

**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:** 15/12/2022

**Submission Reference Number #:**42

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

**Submitter:**

Hamish Barrell

**Address for service:**

2 King George Place, Timaru Timaru 7910  
New Zealand

**Email:** Hamish.Barrell@timdc.govt.nz

**Submission on behalf of:**

Timaru District Council

**Attachments:**

Timaru District Council Submission on Proposed District Plan.docx

TDC submission supporting document - wildfire provision.docx

TDC submission supporting document - Legal oppion on application of s104G RMA to rc application to TDC 170622.pdf

TDC submission supporting document - Designation TDC-45 North Street Road Extension Conditions.PDF

TDC submission supporting document - Designation NZTA-1 Designation Conditions for Normanby.PDF

TDC submission supporting document - Maori Purpose Zone Waipopo.pdf

TDC submission supporting document - Designation NCZ-6 Conditions.pdf

TDC submission supporting document - Major Hazard Facility map.png

TDC submission supporting document - 500m run way extension area.png

**I wish to be heard:** Yes

**I am willing to present a joint case:** No

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**

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### **Point 42.1**

**Section:** General

**Sentiment:** Amend

**Submission:**

as detailed in attachments

**Relief sought**

as detailed in attachments

## Timaru District Council Submission on Timaru Proposed District Plan 2022

No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
1	Parks and Recreation	Planning Maps - Claremont Road	ID:19531 & ID:19532	Amend	N/A	Under the Proposed Timaru District Plan ( <b>PDP</b> ), Lot 2 DP 458343 (ID:19532, Claremont Road) and Lot 1 DP 72967 and Lot 1 DP 339796 (ID:19531, 168 Claremont Road) are zoned General Rural. Council is currently in negotiations with the landowner, Andrew Woods, for the acquisition of these land parcels for a new cemetery. For this reason, Parks and Recreation ( <b>P&amp;R</b> ) request that the proposed zoning of the land parcels in the PDP be changed from General Rural to Open Space. An Open Space zoning of the land parcels is essential for establishing the new cemetery, and reflects the zoning of the existing Timaru cemetery. Mr Woods is aware of P&R's intention to seek the rezoning of these land parcels to Open Space. As a consequence of the requested rezoning, P&R request that the Transitional Highly Productive Land - Proposed District Plan overlay/mapping be removed from the land parcels.	Amend the zoning of Lot 2 DP 458343 (ID:19532), Lot 1 DP72967 and Lot 1 DP 339796 (ID:19531), located on Claremont Road, in the PRP's planning maps from General Rural to Open Space. As a consequence of the requested rezoning, remove the Transitional Highly Productive Land - Proposed District Plan overlay/mapping from these land parcels once the zone change has been approved.
2	Land Transport	Definitions	Regionally Significant Infrastructure	Amend		Preference would be that National Routes Principal Roads are included in RSI definition	Include National Routes and principal roads in RSI definition, this can be done by amending 'strategic land transport network' in RSI definition to cover: National Routes and Principal roads. And make Falvey Road, Levels Plain Road, Brosnan Road elevated to Principal Road Status
3	Parks and Recreation	Subdivision	SUB-O5	Amend		Whilst P&R supports the intent of this Objective, it suggests consideration be given to the wording of sub-clause (2) and (3) to ensure alignment with the Objective PA-O1 and Policy PA-P4 in the Public Access Section of the Natural Environmental Values. Those provisions acknowledge that public access to the identified areas may not always be appropriate, e.g., to protect certain sensitive areas/values or for public health and safety reasons.	Consideration be given to amending clauses (2) and (3) of SUB-O5 to ensure alignment with PA-O1
4	Drainage and Water	NFL – Natural Features and Landscapes	NFL-S6	Amend	1 and 2	Modify to allow for sufficient depth	Allow for up to 2m depth

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5	Drainage and Water	All		Amend		Drainage and Water ( <b>D&amp;W</b> ) consider global changes are needed to the entire PDP to ensure the PDP is future-proofed and aligns with changes under the expected Three Waters legislation (currently the Water Services Entities Bill ( <b>WSE Bill</b> ))WSE in relation to ownership and operation of Timaru District Council ( <b>TDC's</b> ) Three Waters infrastructure. The PDP proceeds on the assumption that all of TDC's Three Waters infrastructure will be owned by "Council" moving forward. D&W consider that the PDP should contemplate the potential changes to ownership and operation of such infrastructure that are foreshadowed by the WSE Bill, which requires subtle but important wording changes to various PDP provisions.	Replace all references to "Council's" infrastructure in relation to Three Waters infrastructure as "public infrastructure". Amend requirements in conditions of rules/standards for Council's written consent to future connections to Three Waters infrastructure currently owned and operated by TDC to the written consent being required from the "operator" of the infrastructure; and any additional and consequential amendments required to address the issues raised by D&W.  OR in the alternative, include a statement within Part 1 of the Plan or new definition that the term 'Council' includes successors of infrastructure management.
6	Drainage and Water	Description of the District	Settlement Patterns, Growth and Development	Amend		The descriptions provided in relation to existing infrastructure and rural water supply schemes, and land use and infrastructure integration, are supported. However, D&W consider it would be appropriate for the source of TDC's drinking water supplies to be included in the description, which would provide background and context to the Drinking Water Supply Protection Chapter.	Amend elements of the Description of the District that address TDC's drinking water supply schemes to include reference to the drinking water supply sources.
7	Parks and Recreation	OSZ	OSZ-P7	Amend		P&R supports Policy OSZ-P7 Cemeteries. However, it considers that the wording of clause 1 in Policy OSZ-P7 could be improved with a minor drafting change and correction of a spelling error.	Amend OSZ-P7 to read: Provide for existing and new cemeteries, where they: 1. <del>contain</del> limit buildings and structures to those required for cremations, burials, <u>and commemorations</u> as well as ancillary buildings and facilities; and...
8	Drainage and Water	Description of the District	Settlement Patterns, Growth and Development	Amend		To ensure consistency with later chapters (e.g., Strategic Directions), D&W consider the references to the integration of infrastructure and land use should instead be <i>integration and co-ordination</i> .	Amend the Description of the District to refer to <i>infrastructure and land use integration <b>and co-ordination</b></i>
9	Drainage and Water	Statutory Context	Other Planning Documents and Legislation Considered	Amend		An obvious omission from the list of statutes that Council is stated as having had regard to in preparing the PDP is the Water Services Act 2021 ( <b>WSA</b> ).	Amend list of statutes to include a reference to the WSA.

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10	Drainage and Water	General Approach	Integrated Management	Amend		For completeness, D&W consider it may be appropriate for this section to include in its examples the overlapping responsibilities of TDC and CRC in relation to water quality.	Consider including reference to water quality as a further example of the overlapping responsibilities of TDC and CRC.
11	Drainage and Water	Definitions	"Sensitive Environments"	Amend		D&W note that this term does not include "heritage settings", but instead refers to "Heritage Item Extent" (clause 1e.). The latter term does not appear anywhere in the PDP.	Consider replacing the term "Heritage Item Extent" in clause 1e. of the definition of "Sensitive Environments" with "heritage settings".
12	Drainage and Water	Definitions	"Lifelines Utilities"	Amend		The definition of this term included in the PDP draws from Parts A and B of Schedule 1 of the Civil Defence Emergency Management Act 2002, but the context within which that term is used in that Act is different to how it is being used within the PDP. Specifically, the parts of the Schedule included in the PDP definition are to lifelines utility "entities", rather than the lifeline utilities themselves. D&W consider amendments are required to ensure the term is defined appropriately, i.e., for the PDP context. It is suggested that a similar approach could be taken to the definition of "specified infrastructure" in the National Policy Statement for Freshwater Management ( <b>NPS-FM</b> ), which similarly cross-references Parts A and B of Schedule 1 of the Civil Defence Emergency Management Act 2002.	Amend definition to read:  <i>...means <b>infrastructure that delivers a service operated by a lifeline utility those entities</b> listed in Part A, or described in Part B, of Schedule 1 to the Civil Defence Emergency Management Act 2002 that are within the Timaru District. These are as follows....</i>
13	Drainage and Water	UFD - Urban Form and Development	UFD-O1	Amend		D&W supports the objective, particularly clause (iv) which is consistent with the directives of Objective SD-O8. However, it considers a minor amendment to clause (ii) of UFD-O2 is warranted as the notified version of the clause appears to be incomplete. Inclusion of the word "co-ordinated" with respect to infrastructure is also considered appropriate to ensure consistency of terminology across the PDP (as noted in earlier submission points).	Amend Objective UFD-O1 as follows:  <i>A consolidated and integrated settlement pattern that: ... ii. is integrated <b>and co-ordinated</b> with, <b>and ensures</b> the efficient use of, infrastructure; ...</i>
14	Drainage and Water	EI - Energy and Infrastructure	All of this Section	Amend		As a general observation, D&W note that they have had difficulties in reviewing this section of the PDP due to the inconsistency in the use of terminology. For example, the objectives and policies refer to regionally significant infrastructure, lifelines utilities and other infrastructure. However, the implementing rules and standards refer to infrastructure and network utilities interchangeably. Wholesale revisions to the chapter may be required to ensure certainty for plan users (and equally those implementing and enforcing the PDP), particularly in terms of which rules apply to which "network utilities" and/or "infrastructure", noting the differing (but similar) RMA definitions of those respective terms. D&W considers such changes are essential to ensure that compliance with Section 75(1) RMA is achieved.	Consideration be given to greater consistency in the terminology used in this chapter, so as to ensure greater certainty for plan users, particularly in terms of what rules apply to which "network utilities" and/or "infrastructure". This may require changes to the titles of the Rules Sections and the terminology used in the rules themselves.

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15	Drainage and Water	EI - Energy and Infrastructure	Introduction	Amend		The planning provisions that follow the Introduction address Regionally Significant Infrastructure, Lifelines Utilities and other infrastructure. D&W consider it would therefore be appropriate for the introduction to refer to "Lifelines Utilities" in addition to Regionally Significant Infrastructure and other infrastructure.	Amend the Introduction by replacing the words " <i>Regionally Significant Infrastructure and other infrastructure</i> " with: " <i>Regionally Significant Infrastructure, <u>Lifelines Utilities</u> and other infrastructure</i> ".
16	Drainage and Water	EI - Energy and Infrastructure	EI-01	Amend		For consistency with Objective EI-04, D&W considers the title of this Objective should be Regionally Significant Infrastructure <b><i>and Lifelines Utilities</i></b> . D&W also considers there is a grammatical error in the wording of the objective that requires correction.	Amend Objective EI-01 as follows:  <i>EI-01 Regionally Significant Infrastructure <b><i>and Lifelines Utilities</i></b></i>  <i>Effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifelines Utilities that:</i> 1. provides..... 2. facilitates... 3. contributes... 4. <b><i>is are</i></b> ... 5. enables...
17	Drainage and Water	EI - Energy and Infrastructure	EI-02	Amend		For consistency with Objective EI-04, D&W considers the title of this Objective should be Adverse Effects of Regionally Significant Infrastructure <b><i>and Lifelines Utilities</i></b> .	<b>Amend the title of Objective E1-02 to <i>Adverse Effects of Regionally Significant Infrastructure and Lifelines Utilities</i></b>
18	Drainage and Water	EI - Energy and Infrastructure	EI-02	Amend		D&W has been unable to find any explanation in the Section 32 report or supporting documents of the basis for the direction in Objective EI-02(1) (i.e., that adverse effects of Regionally Significant Infrastructure and Lifelines Utilities <i>are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated...</i> ). D&W note that this sets a higher threshold than the effects management hierarchy in the NPS-FM (clause 3.21(1)) for inland wetlands and rivers as follows:  <b>effects management hierarchy</b> , in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:  (a) adverse effects are avoided where practicable; and (b) where adverse effects cannot be avoided, they are minimised where practicable; and (c) where adverse effects cannot be minimised, they are remedied where practicable; and (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and (f) if aquatic compensation is not appropriate, the activity itself is avoided	Consideration be given to amending clause 1 of Objective EI-02 to align with the NPS-FM's "effects management hierarchy". Consequential amendments would be required to clause 1 of Policy EI-P2 (Managing adverse effects of Regionally Significant Infrastructure and Lifelines Utilities) if any such changes are made.  <b>effects management hierarchy</b> , in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:  (a) adverse effects are avoided where practicable; and (b) where adverse effects cannot be avoided, they are minimised where practicable; and (c) where adverse effects cannot be minimised, they are remedied where practicable; and (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and (f) if aquatic compensation is not appropriate, the activity itself is avoided

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19	Drainage and Water	Part 2 - District Wide Matters	EI-P1	Amend		D&W considers that during emergencies there are likely to be situations arising where infrastructure may not need to be removed, but it may be necessary for infrastructure to be altered. Subject to this minor amendment, D&W considers Policy EI-P1 will, in terms of section 75(1) RMA, implement Objective EI-O1.	Amend clause 2 of Policy E1-P1 as follows:  <i>Recognise the benefits of Regionally Significant Infrastructure and Lifelines Utilities by:</i> ... <b><u>2. enabling their removal, relocation, repair, upgrade, maintenance and other necessary works required during an emergency; and ...</u></b>
20	Drainage and Water	Part 2 - District Wide Matters	EI-P2	Amend		D&W refers to its earlier submission on Objective EI-O2 regarding effects management, and consequential amendments that would be required to clause 1 of Policy EI-P2 in the event that D&W's submission was accepted. Based on recent consenting experience with regulations applying to activities involving "specified infrastructure" under the National Environmental Standard for Freshwater 2020 (specifically, where TDC was required to demonstrate operational/functional need for infrastructure works through natural wetlands), D&W considers that a further consideration should be included in clause 2 of Policy E1-P2 to cover the situation where there are no alternative sites, routes or methods for the proposed infrastructure, e.g., due to design or locational constraints. With the abovementioned amendments, D&W consider that Policy EI-P2 would, in terms of section 75(1) RMA, implement Objective EI-O2.	Amend clause 2 of Policy EI-P2 to include a further sub-clause such as "the extent to which viable alternative sites, routes or methods are available" or similar. - or amend wording of clause a.
21	Drainage and Water	EI – Energy and Infrastructure	EI-P3	Amend		For the reasons noted above in relation to the title of the Objectives in this section of the PDP, D&W also considers the title of this Objective should be <i>Adverse effects on Regionally Significant Infrastructure <b><u>and Lifelines Utilities</u></b></i> .	Amend the title of Policy E1-O3 to <i>Adverse Effects of Regionally Significant Infrastructure <b><u>and Lifelines Utilities</u></b></i>



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22	Drainage and Water	EI – Energy and Infrastructure	EI-R22	Amend		D&W query the need for EI-R22, which seems to address activities also governed by EI-R25 and EI-R26.	Delete EI-R22.
23	Drainage and Water	EI – Energy and Infrastructure	EI-R25 PER-1	Amend		Conditions PER-1 of this rule refers to "building" and not "structure" or "infrastructure". However, D&W expect that most activities falling under this rule will not be "buildings". D&W suggest instead that the wording of CE-R7(2), condition PER-1, below, could be replicated in these conditions, with an additional reference to "infrastructure" being included: " <u>Any upgrading does not increase the building or structure envelope</u> "	To remove PER-1 and amend PER-2 to read: ... <b><u>PER-1</u></b> <b><u>Building maintenance and upgrades occur within the existing building envelope; or</u></b>  <b><u>PER-2-PER-1</u></b> <b><u>If the activity includes the construction of new buildings and structures or infrastructure, such building, structure and infrastructure shall comply with the building height, setback,...; and</u></b>  <b><u>PER-3-PER-2</u></b> <b><u>EI-S1 and EI-S2 are complied with.</u></b>
24	Drainage and Water	EI – Energy and Infrastructure	EI-R26	Amend	EI-S1	PER-2 of this rule requires compliance with EI-S1. However, EI-S1 applies to: <i>Maximum structure height for network utility structures of poles, antenna, towers and telecommunications poles</i> . It is unclear what relevance this standard has to the activities governed by Rule EI-R25 - which do not appear to be water systems infrastructure. Clarification is required in relation to the scope of EI-S1. It is currently unclear whether EI-S1 is intended to apply to discharge odour poles and aerials for communication associated with water infrastructure as opposed to other "network utility structures".	<i>Maximum structure height for network utility structures of <b>towers, poles, and antenna, towers and telecommunications poles</b> (including the combined height of poles and antenna)</i>



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25	Drainage and Water	SW – Stormwater management	Introduction	Amend		D&W consider that consistent use of terminology in this section would be preferable (e.g Canterbury Regional Council vs Environment Canterbury). It also suggests that use of the full name, Canterbury Land and Water Regional Plan, would be preferable.	Replace the term Environment Canterbury with Canterbury Regional Council, and insert the word "Canterbury" before "Land and Water Regional Plan".
26	Drainage and Water	SW – Stormwater management	SW-P1, SW-P3 and SW-P5, Rules SW-R1 to R7 (inclusive), Standards SW-S3 and S4 (inclusive).	Amend		D&W note that, as notified, these provisions refer to "the Council's reticulated stormwater network". To future proof the PDP, recognising expected changes under Three Waters legislation to the way in which Council's infrastructure will be owned, D&W suggests that this term be replaced with "a public reticulated stormwater network".	Replace all references to "the Council's reticulated stormwater network" in the Introduction, Policies SW-P1, SW-P3 and SW-P5, Rules SW-R1 -R7 (inclusive), Standards SW-S3 - S4 (inclusive) to "a public reticulated stormwater network".  or in the alternative, include a statement within Part 1 of the Plan or new definition that the term 'Council' includes successors for infrastructure management.
27	Drainage and Water	NH - Natural Hazards	NH-R4	Amend		D&W understand that this rule does not apply to Regionally Significant Infrastructure. However, the title of the rule does not include the wording "(excluding Regionally Significant Infrastructure)" as is included in the title of NH-R7. D&W consider that an amendment is required to the title to rectify this issue. D&W also question whether NH-R4 would be better located after NH-R7, as the two rules relate to similar activities and are currently separated by rules applying to Regionally Significant Infrastructure.	add (excluding Regionally Significant Infrastructure) to the rule heading similar to NH-R7.

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28	Drainage and Water	NH - Natural Hazards	NH-R6(1)	Amend		D&W anticipate that new Regionally Significant Infrastructure (e.g., stormwater pump stations) may need to be established on land within the Flood Assessment Area Overlay in the future. D&W is concerned that NH-R4(1) as proposed would allow activities and structures in the Flood Assessment Area Overlay on land that is subject to flooding in a 0.5%AEP event with a minimum flow level requirement (PER-5). However, in contrast, under NH-R6(1) new Regionally Significant infrastructure in the Flood Assessment Area Overlay would be a restricted discretionary activity if the land is subject to flooding in the 0.5%AEP event (PER-5) irrespective of minimum floor level. D&W consider that NH-R6(1), as notified, does not give appropriate recognition to the importance of Regionally Significant Infrastructure, such as Three Waters infrastructure. D&W consider that NH-R4(1) and NH-R6(1) should be consistent, and in particular, that NH-R6(1) should enable new regionally significant infrastructure within the Flood Assessment Area Overlay on land that is subject to flooding in a 0.5%AEP event to be permitted if it complies with the minimum flow level requirement provided in NH-R4(1), PER-5. D&W note that amendments to NH-O2 and NH-P11 may be required as a consequence of the amendment sought to NH-R4.	Amend PER-3 of NH-R6(1) Regionally Significant Infrastructure in Flood Assessment Areas Overlay and any consequential or additional amendments that may be required to Rule NH-R6(1), e.g., to the matters of discretion listed in RDIS-1: PER-3 The Flood Risk eCertificate issued under PER-1 states that either: 1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; <u>or</u> 2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.
29	Drainage and Water	HH - Historic Heritage	Policies and Rules	Amend		D&W questions whether, for consistency and to aid plan interpretation, these policies and rules should include similar regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3 (noting D&W's earlier submission requesting greater consistency in terminology across the PDP re: "infrastructure" and "network utilities").	Consider replicating regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3 within the policies and rules of this chapter.
30	Drainage and Water	SASM - Sites and Areas of Significance to Māori	Policies	Amend		D&W questions whether, for consistency and to aid plan interpretation, these policies should include similar regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) (noting D&W's earlier submission requesting greater consistency in terminology across the PDP re: "infrastructure" and "network utilities"). D&W acknowledges that the rules of this chapter expressly address network utilities/infrastructure activities.	Consider replicating regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3 within the policies and rules of this chapter.
31	Drainage and Water	NATC-Natural Character	Policies and Rules	Amend		D&W questions whether, for consistency and to aid plan interpretation, these policies and rules should include similar regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3 (noting D&W's earlier submission requesting greater consistency in terminology across the PDP re: "infrastructure" and "network utilities").	Consider replicating regionally significant infrastructure/network utility provisions to NFL-P4(7)(d) and NFL-R3 within the policies and rules of this chapter.
32	Drainage and Water	SUB-Subdivision	SUB-S2 to S4 (for three waters infrastructure)	Amend		D&W is concerned that SUB-S3(1)(b) requires <i>evidence of an alternative water supply capable of providing a minimum of 56 litres per hectare per day</i> . However, it notes that TDC's rural schemes have moved to an allocation of 65 litres per hectare per day. It considers that SUB-S3(1)(b) should be amended to ensure consistency with that requirement.	Retain Standards SUB-S2 to S4 (for three waters infrastructure) as notified subject to the following amendment to SUB-S3(1)(b): b. evidence of an alternative water supply capable of providing a minimum of <del>56</del> <u>65</u> litres per hectare per day; or...

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33	Drainage and Water	DWP-Drinking Water Protection	NEW Rules & DWP-P2	Amend		<p>D&amp;W is concerned that these rules address a limited (incomplete) set of land use activities that could pose a risk to drinking water supplies, including supply sources. It seeks that the rules include controls on the following activities in the Drinking Water Protection Area Overlay:</p> <ul style="list-style-type: none"> <li>• Hazardous facilities;</li> <li>• Earthworks;</li> <li>• Composting facilities;</li> <li>• Buildings that require septic/sewage facilities;</li> <li>• Offal pits;</li> <li>• Silage storage;</li> <li>• Vegetation clearance;</li> <li>• Exotic tree planting/plantation forestry;</li> <li>• Intensive primary production.</li> </ul> <p>D&amp;W considers the above necessary to give effect to s104G of the RMA. Legal opinion on s104G attached.</p>	<p>Include additional rules in this chapter (and in other chapters as appropriate) to require resource consent for the following activities within Drinking Water Protection Areas:</p> <ul style="list-style-type: none"> <li>• Hazardous facilities;</li> <li>• Earthworks;</li> <li>• Composting facilities;</li> <li>• Buildings that require septic/sewage facilities;</li> <li>• Offal pits;</li> <li>• Silage storage;</li> <li>• Vegetation clearance;</li> <li>• Exotic tree planting/plantation forestry;</li> <li>• Intensive primary production.</li> </ul> <p>Include the above as non-complying activities and amend Policy P2 to require above listed activities to be avoided in DWPA.</p>
34	Drainage and Water	FC-Financial Contribution	FC-O1	Amend		<p>D&amp;W considers that the wording of this Objective is incomplete, and as such, does not convey the intended meaning, which is essential to ensure alignment with policies and rules of this Chapter, as required by section 75(1) RMA.</p>	<p>Amend Objective DC-O1 as follows: Timaru District's infrastructure, open space and recreation facilities are funded to meet the demands generated by subdivision, land use and development and <u>to ensure subdivision, land use and development</u> do not compromise the quality of service provided to existing users.</p>
35	Drainage and Water	FC-Financial Contribution and APP7 - Financial Contribution	APP7 - Financial Contribution	Amend		<p>D&amp;W considers it is important for APP7 to be very clear about the purpose for which TDC will seek financial contributions. It considers clause 4(d) in <i>1.0 Water, Stormwater, Wastewater and Rooding</i> requires minor amendments to ensure this outcome is achieved. It also notes its submission above regarding the need to future proof the PDP and changes required to references in the PDP to "Council's" Three Waters infrastructure.</p>	<p>Replace all references to "Council" with respect to Three Waters infrastructure in 1.0 Water, Stormwater, Wastewater and Rooding re submission point on Council successor;</p> <p>and amend clause 4(d) of 1.0 Water, Stormwater, Wastewater and Rooding as follows:</p> <p><b><u>d. For costs associated with the following in relation to a and b, which arise due to the development:</u></b></p>

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36	Drainage and Water	FDA - Future Development Area	FDA-P5 and P6	Amend		D&W is concerned that FDA-P5 and P6 as notified do not fully reflect the policy directives elsewhere in the PDP that land use, subdivision, development and urban growth must be co-ordinated with the planning and delivery of infrastructure so that future land use and infrastructure are integrated, efficient and aligned. D&W considers amendments are required to FDA-P5 and P6 to ensure that outcome is achieved, and to ensure the PDP is future proofed in terms of contemplating changes to ownership and operation of TDC's Three Waters infrastructure under expected Three Waters legislation.	Amend FDA-P5 and P6 as follows: FDA-P5 Unanticipated and out of sequence urban development ... 2. ... m. the development can be serviced without undermining <u>infrastructure development programmes and/or policies of, or committed infrastructure investments made by, local authorities or central government (including Waka Kotahi NZ Transport Agency);</u> ...  FDA-P6 Unanticipated and out of sequence rural lifestyle development ... 6. the development can be serviced without undermining <u>infrastructure development programmes and/or policies of, or committed infrastructure investments made by local authorities, entities established under Three Waters legislation, or central government (including Waka Kotahi NZ Transport Agency);</u>

No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
37	Drainage and Water	FDA - Future Development Area	DEV-1 Temuka North West Residential Development Area; DEV-2 Gleniti Residential Development Area; DEV-3 Washdyke Industrial Development Area Plan; DEV-4 Temuka North-West Residential Development Area.	Amend		D&W considers the wording of Standards DEV1-S2, DEV2-S2, DEV3-S2, DEV4-S2 (Stormwater, water and sewerage infrastructure) could be improved to ensure the intention of these standards is clear and can be understood by plan users.	Amend Standard DEV-4-S2 as follows: At the time of land use, subdivision or development and prior to any new buildings being occupied, <del>any</del> stormwater, water and sewerage infrastructure required <u>to service the land use, subdivision or development</u> shall be designed and constructed by the developer <u>as reticulated systems that are located within their site land owned by the developer.</u> <del>Include and stormwater, water and sewerage systems required to service the lands through reticulation systems.</del>
38	Drainage and Water	Designations	general	Amend		D&W note that the following TDC drainage and water infrastructure/assets are un-designated: Harts tanks, Geraldine Reservoir, Temuka Reservoir and PS, Rosewill PS, and approximately 8 pump stations. D&W consider it would be desirable for these assets to be designated. D&W acknowledge that this may not be possible through the current PDP process but wish to discuss further with TDC's planning team whether notices of requirement for each of these assets could be included together in a standalone future variation to the PDP.	D&W wish to discuss with TDC's planning team potential options for progressing notices of requirement for all existing undesignated drainage and water infrastructure/assets in the Timaru District, e.g., by way of a standalone future variation to the PDP.
39	Planning unit	Definitions	Heritage setting	Amend		Heritage setting is effectively provided as a map layer named 'Heritage Item Extent'. The definition should give reference to the map layer.	Amend the definition to link to 'Heritage Item Extent' Overlay

No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
40	Development Unit	CCZ - City Centre Zone	General	Amend		<p>The CityTown project is currently working towards a Timaru central city masterplan to be proposed in 2023/24. Further information about the project can be found here:</p> <p><a href="https://www.timarucitytown.co.nz/">https://www.timarucitytown.co.nz/</a></p> <p>Once complete this work aims to inform a comprehensive variation to the PDP which would allow the masterplan to be enacted. It is also possible that work on the CityTown residential study will enable a separate residential focused variation next year before the masterplan is complete.</p>	The CityTown project wishes to signal that a variation to the PDP is likely to be required once the work is further developed. No specific relief sought.
41	Development Unit	CCZ - City Centre Zone	Southern Centre Precinct	Amend	Maps	<p>The Southern Centre Precinct as included in the PDP, was to establish an area more favourable for ground floor residential uses. We still believe this intent aligns with the CityTown Strategic Framework which signals the opportunity for residential development (especially at ground floor) in this area. This said, the CityTown residential study has identified wider potential within the CCZ where this form of development would be appropriate. This will continue to be investigated during the CityTown masterplan process.</p> <p>For this reason the current Precinct may not be the correct tool as it signals that it is ONLY this area that is appropriate for terrace housing.</p> <p>Further to this, making ground floor residential development permitted here is not advisable as it may erode quality and therefore confident investment in a characterful precinct for urban living with a capacity for an increased urban population.</p>	<p>Delete the Southern Centre Precinct from the PDP provisions and maps</p> <p>AND</p> <p>Note that a future variation to the PDP will most likely seek to amend the wider objectives, policies and rules of the CCZ to incorporate wording that makes ground floor residential uses discretionary when: there are good urban design outcomes; good quality residential spaces; development does not detract from existing continuous retail frontages; and they are designed along street frontages to accommodate future commercial uses. Discretion should be applied to ground floor access to first floor residential spaces in retail areas that is sympathetic to surrounding retail uses in order to create good street legibility for these units.</p> <p>A design guide will be created also, that will bring clarity to how these outcomes should be achieved.</p> <p>AND</p> <p>If accepted, there are consequential amendments required to other parts of the Plan including, the introduction (PREC2); CCZ-P4; CCZ-R5; CCZ-R6 which all make reference to the Southern City Precinct.</p>

No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
42	Development Unit	CCZ – City centre zone	CCZ-R7(7)	Amend		<p>"Poor quality residential development in the city centre runs the risk of:</p> <ul style="list-style-type: none"> <li>• further degrading the local built environment and eroding special character which attracts purchasers,</li> <li>• decreasing public perception of residential development in the city as an appealing form of living,</li> <li>• failing to attract purchasers which puts future developers off investing in this form of development</li> </ul> <p>The PDP currently notes (CCZ-R7 (7)) that buildings within the CCZ Southern Centre Precinct are designed to provide a good quality living environment whilst also enabling future conversion to future uses. Whilst we agree with the intent of statements such as this, we believe the PDP, this principle is not specific to the Southern Centre Precinct which propose is deleted from the PDP. At present, the PDP offers little guidance to both developers and planners as to how this might be achieved. Developers in particular need a degree of certainty when investing early in a project and rules where interpretation is unclear can lead to frustrations and projects falling over. We also note that a lack of design expertise on the part of the applicant or the consenting authority, may result in mismatched expectations or poor outcomes when interpreting high level requirement such as this. A good example of this is a lack of local exposure to examples of live-work typologies, and thus a potential lack of the careful consideration they need to be given to be successful.</p>	<p>Amend CCZ-R7(7) to acknowledge the above request to delete the Southern Centre Precinct from the PDP, as follows:</p> <p>7. <del>within the Southern centre precinct,</del> whether the building is suitably designed to provide a good quality living environment while also enabling future conversion to future uses, such as through: raising the ground plane relative to street/footpath level; and ensuring any setback from the road frontage to provide privacy for residential occupants still maintains an active frontage.</p>
43	Development Unit	CCZ – City centre zone	CCZ-S4	Amend		<p>As mentioned, we propose to delete the reference to the Southern Centre Precinct at this stage, while we work on research to support a wider variation to reflect the findings of the CityTown project. The relief sought seeks to reflect this change but to also limit the glazing requirements to non-residential buildings only. We also note the current list of standards should be read as 'and' to clearly illustrate all the list applies to any development.</p> <p>CCZ-S4 (2) notes no vehicle crossings across footpaths or pedestrian areas. The current wording of the CCZ-S4 (2) control may prevent vehicle crossings servicing access lanes to townhouse developments on quieter central city roads</p>	<p>Amend CCZ-S4 as follows:</p> <ol style="list-style-type: none"> <li>1. <del>Except for residential activities within the Southern Centre Precinct,</del> all new buildings shall be built up to the street frontage; <u>and</u></li> <li>2. there must be no vehicle crossings across footpaths or pedestrian areas... <u>and</u></li> <li>3. <u>for new buildings,</u> at least 60% (by length) of the façade of the ground floor of a building where the facade fronts the road or other public area must contain windows, <u>and</u></li> <li>4. <del>Except for residential activities within the Southern Centre Precinct,</del> any windows located on the ground floor of a building where the facade fronts the road or other public area must remain visually transparent and be used either for the display of goods and services; or kept clear of obstructions to provide a view into the building.</li> </ol>



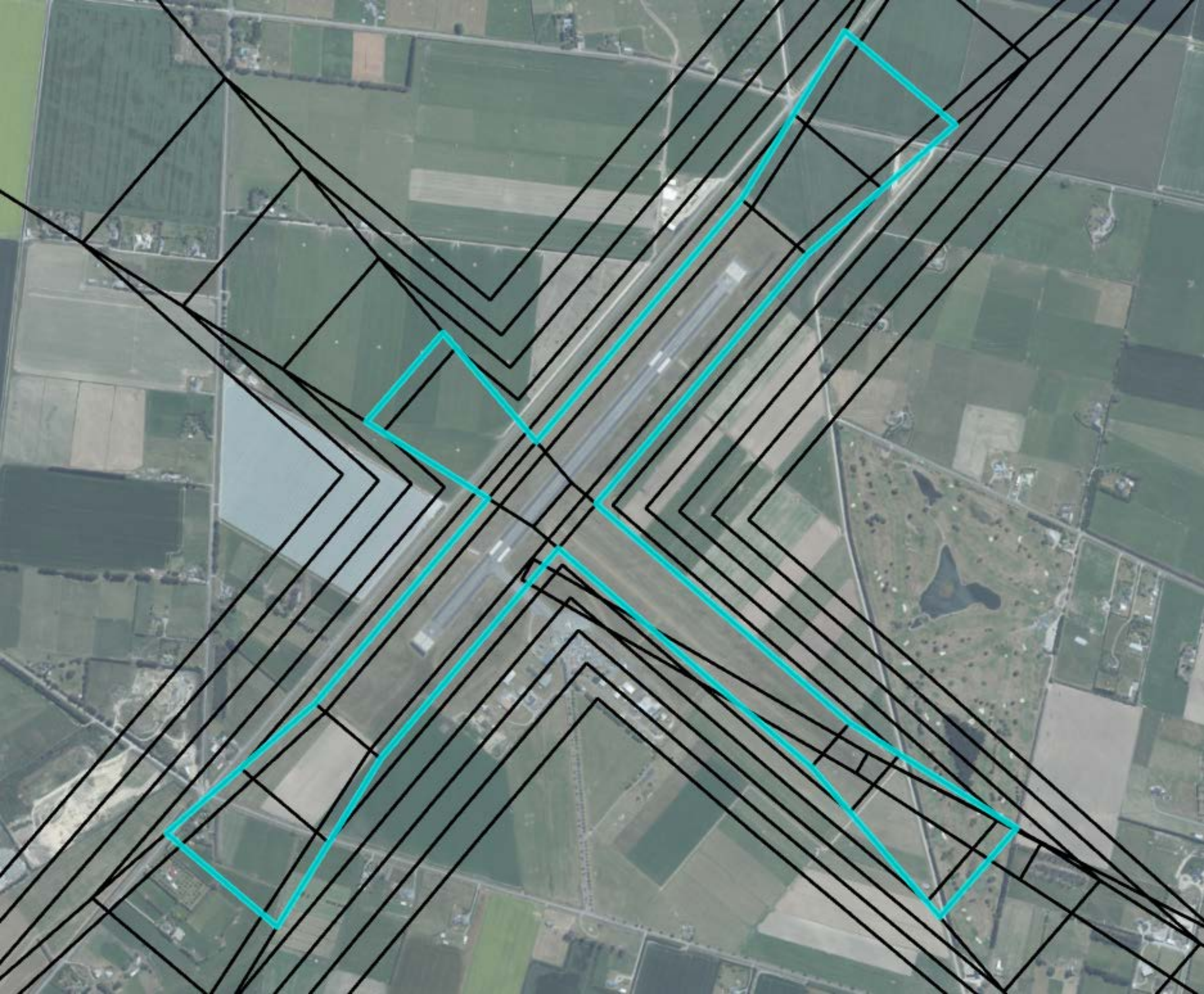
No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
44	Planning	Definitions	Hazardous Facilities	Amend		There is an incomplete sentence that needs to be corrected	Amend the definition of Hazardous Facilities 'means a facility or activity that involves the use, storage of hazardous substances, but excludes: ... 3. the incidental storage and use of agrichemicals, fertilisers.... for land based primary production activities which are not located in a Drinking Water <u>Protection Overlay</u> ;
45	Land Transport	SCHED1 – Schedule of Roding Hierarchy	PRINCIPAL ROADS	Amend		New Road to link Seadown Road and Meadows Road identified in DEV 3 - Washdyke Industrial Development Area Plan should be classed the same the roads it links.	Add Road 5 of Wansdyke Industrial Development Area Plan as a Principal Road.
46	Planning Unit	Designations	CNZ-6	Amend	SPK-4	The PDP does not reflect the conditions on this designation	Add to the conditions of CNZ-6 as detailed in attachment.
47	Planning Unit	Maps	Specific control area	Oppose		The PDP mistakenly includes within the maps the Specific Control Area over a site on Grey Road/Arthur Street in central Timaru. This area is not required and does not feature within the PDP provisions.	Delete the Grey Road/Arthur Street - Potential Large-Scale Retail, Specific Control Area from the map.
48	Planning Unit	Maps	Maori Pupose Zone	Amend		An area of the MPZ has inadvertently been left off the map in the Waipopo Area. The extent of the MPZ was intended to correlate to the former <u>Māori</u> Reserves (Native Reserve for Māori occupation or use). The map should be updated to include the correct extent of the former reserves.	Amend the extent of the MPZ as shown on the attached map.
49	Planning Unit	Maps	Major Hazard Facility Overlay	Amend		<p>Instead of mapping Major Hazard Facilities which are defined and managed by provisions in the PDP, the PDP mistakenly maps Significant Hazard Facilities.</p> <p>During the drafting of the Plan and subsequent to feedback on the Draft District Plan, TDC moved away from the terminology and definition of Significant Hazard Facilities in favour of Major Hazard Facilities, but unfortunately, the mapping associated to the provisions was not correctly updated.</p> <p>The Significant Hazard Facilities as mapped should be deleted and instead replaced with Major Hazard Facilities as already included in SCHED2 - Schedule of Major Hazard Facilities. At present, the provisions and schedule do not align with the map. The map should be amended to illustrate the 4 MHF, all within the port area of Timaru.</p>	Amend the planning maps to delete the Significant Hazard Facilities and to instead illustrate the four Major Hazard Facilities as included in SCHED2. As shown on the attached map.

No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
50	Planning Unit	SARZ - Sport and Active Recreation Zone	SARZ-R#	Amend		Within the PDP, the Zone chapters should all provide certainty for plan users as to the activity status of uses not specifically listed in the Plan. Accordingly, each Zone should have a rule which covers all other uses not listed and provide the associated activity status. The Sport and Active Recreation Zone does not have such a rule. In line, with almost all other Zone chapters in the plan, the activity status should be Discretionary, to allow a full assessment of possible effects of activities that have not specifically been identified for the Zone.	Add a new rule: SARZ-RX Any activities not otherwise listed in this chapter Activity Status: Discretionary
51	Planning Unit	NOSZ - Natural Open Space Zone	NOSZ-R#	Amend		Within the PDP, the Zone chapters should all provide certainty for plan users as to the activity status of uses not specifically listed in the Plan. Accordingly, each Zone should have a rule which covers all other uses not listed and provide the associated activity status. The Natural Open Space Zone does not have such a rule. In line, with almost all other Zone chapters in the plan, the activity status should be Discretionary, to allow a full assessment of possible effects of activities that have not specifically been identified for the Zone.	Add a new rule: NOSZ-RX Any activities not otherwise listed in this chapter Activity Status: Discretionary
52	Planning Unit	MPZ - Māori Purpose Zone	MPZ-R#	Amend		Within the PDP, the Zone chapters should all provide certainty for plan users as to the activity status of uses not specifically listed in the Plan. Accordingly, each Zone should have a rule which covers all other uses not listed and provide the associated activity status. The Maori Purpose Zone does not have such a rule. In line, with almost all other Zone chapters in the plan, the activity status should be Discretionary, to allow a full assessment of possible effects of activities that have not specifically been identified for the Zone.	Add a new rule: MPZ-RX Any activities not otherwise listed in this chapter Activity Status: Discretionary
53	Planning Unit	DWP - Drinking Water Protection	DWP-R2	Amend		There is an inconsistency between the rule heading and the associated RDIS-1. The heading refers to a 'community sewage system', while RDIS-1 refers to a 'community wastewater treatment system'. This different terminology is confusing for plan users and should be changed to be consistent within the rule. Also there is repetition between the rule heading and RDIS-1 which should be deleted.	Amend the heading of DWP-R2 as follows: DWP-R2 Subdivision not connected to a community <del>sewage</del> <u>wastewater treatment</u> system AND delete <del>Where: RDIS-1 The subdivision is connected to a community wastewater treatment system</del>
54	Planning Unit	Definitions	Development Areas	Amend	Developmen t Areas and Financial Contribution Chapter	The PDP does include a description of Development Areas within 'Relationships between Spatial Layers' in 'How the Plan Works' but it is acknowledged, they aren't clearly described in the Development Area chapter nor the Financial Contribution chapter. Anyone looking at the Plan would be able to use the maps to find out if a Development Area applies or not.	Provide a definition that states: "Development Areas spatially identify and manage an area where Development Area Plans are used to determine future land uses, development, infrastructure provision, and open space. Activities that are in accordance with the Development Area Plan are permitted within the development area, while activities which do not comply with the plan require consent.

No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
55	planning unit	Definitions	well-functioning urban environment	Amend	FDA chapter	Well-functioning urban environment' is a key in the FDA chapter. this is a defined term in the NPS-UD 2020. its definition should be included.	<p>add new definition for well-functioning urban environment as:</p> <p>has the same meaning as in clause 1.4 of the National Policy Statement Urban Development (NPSUD) 2020:</p> <p><b><i>well-functioning urban environment</i></b> has the meaning in Policy 1.</p> <p>Policy 1 of NPSUD states:</p> <p><i>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</i></p> <p>(a) have or enable a variety of homes that:</p> <p>(i) meet the needs, in terms of type, price, and location, of different households; and</p> <p>(ii) enable Māori to express their cultural traditions and norms; and</p> <p>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</p> <p>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p> <p>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</p> <p>(e) support reductions in greenhouse gas emissions; and</p> <p>(f) are resilient to the likely current and future effects of climate change</p>
56	Planning Unit	SCHED5 – Schedule of Notable Trees	TREESI-107	Amend	Maps	The PDP identifies a Notable Tree which has resource consent to be removed. It is understood the tree has already been removed. The tree should be removed from the Notable Tree schedule and the map.	Delete TREESI-107 from Schedule 5 and the map
57	Planning Unit	Maps	SASM	Amend		The map incorrectly label SASM1a as Normanby. This is an error that should be corrected to Te Wharetawhiti (Pig Hunters Creek)	Amend the identifies of SASM1a from Normanby to Te Wharetawhiti (Pig Hunters Creek)
58	Planning Unit	Maps	PORTZ	Amend		The maps incorrectly identifies a Port Purpose Zone. There is no such Zone. The correct name is the Port Zone and the legend of the map should be amended to reflect this.	Amend of the legend of the maps as follows: Port <del>Purpose</del> Zone
59	Planning Unit	Maps	Aerodrome Flight Path	Amend		The map does not clearly identify a necessary layer around Timaru Airport, which is a line 500m from the runway and runway extension. This line is within the Aerodrome Fight Path Protection Area.	Amend the map to illustrate the 500m of the runway and runway extension, as shown in the map attached.
60	Planning Unit	Definitions	Significant Natural Areas	Amend		The definition of the Significant Natural Areas refers to the ECO-SCHED2. This is not the correct schedule and the definition should be amended to refer to SCHED7 - Schedule of Significant Natural Areas	Amend the definition of Significant Natural Area or SNA as follows: means identified areas of significant indigenous vegetation and significant habitats of indigenous fauna, as set out in <del>ECO-SCHED2</del> SCHED7 and shown on the Planning Maps.
61	Planning Unit	Designations	NZTA-1	Amend		add existing condition in relation to Normanby road widening designation is subject to conditions, which should be added.	add existing condition in relation to Normanby as shown in attachment

No.	Unit	Chapter location	Subsection / unique identifier	Support/ Amend/O pposite	Other Related provision	Reason for Submission	Relief Sought
62	Planning Unit		TDC-45	Amend		designation is subject to conditions, which should be added.	add existing condition in relation to North Street Road extension as attached
63	Planning Unit	Other	All designations	Amend		Some designation should have conditions which are marked as no conditions. This is due to some Council records being difficult to access at the current time.	Amend the Designation section of the PDP to include designations conditions where they apply.
64	Land Transport	TRAN – Transportation	TRAN-R10	Amend	APP7- Financial Contribution	Heavy vehicle movements on road accelerate the need for maintenance, remediation and/or upgrading of carriageway pavements, when these occur out of zone and/or on roads not designed to carry heavy traffic. This is particularly evident for land uses that increase the amount of heavy vehicle traffic at a quantum greater than the existing level of heavy vehicle use. The ability of Council to take a financial contribution toward the upgrade or future maintenance of a road due to an unanticipated increase in heavy vehicle traffic is necessary.	TRAN-R10 RDIS-1: 1 and 2 should include a matter of discretion referencing APP7-Financial Contribution where increases in heavy vehicle traffic by an activity has potential to generate adverse effects on the road network.
65	Land Transport	TRAN – Transportation	TRAN-S20	Amend	TRAN-R10	Heavy vehicle movements on road accelerate the need for maintenance, remediation and/or upgrading of carriageway pavements, when these occur out of zone and/or on roads not designed to carry heavy traffic. This is particularly evident for land uses that increase the amount of heavy vehicle traffic at a quantum greater than the existing level of heavy vehicle use. Table 21 for High Trip Generating Activities outlines various thresholds that focus on GFA/lots/# of movements/etc. Any movements quantum would appear to relate to light vehicle movements, where heavy vehicles generate wear and tear on the road network at an accelerated rate	Table 21 of TRAN-S20 should be modified to include a quantum of heavy vehicle traffic to trigger an ITA (full or basic). Possibly a heavy vehicle movement percentage increase based on the pre-activity % of heavy vehicle movements along the accessing road.
66	Land Transport	TRAN – Transportation	TRAN-S18	Amend		The current wording of TRAN-S18(1) controls how a vehicle is driven, as opposed to ensuring that vehicle manoeuvring space is available on a site. Some existing residential streets have been elevated from Collector to Principal Roads and new development on these streets needs to ensure that suitable on-site manoeuvring is maintained.	Modify TRAN-S18(1) to: <i>..., there must be sufficient space provided to ensure no reverse manoeuvring onto or off the road; and</i>
67	Planning Unit	GRUZ - NH		Amend		Due to climate change, the risk associated with wildfires is expected to increase across many parts of the District. Additionally, such risks further increase when vegetation planting occurs in close proximity to where people live and work. This matter is not sufficiently addressed in the PDP.	Amend the NH Chapter and GRUZ Chapters as per the attachment
68	Drainage and Water	APP7 – Financial Contribution	1.0 - 4 (a & b)	Amend		D&W considers it is important for APP7 to be very clear about the purpose for which TDC will seek financial contributions. It considers clause 4(d) in <i>1.0 Water, Stormwater, Wastewater and Roding</i> requires minor amendments to ensure this outcome is achieved.	Amend clause 4(a) and (b) of <i>1.0 Water, Stormwater, Wastewater and Roding</i> as follows: 4. The financial contribution payable shall be: a) The fully cost of any <u>new infrastructure</u> , additions or modifications to ...; or  b) Where any changes, <u>additions</u> , or modifications, have been made...







## CNZ-6 Clandeboye Exchange Designation Conditions

The following activities, structures and elements are allowed on this site:

1. A 20 metre (m) high tubular steel mast with a three-way, twin-arm head arrangement as shown on the plans submitted with resource consent 6858. The diameter of the mast is approximately 0.6m. The mast will either have a galvanised finish or be painted grey.
2. Twelve panel and six omni antennas affixed to the mast heads. The panel antennas will measure approximately 2200 millimetres (mm) in height by 410mm in width by 200mm in diameter, extending to approximately 20m in height. The omni antennas will measure approximately 4m in length and 50mm in diameter, extending to approximately 24m high. The antennas are manufactured with a grey finish.
3. A 3m long x 2.4m wide x 2.7m high equipment cabinet on a 0.5m high concrete pad foundation and located adjacent to the mast. The equipment cabinet will be coloured green.
4. Two small GPS antennas erected on the equipment cabinet.
5. Addition of hardware associated with the antennas, such as antenna supports, mast-head amplifiers and lightning protection rods, mounted near the top of the mast.
6. Power and telecommunication connections will be from the nearest suitable source within the road reserve.
7. Site access for construction and maintenance purposes will be via Rolleston Road.
8. Any maintenance and repair of the above structures and elements.

## NZTA-1 Designation Conditions for Normanby Road widening

The designation are shown in Figure 1 is subject to following conditions:

### Construction noise

1. New Zealand Transport Agency will comply with the requirement of the New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

### Dust Emissions During Construction, and Potential Short-Term Adverse Landscape/Visual Effects

2. Vegetation removal is to be kept to a minimum necessary for construction purposes.
3. Dust nuisance is to be mitigated during construction, excavation, and the movement of soil and machinery by dampening soil with water.
4. The extent of any stockpile areas is to be kept to a minimum, and such areas shall be reinstated for appropriate use following the conclusion of construction.
5. Cuts and fills are to be re-vegetated. Areas that are re-sown in grass will be used for grazing or mown as appropriate, and will be stock free until the grass can support grazing.

### Potential Long-term Landscape/Visual Effects

6. Cut slopes are to be reduced to a gradient of 4:1.
7. Fill slopes are to be a gradient of 3:1 or, if possible 4:1.
8. Vegetation clearance will be kept to the minimum necessary for construction purposes. Cut slopes are to be reduced to a gradient of 4:1.
9. Cuts and fills are to be re-vegetated. Sown areas that are intended for grazing will be kept stock-free until the grass can support grazing.
10. Those sections of the existing State Highway 1 that will not provide property access to the new section of the highway are to be removed and re-instated as may be appropriate in each case. The area where the new alignment parts from the existing highway is to be screened with a small stand of trees to mark the change of road alignment and mask the remnant line of the old highway. Those sections of the existing State Highway 1 that will remain in place to provide property access or access to the new section of highway will have their status as “State Highway” uplifted, and responsibility for these sections of road will thereafter transfer to the Timaru District Council.
11. Areas used for disposal of soil or borrow of fill are to be re-contoured and re-vegetated.
12. To avoid encroaching into residential frontages on the south side of Talbots Road, existing batter slopes and vegetation shall be retained. A “vertical pole and half round” timber retaining wall shall be constructed along the cut at the base of the batter down road level (so as to entail less disturbance of the batter than a crib wall).
13. Landscape plans will be prepared by Transit in consultation with the Dales and the Barretts, so as to screen the highway as viewed from the Sturgeon, Dale and Barrett properties (Transit now owns the Sturgeon property). Transit shall submit these landscape plans to the Council for its verification of this consultative process prior to construction commencing. Following such verification, the plans will be implemented as part of the works and shall include provision of plants and materials for this purpose.



14. On local roads, where land is currently grazed alongside the road, fences will be placed at the toes of 3:1 cut slopes and the slopes re-sown and returned to grazing.
15. Alongside the highway, where fences are placed 13m from the edge of the road in fill and 9m from the edge of the road in cut, the areas between the road edge and fences are to be mown at intervals not greater than 3 monthly with particular attention being given to weed control in such areas. Mowing requirements may be reduced through the use of slower growing grasses.

#### Traffic Noise Effects.

16. A 300m length of "Open Graded Porous Asphalt (OGPA)" quiet road surfacing, or an alternative form of quiet road surfacing that will achieve at least the equivalent traffic noise level, will be applied within 12 months of completion of the realignment and maintained between meter points 5900 and 6200 shown on the aerial photos attached in Appendix 3 of the Addendum, to ensure traffic noise levels at the McGlinchy, Donadson and Paul properties meet or remain within levels recommended by the Transit Guidelines.
17. For the Ellen's house, in addition to the quiet surfacing to be applied and maintained between meter point 5900 and 6200, Transit will undertake measurements of traffic noise levels at this property within a period of three months after construction of the revised alignment is completed, to determine whether further noise mitigation is needed. Should such mitigation be required, Transit shall thereafter give effect to the most appropriate further traffic noise mitigation method, which may include either sound insulation, and/or relocation of the house on site, or removal of the house.
18. A 400m Length of OGPA quiet road surfacing, or an alternative form of quiet road surfacing that will achieve at least the equivalent traffic noise level, be applied within 12 months of completion of the realignment and maintained between meter points 6400 and 6800 shown on the aerial photos attached in Appendix 3 of the November 2022 Addendum, so as to ensure traffic noise levels at the Monson, Sturgeon and Barrett properties remain within the 1999 Transit Guidelines.
19. For the Fosters' property, Transit will undertake measurements of traffic noise levels at this property within three months following the completion of construction of the deviation, to determine whether any noise mitigation is required in order to bring the existing dwelling within Transit guidelines. If shown to be necessary, Transit shall give effect to such mitigation. Mitigation may include sound insulation of the dwelling or quiet surfacing to be applied and maintain to the State Highway.
20. For the Barretts' property, Transit will undertake measurements of traffic noise levels at this property within three months following the completion of construction of the deviation. Such measurements are to determine whether the proposed application of OGPA as per condition (r) has brought the existing dwelling within Transit guidelines, or whether sound insulation of the dwelling is required. If such insulation is shown to be necessary, it shall be provided by Transit so as to bring the existing dwelling within Transit guidelines.

#### Watercourses

21. Any water flow in the ephemeral watercourses crossed by the proposed new section of highway is to be maintained through the construction process.

#### Cultural and Heritage Values

22. Appropriate cultural and heritage protocols are to be included in the construction contract

documentation and subsequently observed during construction works, should any artefacts or other items of archaeological, cultural or spiritual significance be discovered during site works.

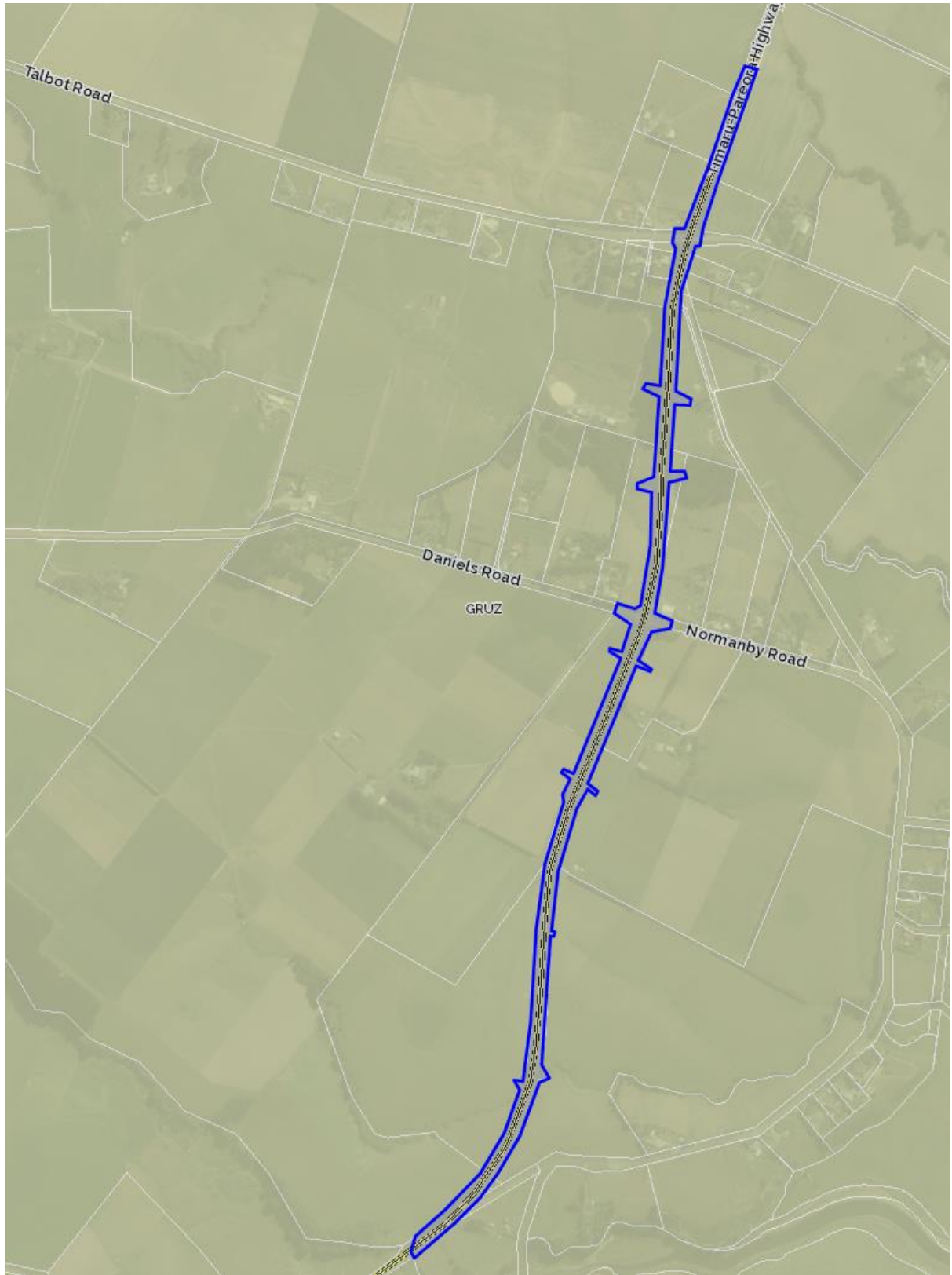


Figure 1 - Normanby Road Widening Designation Area

## TDC-45 Designation Conditions

The designation is subject to the following conditions:

1. Before any construction commences, an Outline Plan shall be prepared by the Requiring Authority and submitted to Timaru District Council pursuant to Section 176A of the Resource Management Act 1991. In addition to the matters required to be included by section 176A of the Resource Management Act, the Outline Plan shall include the final design details for pedestrian and cycle ways and stormwater management measures associated with all works.
2. Before any construction commences, a Traffic Management Plan shall be prepared by the Requiring Authority and submitted to Timaru District Council. The Traffic Management Plan shall include all necessary details of road construction and traffic controls associated with the physical works of the designation. The Traffic Management Plan shall be prepared in accordance with Timaru District Council's standard for temporary traffic management.
3. The Requiring Authority shall provide appropriate signage to the general public during physical site works to define the construction areas.
4. The Requiring Authority shall take all practicable steps to ensure the noise emissions comply with the provisions of NZS 6803P:1999 "The measurement and assessment of noise from construction, maintenance, and demolition work".
5. The Requiring Authority shall ensure that areas of exposed soil are established as soon as practicable to minimize the potential for soil erosion and sediment run-off.
6. The Requiring Authority shall spray water over the construction area, as and when required, to minimize dust nuisance to private property.
7. The Requiring Authority shall ensure the storage and handling of all hazardous substances is undertaken in accordance with relevant hazardous substances regulations and relevant rules in the Timaru District Plan. When stored within the construction area, all vehicles, machinery and fuel tanks shall be locked and secured.
8. In the event of an accidental discovery of archaeological matter, including human remains, the Transit New Zealand Accidental Discovery Protocol for Transit NZ Regions 11 (Canterbury) and 12 (West Coast) shall apply.



17 June 2022

Ashley Harper  
Three Waters Stimulus Advisor  
Timaru District Council  
PO Box 522  
**TIMARU 7940**

**By email:** ashley.harper@timdc.govt.nz

Dear Ashley

**SECTION 104G RMA – APPLICATION TO RESOURCE CONSENT APPLICATIONS MADE TO TIMARU DISTRICT COUNCIL**

**Introduction**

1. The question of whether the recently introduced section 104G of the Resource Management Act 1991 (**RMA**) is relevant to the Timaru District Council's (**Council's**) assessment of, and decisions on, resource consent applications has recently arisen in relation to an application by Orari Coach Station Limited to establish a transport depot, service station and ancillary activities<sup>1</sup> within the community drinking water protection zone for one of Council's drinking water supplies.
2. You have therefore asked for our advice on the application of section 104G RMA to resource consent applications made to Council under the RMA and the Timaru District Plan (**District Plan**).
3. A summary of our advice in relation to this issue is set out below, and is followed by our legal analysis.

**Summary**

4. Department of Internal Affairs advice released prior to the introduction of section 104G RMA confirms that:
  - (a) Territorial authorities:
    - (i) have a role in decisions about land use that might affect water quality; and
    - (ii) are expected to apply section 104G RMA when considering consent applications that relate to activities not addressed by the National Environmental Standard for Sources of Human Drinking Water (**NES-DW**), i.e., applications for land use consents.

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<sup>1</sup> Including truck washdown facility, stormwater soakage basin, fertiliser and silo storage, truck park, weighbridge, sheep/stock pens and car parking.

- (b) The application of section 104G is intended to enable consideration of risks of land use activities to drinking water sources informed by “source risk management plans” that are to be prepared by drinking water suppliers for registered drinking water supplies under the Water Services Act 2021 (**WSA**) by 15 November 2022.
5. Section 104G should therefore be applied by territorial authorities when they are considering land use consent applications irrespective of whether their district plans include controls on such activities for the purpose of protecting water quality, including the quality of drinking water supply sources. We also consider that section 104G can and should be applied to subdivision consent applications.
  6. We understand Council’s Infrastructure Group has commenced a review of its existing drinking water safety plans against the new requirements of the WSA, which includes mandatory “source risk management plans” identifying any hazards that relate to drinking water supply sources, including emerging or potential hazards. Once reviewed and updated to meet the requirements of the WSA, those plans will provide a basis against which Council’s consenting staff (and consultant section 42A RMA authors) can assess resource consent applications under section 104G RMA and seek advice from the Infrastructure Group as appropriate and/or necessary.
  7. In the meantime (i.e., until Council’s WSA-compliant water safety plans (including source risk management plans) become available), we consider it would be prudent for Council’s consenting staff (and consultant section 42A Report authors, as appropriate) to seek feedback from the Infrastructure Group to inform their assessment of resource consent applications and the application of section 104G.
  8. We understand it is Council’s intention for the Proposed Timaru District Plan (which is expected to be publicly notified in July 2022) to include a chapter dedicated to drinking water supply source protection. That chapter will refer to Council’s obligations under section 104G RMA in relation to resource consent applications, and include objectives and policies directed at controlling the actual and potential effects of land use and subdivision on sources of community (including Council-owned) and private drinking water supplies. We expect those provisions will provide greater clarity to both consent applicants and Council staff/consultants in relation to Council’s planning role in drinking water supply source protection and matters relevant to Council’s assessment of land use and subdivision consent applications moving forward.

## **Legal Analysis**

### Section 104A RMA

9. Section 104G RMA was introduced by the Water Services Act 2021 (**WSA**), and directs as follows:

#### **104G Consideration of activities affecting drinking water supply source water**

When considering an application for a resource consent, the consent authority must have regard to—

- (a) the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under section 55 of the Water Services Act 2021; and
- (b) any 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.



10. With consenting issues relating to water quality, specifically actual or potential adverse effects on drinking water source quality, being historically addressed through regional consenting processes, the direction under section 104G RMA for “the consent authority” to have regard to the stated matters appears to have created some confusion as regards its intended application to territorial authorities and district consenting processes.
11. The role of territorial authorities in relation to drinking water source protection was helpfully clarified in the “Departmental Report” prepared by the Department of Internal Affairs, which provided advice to the Health Select Committee on submissions on the Water Services Bill in May 2021<sup>2</sup>. The Department Report confirms:<sup>3</sup>

Local authorities are required to contribute to the development and implementation of source water risk management plans, provide information to suppliers, and undertake actions to address risks or hazards – clause 42(4). This reflects the role of regional councils as catchment managers, and the role territorial authorities play in decisions about land use that might affect water quality.

12. Further, in relation to the intention and scope of section 104G RMA, the Departmental Report records the following:<sup>4</sup>

The intention of this proposed amendment is to enable consideration of risks to source waters in applicable resource consent decisions. Specifically, it is intended to enable information on risks to source waters that are documented in a Source Water Risk Management Plan to be referred to by consenting authorities when making determinations on consent applications.

This provision is also intended to work alongside amendments to the National Environmental Standard for Sources of Human Drinking Water to ensure that risks to source waters are being managed appropriately under the Resource Management Act. The amendments to the National Environmental Standard for Sources of Human Drinking Water are expected to provide greater direction to regional councils in regard to the matters they must consider when granting resource consents for activities regulated under sections 13, 14 and 15 of the Resource Management Act.

This means the proposed new provision at s104G is only expected to be applied to consent decisions for activities that fall outside the scope of the National Environmental Standard for Sources of Human Drinking Water. For example, activities that require consent under section 9 of the Resource Management Act and that have been identified as a risk in a Source Water Risk Management Plan.

The provision was drafted in a broad way to ensure risks to source waters can be considered by consenting authorities without limitation, provided that risk is identified in a water suppliers’ Source Water Risk Management Plan. This means the onus is on water suppliers to undertake a catchment risk assessment and ensure risks to source waters are appropriately documented in a Source Water Risk Management Plan. For this reason, it sits best within the RMA rather than secondary legislation (i.e., the NES-DW).

13. For completeness, we note that the scope of the existing National Environmental Standard for Drinking Water (**NES-DW**) is limited to activities regulated under sections 13 (restriction on certain uses of beds of lakes and rivers), 14 (restrictions relating to water) and 15 (discharge of contaminants into environment) of the RMA, which all fall within the functions of regional councils (i.e., not territorial authorities, whose functions fall under sections 9 (restrictions on land use) and 11 (restrictions on subdivision of land) RMA).

<sup>2</sup> Water Services Bill, Departmental Report, Department of Internal Affairs, dated 14 May 2021 (Departmental Report).

<sup>3</sup> Departmental Report, above n 2, at page 113.

<sup>4</sup> Departmental Report, above n 2, at page 235 – 236.

14. The Ministry for the Environment's current proposals to amend the NES-DW<sup>5</sup> are intended to improve the protection of drinking-water sources. However, there appears to be no intention to widen the scope of the NES-DW beyond activities regulated by sections 13, 14 and 15 RMA (e.g., to land use activities or subdivisions regulated by sections 9 and 11 RMA).

#### Application of section 104G RMA to land use consent applications

15. The above extracts from the Departmental Report make it clear that territorial authorities:
  - (a) Have a role in decisions about land use that might affect water quality; and
  - (b) Are expected to apply section 104G RMA when considering land use consent applications, which is intended to enable consideration of risks of land use activities to drinking water sources.
16. The obligation to apply section 104G RMA to resource consent applications exists irrespective of whether an existing district plan controls land use activities for the purpose of protecting water quality, including the quality of sources of drinking water supplies.
17. Given the use of the phrase "an application for resource consent" in section 104G RMA, we also consider that obligation applies to all resource consent applications that may be lodged with a territorial authority, including applications for subdivision consent.
18. We understand that Council's Infrastructure Group has commenced a review of water safety plans that were prepared under the Health Act 1956 for its existing drinking water supplies. That review is necessary to ensure the existing water safety plans meet the mandatory requirements of the WSA, which includes source risk management plans that identify any hazards that relate to source water, including emerging or potential hazards (*inter alia*).<sup>6</sup> Under the WSA, Council has a 1-year grace period (to 15 November 2022) to submit WSA-compliant drinking water safety plans for its drinking water supplies to Taumata Arowai.<sup>7</sup>
19. Once finalised, Council's WSA-compliant drinking water safety plans will be able to be used by Council's consenting staff (or consultants) to inform the application of section 104G RMA to resource consent applications as envisaged by the Departmental Report, and (we expect) associated requests for advice from Council's Infrastructure Group in respect of potential risks (effects) on drinking water supply source quality.
20. In the meantime, we consider that in order to properly discharge Council's obligations under section 104G RMA, it would be prudent for Council's consenting staff (and any consultant section 42A Report authors) to seek feedback from the Infrastructure Group on the potential impacts of activities for which resource consent applications have been made to Council on drinking water supply source water.

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<sup>5</sup> <https://consult.environment.govt.nz/freshwater/nes-drinking-water/>

<sup>6</sup> WSA, section 42(2)(a).

<sup>7</sup> WSA, Schedule 1, Part 1, clauses 3 and 4, which applies to drinking water suppliers that were registered under section 68J of the Health Act and had one or more registered drinking water supplies.

Proposed Timaru District Plan

21. We understand from our recent discussions with Mark Geddes that it is Council's intention for the Proposed Timaru District Plan, which is expected to be publicly notified in July 2022, to include a chapter dedicated to drinking water supply source protection. That chapter is expected to refer to Council's obligations in relation to section 104G RMA and resource consent applications, and include objectives and policies directed towards controlling the actual and potential effects of land use and subdivision on sources of community (including Council-owned) and private drinking water supplies.
22. We expect these provisions will provide greater clarification for both consent applicants and Council staff/consultants as regards Council's role in relation to drinking water source quality protection and the matters relevant to Council's assessment of land use and subdivision consent applications moving forward.

Yours faithfully

**GRESSON DORMAN & CO**

Per:



G Hamilton / C Shaw  
Partner / Solicitor

Email: Georgina@gressons.co.nz / Cory@gressons.co.nz  
CRS-093424-1144-120-V1





**Proposed District Plan - Major Hazard Facilities**





**Legend**

- Roads

**ZONES**

- Māori Purpose Zone
- General Rural Zone
- Open Space Zone

# Proposed District Plan - Māori Purpose Zone - Waipopo

## Wildfire provisions

~~This relief sought covers TDC submission point XX as outlined on the attached table.~~

**Amend the Plan as follows:**

### **NH – Natural Hazards**

#### **Introduction**

Due to its location and geology the District is subject to a range of natural hazards including river flooding, coastal erosion and flooding, overland flows, slope instability, earthquakes, liquefaction and tsunamis. Flooding is a particular issue for the district with frequent flood events impacting large areas. Due to climate change the risk profile associated with wild fires is expected to increase generally across many parts of the district.

#### **GRUZ- General Rural Zone**

Amend the Introduction as follows:

The General Rural Zone is the largest zone in the District. The General Rural Zone is a dynamic environment, influenced by changing land use practice and by a wide range of primary production activities. As the land resource in this zone is a major contributor to the economic, social and cultural wellbeing of the District, and provides for the essential health needs of people and communities through food production, this chapter seeks to enable primary production (including intensive primary production) and a range of ancillary and associated activities that support primary production. Primary production activities are generally required to comply with standards to minimise adverse effects on sensitive activities and the environment.

The General Rural Zone includes a range of environments including hill and high country, downlands, plains and coastal areas, each with their own associated landscapes, vegetation and ecosystems. It also includes sensitive environments such as Outstanding Natural Landscapes, Outstanding Natural Features, Significant Natural Areas and Sites and Areas of Significance to Māori. The potential impact of activities on sensitive environments in the General Rural Zone is managed through the district wide chapters.

Many people also live in the General Rural Zone and are accustomed to a level of amenity and the character of the zone. These people also need to be protected from amenity and fire risk effects associated with rural land uses such as woodlots and shelterbelts.

The General Rural Zone also contains aggregate and mineral resources that are of considerable social and economic importance to the District and the wider region. These resources are only available where they occur and their extraction can be constrained by conflicting land uses. Extraction of these resources can potentially have significant impacts on the environment if not managed appropriately. Accordingly, this chapter seeks to manage extractive activities by way of consent.

**Add a new policy to the General Rural Zone Chapter:**

<b>GRUZ-PXX</b>	Manage the planting of any woodlot or shelterbelt if it is located in a position that it increase the wildfire risk on any neighbouring residential property
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**Amend rule GRUZ-R15 as follows:**

<b>GRUZ-R15</b>	<b>Shelterbelts and woodlots</b>	
General Rural Zone	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The <u>height</u> of any trees located within 100m of a <u>residential unit</u> on an adjoining <u>site</u> are contained within an envelope defined by a recession plane of 1m vertical for every 3.5m horizontal that originates from the closest point of the <u>residential unit</u>; and</p> <p><b>PER-2</b> Trees are not in such a position that they cause icing of a <u>road</u> as a result of shading the <u>road</u> between 10 am and 2 pm on the shortest day.</p> <p><b>PER-3</b> <u>Any shelterbelt or woodlot shall comply with the following separation distances, measured from the outside extent of the canopy:</u></p> <ul style="list-style-type: none"> <li>a) <u>30m from any residential unit or other principal building on an adjoining property; and</u></li> <li>b) <u>30m from any zone that is not a rural zone; and</u></li> <li>c) <u>5m from any adjoining legally established accessway to a residential unit or other principal building.</u></li> </ul>	<p><b>Activity status where compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <u>height</u> and setback of trees from property boundaries and roads; and</li> <li>2. shading of houses; and</li> <li>3. shading of <u>roads</u>; and</li> <li>4. traffic safety; and</li> <li>5. tree species, and</li> <li>6. <u>wildfire risk on buildings.</u></li> </ol>