs Gully Development Area.</p>	<p>Amend the central area of the BGD site from GRZ to MRZ in accordance with the spatial extent indicated on the <u>attached plan</u>.</p>

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
Broughs Gully Development Area Plan	Oppose in part	<p>It is proposed to remove the triangular shaped stormwater management area west of Road 1 on the Broughs Gully Development Area Plan. Engineering design has confirmed that this is not required. This has previously been discussed with Kevin Kemp, Timaru District Council's Infrastructure Planner.</p>	<p>Amend the Broughs Gully Development Area Plan to remove the triangular shaped stormwater management area west of Road 1 (indicated in purple circle below).</p> <p>DEV1 - BROUGH'S GULLY DEVELOPMENT AREA PLAN</p> 
Flood Assessment Area	Oppose in part	<p>It is proposed to remove that part of the Flood Assessment Area Overlay which is located over top of Road 1 and 2 on the BGD L site, on the Broughs Gully Development Area Plan.</p> <p>The Flood Assessment Area appears to follow the alignment of the gully and the waterway which has an intermittent flow. Stormwater management is a fundamental part of the roading design and it is considered that the overlay may give rise to unnecessary consent burden once the site is developed.</p>	<p>Remove that part of the Flood Assessment Area overlay which is located over top of the Road 1 and 2 of the Broughs Gully Development Area Plan.</p> 

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
BROUGHS GULLY RESIDENTIAL DEVELOPMENT AREA			
Name of Development Area	Neutral	<p>This chapter references the:</p> <ul style="list-style-type: none"> - Broughs Gully Residential Development Area - Broughs Gully Development Area <p>A single reference should be adopted.</p>	Amend chapter to adopt a single name reference for the Development Area.
Introduction	Support in part	<p>In accordance with the primary relief sought, an amendment is proposed to the introduction to reference the MRZ.</p> <p>It is considered that a design, that is not in accordance with the Broughs Gully Outline Development Plan, shall achieve the outcomes listed in Objective DEV1-O1 – it doesn't necessarily need to 'better achieve' these.</p> <p>Additional suggestions are made to streamline the wording and ensure the reference to 'urban development' is used to align the with definition in the PTDP.</p>	<p>Amend as follows:</p> <p><i>The Broughs Gully Development Area comprises 27ha of land situated in north Timaru bordered by Jellicoe Street, Old North Road and Mahoneys Hill Road. The land within the Development Area is zoned General Residential Zone and Medium Density Residential Zone. The Broughs Gully Development Area Plan guides the general pattern of <u>urban</u> development for new growth in the area. It provides for the integration of future suburban development with roads, sewer and water infrastructure, stormwater basins and linkages to the surrounding area. It also restricts <u>vehicle</u> access area onto to Old North Road.</i></p> <p><i>It is anticipated that <u>urban</u> development will be in general accordance with the Broughs Gully Development Area Plan. However, it is also recognised that through the detailed preparation of a subdivision consent application(s) or <u>infrastructure</u> asset design, there is the potential for alternative solutions may to be developed that <u>also</u> better achieve the objective of the Broughs Gully Development Area, specific outcomes sought than the land use pattern shown on the Broughs Gully Development Area Plan.</i></p> <p><i>When assessing a Any resource consent applications for development that is not in <u>general</u> accordance with the Broughs Gully Development Area Plan, it is anticipated that such applications will only be granted where they are able to shall demonstrate that the proposed <u>urban</u> development better achieves the objectives identified in this chapter and specific outcomes sought in <u>of</u> the Broughs Gully Development Area Plan. This will be easier to demonstrate if the proposed development encompasses the entire development area so that the implications of the changes can be fully understood. Conversely, Where the proposed <u>urban</u> development is only for a portion of the Broughs Gully Development Area, the</i></p>

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
			<p><i>application will need to demonstrate that the outcomes sought for the entire <u>Broughs Gully</u> Development Area will not be compromised or constrained.</i></p> <p><i><u>Any resource consent application</u> that is not in general accordance with the Broughs Gully Development Area Plan, Any new design will need to shall align with <u>the design qualities principles of the New Zealand Urban Design Protocol, or its successor.</u></i></p>
Objective DEV1-O1	Support in part	Amendments are sought to Objective DEV1-O1 to incorporate the reference to MRZ, and to streamline the wording and ensure the reference to 'urban development' is used to align the with definition in the PTDP.	<p>Amend as follows:</p> <p><i><u>Urban</u> development occurs in the Broughs Gully Development Area in a comprehensive manner that ensures:</i></p> <ol style="list-style-type: none"> <i>1. efficient provision of suburban residential <u>urban</u> development that provides a range of allotment sizes; and</i> <i>2. residential urban development is integrated and coordinated with infrastructure; and</i> <i>3. infrastructure is provided in an effective and efficient manner; and</i> <i>4. road and pedestrian network is efficient, connected and safe; and</i> <i>5. the character and qualities of the General Residential Zone and <u>Medium Density Residential Zone</u> are met; and</i> <i>6. the design integrates with the areas topography and natural drainage channels; and</i> <i>7. adverse effects of natural hazards are avoided or mitigated; and</i> <i>8. the ability to develop any remaining area is not compromised or constrained by new-urban development; and</i> <i>9. new urban development integrates well with <u>surrounding urban environment</u> adjoining urban land uses; and</i> <i>10. stormwater has a minimal effect on Waitarakao (Washdyke lagoon); and</i> <i>11. there is minimal adverse effect on the national grid.</i>

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
Policy DEV1-P1	Support in part	<p>Policy DEV-P1 seeks to enable development which 'complies' with the Broughs Gully Development Area Plan. Given the Plan is at a coarse level, it is considered that 'compliance' as such may be difficult to determine. The term should be replaced with a reference to 'is in general accordance with' – this reflects the wording in the introduction.</p> <p>Amendments are also sought to streamline the wording and ensure the reference to 'urban development' is used to align the with definition in the PTDP.</p> <p>The reference to "associated requirements" is unclear and may be confusing for plan users. It is suggested that the reference to "associated requirements" be further explained or deleted.</p>	<p>Amend as follows:</p> <p><i>Enable <u>urban</u> development that <u>is in general accordance</u> complies with the Broughs Gully Development Area Plan and any associated requirements.</i></p>
Policy DEV-P2	Support in part	<p>Policy DEV-P2 seeks to enable development which 'complies' with the Broughs Gully Development Area Plan. Given the Plan is at such a coarse level, it is considered that 'compliance' as such may be difficult to determine. The term should be replaced with a reference to 'is in general accordance with' – this reflects the wording in the introduction.</p> <p>It is considered that a design, that is not in general accordance with the Broughs Gully Outline Development Plan, shall achieve the outcomes listed in Objective DEV1-O1 – it doesn't necessarily need to 'better achieve' these.</p> <p>Amendments are also sought to streamline the wording and ensure the reference to 'urban development' is used to align the with definition in the PTDP.</p>	<p>Amend as follows:</p> <p><i>Only Allow urban development that is not in general accordance activities that do not comply with Broughs Gully Development Area Plan and associated requirements if an alternative design provides a better solution to meeting. if it achieves the outcomes in Objective DEV1-O1.</i></p>
Rule DEV1-R1 PER-1	Support in part	<p>Rule DEV1-R1 PER-1 permits land use, subdivision and development which 'complies' with the Broughs Gully Development Area Plan. Given the Plan is at such a coarse level, it is considered that 'compliance' may be difficult to determine. The term should be replaced with a reference to 'in general accordance with' – this reflects the wording in the introduction.</p>	<p>Amend as follows:</p> <p><i>It is in general accordance complies with Broughs Gully Development Area Plan; and</i></p>
Standard DEV1-S1 - Note	Support in part	<p>It is considered that roading design is able to be undertaken by a suitably qualified professional engineer. This person does not necessarily need to be chartered.</p> <p>Delete the reference to 'chartered'.</p>	<p>Amend as follows:</p> <p>Note:</p> <ol style="list-style-type: none"> The Council will require specific designs for roads in accordance with Council's infrastructure Standards.

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
			<p><i>This is to be completed by a suitably qualified chartered professional engineer and these engineering plans and specifications will require Timaru District Council approval prior to the commencement of any work.</i></p> <p>2. <i>Quality control during construction shall also be documented to check compliance with the relevant engineering design.</i></p>
Standard DEV1-S2 - Note	Support in part	<p>It is considered that infrastructure design is able to be undertaken by a suitably qualified professional engineer. This person does not necessarily need to be chartered.</p> <p>Delete the reference to 'chartered'.</p>	<p>Amend as follows:</p> <p>Note:</p> <p>1. <i>The Council will require specific designs for stormwater, water and sewerage infrastructure in accordance with Council's infrastructure Standards. This is to be completed by a suitably qualified chartered professional engineer and these engineering plans and specifications will require Timaru District Council approval prior to the commencement of any work.</i></p> <p>2. <i>Quality control during construction shall also be documented to check compliance with the relevant engineering design.</i></p>
Standard DEV1-S3	Support in part	Standard DEV1-S3 should reference the development of walkways and cycleways within 'their land'.	<p>Amend as follows:</p> <p><i>At the time of land use, subdivision or development and prior to any new buildings being occupied, the developer shall design and construct all walkway/cycleways <u>on their land</u> indicated on the Broughs Gully Development Area Plan to include:</i></p> <p>1. <i>a minimum reserve width of 6 metres;</i> 2. <i>a minimum formed width of 2.5 metres;</i> 3. <i>planting and mulching of the remaining 3.5 metres;</i> 4. <i>for the formed width, 200mm (depth) of compacted AP65 must be provided, after vegetation and topsoil is removed. A 100mm layer of compacted AP20 is then to be applied and topped with 25mm of crusher dust.</i> 5. <i>for the unformed width, a planting plan incorporating appropriate native plants and 100mm depth of bark</i></p>

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
			<i>mulch is to be submitted to Council for approval prior to planting.</i>
Standard DEV1-S4	Support	The Broughs Gully Development Area Plan does not indicate the location of parks, however it is understood that these may be incorporated in stormwater management areas in the future. On this basis Standard DEV1-S4 is considered appropriate.	Retain as notified.
Standard DEV1-S5	Support in part	The reference to 'network utility' should be used to align with the definition in the PTDP.	<p>Amend as follows:</p> <p><i>At the time of land use, subdivision or development and prior to any new buildings being occupied, all required roads, <u>network utility</u> public utility services, parks, walkway/cycleways and stormwater swales indicated on the Broughs Gully Development Area Plan and within the site shall be vested into Timaru District Council's ownership.</i></p> <p>Note:</p> <ol style="list-style-type: none"> <i>The actual cost of road, <u>network utility services</u> and walkway/cycleway construction will be apportioned between the developer and Council, with that apportionment to be determined on the basis of the percentage of public versus private benefit.</i>
SUBDIVISION			
Policy SUB-P13	Support in part	<p>Policy SUB-P13 requires subdivisions to comply with a Development Area Plan. Given the Broughs Gully Development Area Plan is at a coarse level, it is considered that 'compliance' as such may be difficult to determine. The term should be replaced with a reference to 'is in general accordance with' – this reflects the wording in the introduction of the Broughs Gully Development Area chapter.</p> <p>It is considered that a design, that is not in general accordance with a Development Area Plan, shall achieve the outcomes listed in Objectives for that Development Area – it doesn't necessarily need to 'better achieve' these.</p>	<p>Amend as follows:</p> <p><i>Require subdivisions to be <u>in general accordance</u> comply with the relevant Development Area Plan, unless it can be demonstrated that an alternative proposal can better achieve the objectives of the Development Area Plan.</i></p>
Standard SUB-S1(2)(4)	Support in part	Clause 4 of Standard SUB-S1(2) provides exemptions for the minimum lot size. There should also be an exemption to the	Amend as follows:

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
		<p>maximum lot size, to provide, for example, multi-unit developments.</p> <p>Exemption (b) is where a combined subdivision and land use consent are sought. It is considered that there may be instances where a proposed dwelling does not require a land use consent, however the exemption should still apply.</p>	<p><i>Except that</i></p> <p>4. <i>no minimum or maximum net site area or dimension applies to allotments created:</i></p> <p>a. <i>around existing residential unit; or</i></p> <p>b. <i>a proposed residential unit is part of a combined land use and subdivision consent application, <u>or does not require a land use consent.</u></i></p>
GENERAL RESIDENTIAL ZONE			
Objective GRZ-O1	Support	Objective GRZ-O1 is considered appropriate.	Retain as notified.
Objective GRZ-O2	Support	Objective GRZ-O2 is considered appropriate.	Retain as notified.
Policy GRZ-P1	Support in part	Policy GRZ-P1 is generally considered appropriate, however clause 2(a) refers to “assessable” which is presumed to be “accessible”.	<p>Amend as follows:</p> <p><i>outdoor living areas:</i></p> <p>a. <i>are directly <u>accessible</u> assessable from the residential unit and have access to sunlight; and</i></p>
Rule GRZ-R1	Support	Rule GRZ-R1 is considered appropriate.	Retain as notified.
Rule GRZ-R2	Support	Rule GRZ-R2 is considered appropriate.	Retain as notified.
Rule GRZ-R9	Support	Rule GRZ-R9 is considered appropriate.	Retain as notified.
Standard GRZ-S1	Support	Standard GRZ-S1 is considered appropriate.	Retain as notified.
Standard GRZ-S2	Support	Standard GRZ-S2 is considered appropriate.	Retain as notified.
Standard GRZ-S3	Support	Standard GRZ-S3 is considered appropriate.	Retain as notified.
Standard GRZ-S4	Support	Standard GRZ-S4 is considered appropriate.	Retain as notified.
Standard GRZ-S5	Support	Standard GRZ-S5 is considered appropriate.	Retain as notified.
Standard GRZ-S6	Support	Standard GRZ-S6 is considered appropriate.	Retain as notified.

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
Standard GRZ-S8	Support	Standard GRZ-S8 is considered appropriate.	Retain as notified.
Standard GRZ-S9	Support	Standard GRZ-S9 is considered appropriate.	Retain as notified.
MEDIUM DENSITY RESIDENTIAL ZONE			
Objective MRZ-O1	Support	Objective MRZ-O1 is considered appropriate.	Retain as notified.
Objective MRZ-O2	Support	Objective MRZ-O2 is considered appropriate.	Retain as notified.
Policy MRZ-P1	Support	Policy MRZ-P1 is considered appropriate.	Retain as notified.
Policy MRZ-P2	Support	Policy MRZ-P2 is considered appropriate.	Retain as notified.
Policy MRZ-P3	Support	Policy MRZ-P3 is considered appropriate.	Retain as notified.
Policy MRZ-P6	Neutral	Policy MRZ-P6 refers to the GRZ, when it is presumed the reference should be to MRZ.	Amend reference from GRZ to MRZ.
Policy MRZ-P7	Neutral	Policy MRZ-P7 refers to the GRZ, when it is presumed the reference should be to MRZ.	Amend reference from GRZ to MRZ.
Rule MRZ-R1	Support	Rule MRZ-R1 is considered appropriate.	Retain as notified.
Rule MRZ-R2	Support	Rule MRZ-R2 is considered appropriate.	Retain as notified.
Rule MRZ-R9	Support	Rule MRZ-R9 is considered appropriate.	Retain as notified.
Standard MRZ-S1	Support	Standard MRZ-S1 is considered appropriate.	Retain as notified.
Standard MRZ-S2	Support	Standard MRZ-S2 is considered appropriate.	Retain as notified.
Standard MRZ-S3	Support	Standard MRZ-S3 is considered appropriate.	Retain as notified.
Standard MRZ-S4	Support	Standard MRZ-S4 is considered appropriate.	Retain as notified.
Standard MRZ-S5	Support	Standard MRZ-S5 is considered appropriate.	Retain as notified.
Standard MRZ-S6	Support	Standard MRZ-S6 is considered appropriate.	Retain as notified.
Standard GRZ-S3	Support	Standard GRZ-S3 is considered appropriate.	Retain as notified.

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
SITES OF MAORI SIGNIFICANCE			
Rule SASM-R1 – PER-1	Support in part	<p>The BGD L site is covered by the Wahi Tupuna Overlay SASM3.</p> <p>PER-1 permits earthworks which do not exceed 750m². This rule does not apply to earthworks for the maintenance of track, roads and natural hazard mitigation.</p> <p>PER-2 requires an Accidental Discovery Protocol (ADP) commitment form be submitted to Council, at least two weeks prior to the earthworks. The ADP includes that in the event of an accidental discovery, works shall cease, the site shall be secured, the required agencies will be notified including Te Runanga o Arowhenua, and works shall not recommence until an archaeological assessment has been made and material dealt with appropriately.</p> <p>It is considered that PER-2 appropriately provides for accidental discoveries and PER-1 is able to be deleted.</p> <p>If PER-1 is retained, in Matter of Discretion 10 the reference to 'utilities' be replaced with a reference to 'network utility' to align with definition in the PTDP.</p>	<p>Delete PER-1 in its entirety</p> <p>If PER-1 is retained, amend Matter of Discretion 10: <i>10 in respect of a network utility utilities, the extent to which the network utility proposed utility has functional needs for its location.</i></p>
TRANSPORT			
SCHED1 – Schedule of Roading Hierarchy	Neutral	SCHED1 identifies Lancewood Terrace as a 'collector road'. It is unclear whether 'Road 1', which is essentially an extension to Lancewood Terrace will also be a 'collector road' – if so SCHED1 should be updated to reflect this.	Council to clarify if Road 1 will assume Lancewood Terrace's classification as a collector road.

