

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 #:60

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

Attachments:

MFL submission - complete.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

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

- **No**

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

(a) adversely affects the environment; and

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

- **No**

Submission points

Point 60.1

Section: General

Sentiment: Amend

Submission:

Multiple Submission Point spreadsheet - attached

Relief sought

Multiple Submission Point spreadsheet - attached

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:

Milward Finlay Lobb Ltd

[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]*

Multiple Submission Point spreadsheet - attached.

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.]*

Multiple Submission Point spreadsheet - attached.

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]*

Multiple Submission Point spreadsheet - attached.

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.]

We wish to be heard in support of our 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]*

**Melissa McMullan
Planner
Milward Finlay Lobb Ltd**

Note to person making submission

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

Proposed Timaru District Plan - multiple submission point ta

You can attach this table when making your submission via the online PDP submission form <https://timaru.isoplan.co.nz/eplan>
 Or by downloading our submission form https://www.timaru.govt.nz/__data/assets/pdf_file/0005/17987/636102-Template-Form-5-Submission-on-proposed-plan,-change-or-variation.pdf and then emailing it to pdp@timdc.govt.nz



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW
 LAND USE PLAN

Submitter Name: Milward Finlay Lobb Limited

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
<i>Please identify what part of the plan your submission point relates to – this could be a subpart or chapter heading within the plan. i.e. General Rural Zone</i>	<i>Please identify the specific provision or matter your submission point relates to – this could be a specific objective, policy, rule, standard, or a more general matter that relates to a whole chapter, topic, zone, or overlay. i.e. GRUZ-O1</i>	<i>Please indicate whether you support, oppose, or seek to amend the specific provision / matter. i.e. Support</i>	<i>Please provide reasoning to support your position. This could be a detailed explanation, technical information, or simply stating you support the intent of the provision. i.e. support the direction or GRUZ-O1 to provided for rural activities.</i>	<i>Please indicate whether you are seeking to retain the provision as notified in the PDP, delete the provision, or are seeking amendment. If you are seeking to amend a provision please set this out using strikethrough to indicate deletion and underline to indicate additional text. i.e. Retain GRUZ-O1 as notified</i>
Definitions	Access/Accessway	amend	Incorrect reference to Unit Titles Act	Amend to - Unit Titles Act 2010
Definitions	Boundary Adjustment	amend	A boundary adjustment may alter the number of allotments	amend to - means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments of two or more contiguous sites where the site boundaries are amended, altering the size and/or shape of the existing sites
Definitions	Building	amend	Proposed definition will include water tanks, there is also no height or gross floor area maximum and/or minimum specified so therefore every structure is classed as a building – tanks, garden sheds, glasshouses etc. It is also not clear what the status of retaining walls is.	Put in additional parameters around definition of building, also amend final paragraph - but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>or water tank/s</u>
Definitions	Minor Residential Unit	amend	No definition of height, gross floor area have been provided	Amend to include a maximum gross floor area and maximum height if relevant, it is also considered this may be dependent on the underlying zoning as to what is considered 'minor'

Definitions	Residential Visitor Accommodation	amend	No maximum length of stay has been provided, therefore what is the difference between long term rental and short term visitor accommodation? Each activity has different adverse effects.	Amend to stipulate length of stay shall not exceed 3 months consecutively
Definitions	Temporary Activity	amend	No duration has been specified	Amend to stipulate length of activity, i.e. for no longer than 14 days
Strategic Direction	SD-O1	support	Support clauses i & ii	Retain clauses I & ii as proposed
Energy & Infrastructure	EI-R6	oppose	The location of customer connections is dictated by Alpine Energy Limited as they have carried out analysis of the network and the best connections for the site.	reconsider the practicality of this rule
Energy & Infrastructure	EI-R8	amend	Transformers are larger than 2.5m in height and are a key part of a substation, switch rooms alone in a substation are about 30m ² , the remaining infrastructure will exceed 30m ² in all other zones.	Amend the wording to reflect the practicalities of substations
Energy & Infrastructure	EI -R24	amend	Proposed rule would require water tanks in a Rural zone to obtain resource consent to breach the boundary setback.	amend to - The rainwater tank complies with the building height, setback, and recession plane requirements height in relation to boundary standards for the zone
Energy & Infrastructure	EI - R39	amend	Make provision for certification from a Licensed Cadastral Surveyor under PER -1	amend to - Richard Pearse (Timaru) Airport or a Licensed Cadastral Surveyor has provided certification to the Timaru District Council that the building, structure or tree complies with Appendix 10
Natural Hazards	NH - R2	oppose	We would comment on the enforceability of this rule, as most home owners will erect a fence without knowing of this requirement.	
Natural Hazards	NH - R8	amend	Liquefaction can be designed for, and Timaru and the surrounding area are considered to be 'low risk' anyway. While this overlay should be noted and addressed as part of a subdivision application, at most this should be treated as a Controlled Activity.	Change the activity status to a Controlled Activity
Natural Hazards	NH - S2	amend	250m ² would be triggered very easily, as it would not take a lot of soft ground to be dug before this would be triggered. The intention would always be to replace the fill taken out.	amend to - Flood Assessment Area: The earthworks do not exceed: • 2,000m ² in area in any calendar year in a Rural zone; and • 500m ² in area in any calendar year in any other zone.

Natural Hazards	NH-P4	amend	There is no mention of a freeboard with regard to the flooding. But, We know TDC have that extra added in their GIS layer system	NH-P4 add new clause 8 - <u>Flood modelling is to included an allowance for freeboard</u>
Stormwater	SW-R2, R3, R4, R5, S3	amend	There is also a reference to no stormwater entering neighbouring properties. Why is a 24 hour event selected, when the Timaru District Council system has a peak at 1 hour	Change the term properties , to <u>dwelling or buildings</u> , as what is commonly adopted by other councils. Change of 1 hour event
Transport	TRAN - S10	oppose	The 20m sealing width under Clause 2 is excessive	TRAN - S10, clause 2 to be deleted
Sites and areas of Significance to Māori	SASM - R1	amend	2 weeks advance notice of earthworks for the submission of a Accidental Discovery Protocol is too long and impractical for contractors	<u>amend SASM - R1 PER-2 from 2 weeks to 5 working days notice</u>
Sites and areas of Significance to Māori	Wai taoka overlay	amend	There is no clarification provided with the wai taoka overlay - is there a buffer either side of the overlay, or does any rule that applies to the Wai Taoka overlay apply to the site in its entirety?	We would suggest it would be unfair for a Wai Taoka overlay to apply to a farm in its entirety, particularly if it only applies to a small part of the site and would ask that further clarification be provided about how this rule applies.
Sites and areas of Significance to Māori	SASM - R7	amend	Too broad with no measurable parameters	<u>amend to a Restricted Discretionary Activity with some measurable assessment matters established including results from pre consultation with Iwi.</u>
Ecosystems and Indigenous Biodiversity	ECO - R6	amend	Too broad with no measurable parameters	<u>amend to a Restricted Discretionary Activity with some measurable rules established</u>
Subdivision	SUB - R1	amend	Oppose a minimum allotment size of 40 ha for boundary adjustment within the Rural General Zone	<u>Retain the status quo from the current District Plan with boundary adjustments within the Rural General Zone classified as a Discretionary Activity</u>
Subdivision	SUB - S1	amend	Allow for boundary adjustments in the Rural General Zone as a Discretionary Activity with no minimum area requirement	<u>SUB-S1 amend to Allotments must have a minimum net site area of 40 ha in area, except that boundary adjustments shall have no minimum area requirement</u>
Subdivision	SUB - S1	amend	Add a new Rule and associated performance standard to permit subdivison of existing household units in the Rural General Zone established prior to 22 September 2022	<u>SUB - S1 add new clause 3.2 & amend GRUZ-R4 PER-1 - Exempt households units established prior to 22 September 2022 from a minimum area requirement.</u>
Subdivision	SUB - S1	amend	Add a new Rule to exempt allotments in the Rural General Zone being subject to a 40ha allotment size if subdivison consent was obtained prior to the proposed being fully Operative	<u>SUB - S1 add new clause 3.3 enable allotments in the Rural General Zone with subdivision consent issued prior to the date the new District Plan became fully operative, to be subject to the allotment areas and boundary setbacks applicable at the time of lodgement of that subdivison consent</u>
Subdivision	SUB- S1	amend	Sites that unable to accommodate a 15m diameter circle should be classified as a Non - Complying activity	<u>SUB-S1 amend clause 2 to a 13m diameter circle and that non compliance results in subdivison being classified as Discretionary Activity rather than Non-complying</u>

Subdivision	SUB-S1	amend	The Rural Lifestyle Zone requires a 2ha minimum allotment size if there is no sewer connection, however there is no minimum allotment size for Settlement Zones, Pareora and Woodbury have no sewer network and there are no restrictions on allotment size in these areas, therefore there should not be the 2ha restriction in the Rural Lifestyle Zone unless there have been specific control areas applied.	Amend 4.4 to: in any other areas, 5000m2.
Earthworks	EW - S1	amend	increase earthworks thresholds in the General Residential Zone and Medium Density Zone	EW-S1 Clause 2 amend to The area of earthworks must be limited to <u>500 250m2</u> in any 12- month period on site
Drinking Water Protection	DWP-R2	amend	correct a typing error in DWP-R2, RDIS -1	RDIS-1 amend to The subdivision is <u>not</u> connected to a community wastewater treatment system
Future Development Area	FDA - P3	support	Support that Development Area Plans are to be prepared by the Timaru District Council	Retain FDA - P3 as notified
Future Development Area	FDA - P4	amend	Request the plan changes to give effect to the Development Area Plans are prepared and notified by the Timaru District Council. This should include any necessary consents for additional infrastructure	<u>New Rule FDA-PA4 Clause 13 - That Development Area Plans are prepared and publically notified by the Timaru District Council by plan change. This should include the Timaru District Council preparing and obtaining any necessary consents for additional infrastructure to enable the Future Development Area to be ready for future urban or lifestyle development</u>
Future Development Area	FDA - R7	amend	A Non-complying activity status for more than one residential unit per site is too restrictive	Remove more than one residential unit per site from FDA-R7 and add <u>FDA-R16 which provides for a minor residential unit with a maximum gross floor area of 80m2 as a Discretionary Activity</u>
General Residential Zone	GRZ-R10	oppose	Proposed fencing requirements are too restrictive	Amend PER-1 clause 2 no higher than 1.8m above ground level where at least 45% of the fence is visually permeable
General Residential Zone	GRZ-R19	oppose	Unnecessary Rule which will be impossible to enforce (ie the Rule would exclude a parent doing an oil change on their children's vehicle, if the child is not living at the parents address	Delete GRZ-R19 Dismantling or repair of motor vehicles owned by people not living on site including the storage of those vehicles
General Residential Zone	GRZ - S5	oppose	A building coverage rule does not lend itself to innovative modern design, resulting in dwellings all looking very similar and typically built on the maximum site coverage limit possible	Delete GRZ-S5 clause 1 The building coverage of the net area of any site must not exceed 40%; and
General Residential Zone	GRZ-S9	oppose	Proposed landscaping is excessive at 30% of the site	Delete GRZ-S9 At least 30% of the site shall be planted in grass, trees, shrubs or other vegetation
Medium Density Residential Zone	MRZ-R10	oppose	Proposed fencing requirements are too restrictive	Amend PER-1 clause 2 no higher than 1.8m above ground level where at least 45% of the fence is visually permeable

Medium Density Residential Zone	MRZ-S5	oppose	A building coverage rule does not lend itself to innovative modern design, resulting in dwellings all looking very similar and typically built on the maximum site coverage limit possible	Delete MRZ-S5 The building coverage of the net area of any site must not exceed 50%
Medium Density Residential Zone	MRZ-S6	oppose	Proposed landscaping requirements are too onerous	Delete GRZ-S6 At least 25% of the site shall be planted in grass, trees, shrubs or other vegetation
Settlement Zone	SETZ-S4	oppose	A building coverage rule does not lend itself to innovative modern design, resulting in dwellings all looking very similar and typically built on the maximum site coverage limit possible.	Delete SETZ-S4 The maximum combined building and impervious surface coverage of the site must be 35%
General Rural Zone	GRUZ-R4	oppose	Allowance needs to be made for approved subdivision consents issued by the Timaru District Council before the District Plan is fully operative	Amend GRUZ-R4 PER-S1 - There is a minimum site area of 40 hectares per residential unit unless the site was created before 22 September 2022 is subject to a <u>subdivision consent approved by Council before the date the Timaru District Plan becomes fully operative.</u>
General Rural Zone	GRUZ-R15	amend	Rule as drafted is unclear on existing use rights	Amend GRUZ-R15 to include existing use rights prior to the District Plan being fully operative.
General Rural Zone	GRUZ -R21	oppose	Rule as drafted is unclear on existing use rights	Amend RDIS-1 This activity is not an offensive trade and existing use rights for all Rural Industry established <u>prior to the District Plan being fully operative</u>
General Rural Zone	GRUZ-S3	amend	Amend standard to exempt water tank/s from setback requirements (noting that GRUZ-S2 will require water tank/s to meet recession plane requirements)	Amend GRUZ-S3 - New building and structures (excluding fences, irrigators, water troughs, <u>water tank/s</u> , crop structures) shall be setback the following minimum distances....
Rural Lifestyle Zone	RLZ-R2	amend	PER 2 makes no allowance for subdivision consents that were approved by Council prior to the proposed District Plan being notified	Amend RLZ-R2 PER-2 There is a minimum site area of 5000m ² , unless the site existed before 22 September 2022 is subject to a subdivision consent approved by Council before the date the Timaru District Plan becomes fully operative
Rural Lifestyle Zone	RLZ-S3	oppose	Rule as notified conflicts with TDC land use consent 102.2021.54.1 for the Brookfield Road specific control area, with permitted building coverage being in excess of 10% of the site area	<u>New Rule RLZ-S3 - Brookfield Road specific control area, The footprint of all buildings on the site shall not exceed 12.5% of the nett site area</u>
Rural Lifestyle Zone	RLZ-S8	oppose	Rule as notified conflicts with TDC subdivision consent 101.2016.506 and the associated TDC Engineering approval. We seek that the trees provisions for the Brookfield Road specific control area are retained from the current Rural Residential (Brookfield Road) zone, being Part D, General Rule 1.11.7.4.15	<u>New Rule RLZ-S8 - Brookfield Road specific control area, Within each site there shall be: a. a minimum of 4 trees capable of attaining a minimum height of 8m at maturity; and b. these trees shall be planted no closer than 10 metres apart; and c. these trees shall be located within the permitted building areas; and d. except for rear lots, at least 2 of the required 4 trees shall be planted in the road setback</u>

Development Areas	DEV1 - S1 & S2	oppose	Engineering roading and design plans are currently approved by Council from other suitably qualified professionals. We oppose these standards and request that the status quo remains. We are happy to provide Council with additional information on the structure of the BSurv degree and the associated path to becoming a Licensed Cadastral Surveyor or Registered Professional Surveyor at the time of public hearings	<u>Amend DEV1-S1 & S2, Note 1 to also include a suitably qualified Licensed Cadastral Surveyor or Registered Professional Surveyor</u>
Development Areas	DEV2 - S1 & S2	oppose	Engineering roading and design plans are currently approved by Council from other suitably qualified professionals. We oppose these standards and request that the status quo remains. We are happy to provide Council with additional information on the structure of the BSurv degree and the associated path to becoming a Licensed Cadastral Surveyor or Registered Professional Surveyor at the time of public hearings	<u>Amend DEV2-S1 & S2, Note 1 to also include a suitably qualified Licensed Cadastral Surveyor or Registered Professional Surveyor</u>
Development Areas	DEV3 - S1 & S2	oppose	Engineering roading and design plans are currently approved by Council from other suitably qualified professionals. We oppose these standards and request that the status quo remains. We are happy to provide Council with additional information on the structure of the BSurv degree and the associated path to becoming a Licensed Cadastral Surveyor or Registered Professional Surveyor at the time of public hearings	<u>Amend DEV3-S1 & S2, Note 1 to also include a suitably qualified Licensed Cadastral Surveyor or Registered Professional Surveyor</u>
Development Areas	DEV4 - S1 & S2	oppose	Engineering roading and design plans are currently approved by Council from other suitably qualified professionals. We oppose these standards and request that the status quo remains. We are happy to provide Council with additional information on the structure of the BSurv degree and the associated path to becoming a Licensed Cadastral Surveyor or Registered Professional Surveyor at the time of public hearings	<u>Amend DEV4-S1 & S2, Note 1 to also include a suitably qualified Licensed Cadastral Surveyor or Registered Professional Surveyor</u>
APP7 - Financial Contribution	2.0 Open Space & Recreation	amend	Allowance needs to be made for approved subdivison consents issued by the Timaru District Council before the District Plan is fully operative	New clause 2.0 2d. For any subdivison consent approved by the Timaru District Council prior to the District Plan being fully operative any open space contribution shall be in accordance with that subdivison consent approval
APP10 - Flight Path Protection Area	(8) Table 1 & (9) Table 2	amend	A list of coordinates without reference to site control and meridional circuits makes establishing these positions ambiguous	Amend (8) Table 1 and (9) Table 2 to include coordinated site control marks and confirmation of the meridional circuit

