

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 #:51

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

Submitter:

Milward Finlay Lobb - Andrew Rabbidge

Address for service:

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

Email: admin@mflnz.co.nz

Submission on behalf of:

OSA Properties Ltd

Attachments:

Osa Properties Submission.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

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

- No

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

(a) adversely affects the environment; and

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

- No

Submission points

Point 51.1

Section: General

Sentiment: Amend

Submission:

Please see attached report.

Relief sought

Please see attached report - refer to paragraphs 7.0 to 11.0.



**milward
finlay lobb**



Submission on the Proposed Timaru District Plan

Client OSA Properties Limited

Address 35 Wallingford Road, Temuka

File Number 223177/07

Date December 2022



Form 5

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

OSA Properties Limited

[State full name]

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

Proposed Timaru District Plan

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

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

[*Select one.]

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

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

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

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

Please see attached report.

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

Please see attached report – refer to paragraphs 7.0 – 11.0.

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

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

[†Select one.]

I wish to be heard in support of my submission.



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

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

Yes

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

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

Electronic means

Date **15 December 2022**

Electronic address for service of submitter:

admin@mflnz.co.nz

Telephone: **03 684 7688**

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

PO Box 434, Timaru 7940

Contact person: [name and designation, if applicable]

Andrew Rabbidge
Licensed Cadastral Surveyor BSurv (credit)
Director
Milward Finlay Lobb Ltd

Note to person making submission

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



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Planning Status of the Site

3.0 The subject land falls within Stage 1 of the Temuka North-West Residential Development Area and is predominately zoned Residential 1 under the Operative District Plan. In terms of the Proposed District Plan. The bulk of the property is to become General Residential Zone including various overlays some of which have immediate legal effect from 22 September 2022. These are:

- Flood Assessment Areas
- High Hazard Area
- Liquefaction Areas
- Regional Council stopbank
- Wāhi Taoka: SASM-20
- Wāhi Tūpuna: SASM-4
- Light Sensitive Area
- Versatile Soils

The planning notations that apply to the site are shown in Figure 2 below.

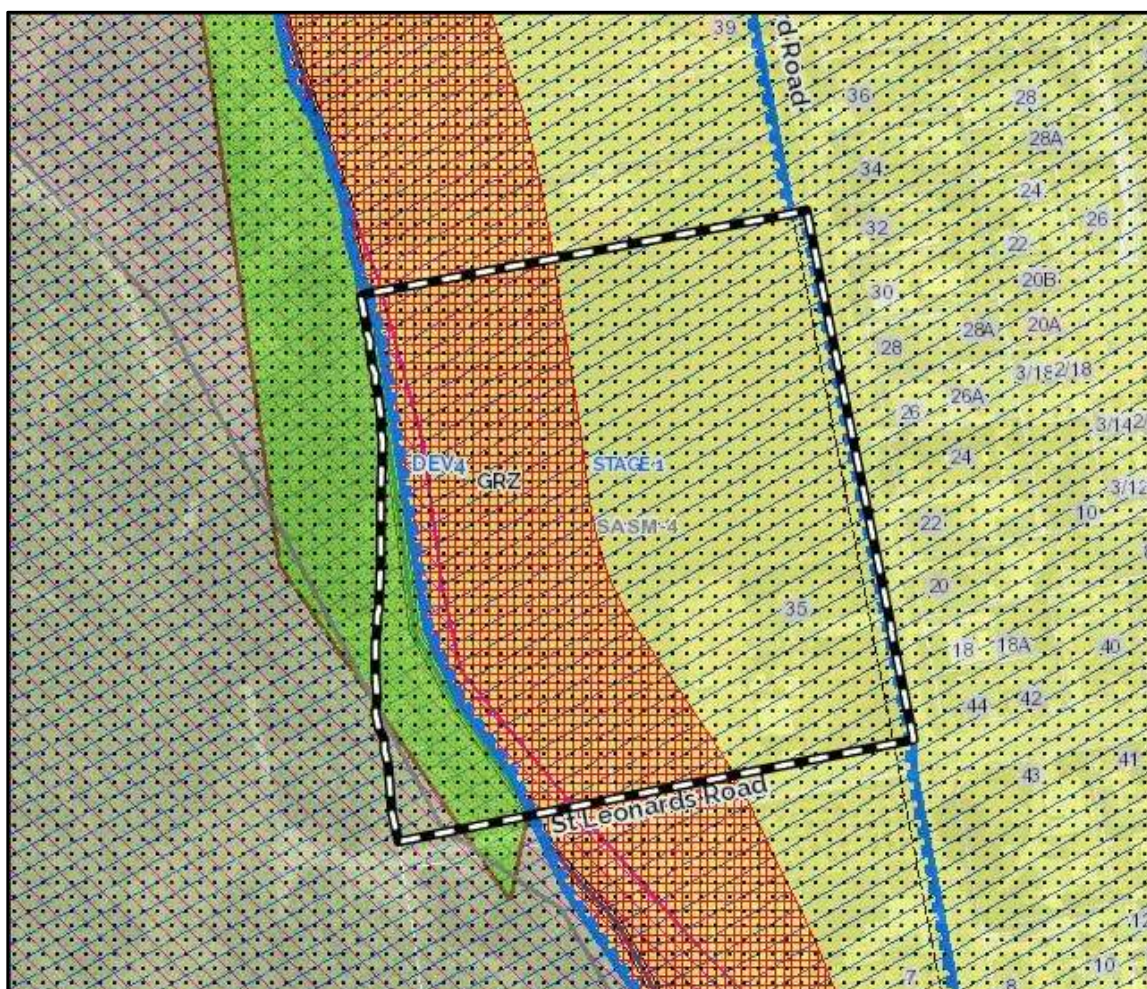


Figure 2 – Planning notations that apply to the site under the Proposed District Plan.



Reasons for the Submission

- 4.0 The submitter has been collaborating with the Timaru District Council since early 2021 to achieve a subdivision resulting in a total of 20 new Residential allotments, refer to TDC reference 101/102.2022.178.
- 5.0 The purpose of this submission is to ensure the subdivision can proceed in a timely and efficient manner in light of the notification of the District Plan, noting that some overlays for the land have immediate legal effect from 22 September 2022.
- 6.0 SASM-4 as notified by the Timaru District Council covers a broad expansive area, extending well beyond the Urban boundaries of Temuka. With the earthworks necessary to complete the subdivision and also future built form within the subject land. SASM-R1 as notified will require consent for a Restricted Discretionary Activity for sites that have an area in excess of 750m² and is to include consultation with Te Rūnanga o Arowhenua and AECL, a cultural impact assessment and a commitment to Council's Accidental Discovery Protocol – APP4.
- 7.0 The SASM-20 overlay relates to a very small portion of the property west of the Environment Canterbury Stopbank which is to become Esplanade Reserve as part of the proposed subdivision. SASM-4 and SASM-20 have immediate legal effect. The Earthworks rules as notified are likely to have a significant impact on both the subdivision and also the individual allotments once earthworks commence for house construction and the installation of driveways and landscaping etc within each individual residential allotment.

Decision Sought By Submitter

- 8.0 Sites and areas of Significance to Māori – SASM-R1, 2 weeks advance notice of earthworks for the submission of an Accidental Discovery Protocol is too long and impractical for contractors to manage and schedule. Amend SASM - R1 PER-2 from 2 weeks to 5 working days' notice.
- 9.0 Sites and areas of Significance to Māori – SASM-R7 (Subdivision) is requested to be reviewed and amended with assessment matters added. SASM-R7 as notified is ambiguous and it's unclear what steps, processes and costs are required to obtain subdivision consent under this rule.
- 10.0 A full Cultural Impact assessment focussing on compliance with SASM-R1 within the boundaries of SASM-4 should be undertaken by the Timaru District Council as soon as practicable to avoid individual ad hoc reports being undertaken by landowners. The sheer size and scale of SASM-4 and the number of properties that are affected results in individual Cultural Impact assessments initiated and paid for by individual landowners being inappropriate and inefficient. This should be addressed on a global scale by the Timaru District Council on behalf of the wider Temuka community.
- 11.0 SASM-R7, Amend the Activity status from Discretionary to Restricted Discretionary, therefore limiting discretion solely to the Sites of Areas of Significance to Māori.



General

12.0 An invitation is extended to Council staff to visit the subject land as part of this submission. In the first instance site access can be co-ordinated through Milward Finlay Lobb, phone 03 684 7688 or email admin@mflnz.co.nz

Approved by:

Andrew Rabbidge

BSurv (credit), RPSurv, Assoc NZPI, MS+SNZ, CSNZ

Licensed Cadastral Surveyor

Director, Milward Finlay Lobb Limited

15 December 2022