

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:

Paul Smith Earthmoving Limited

[State full name]

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

Please refer attached Maven letter dated 08/12/2022

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

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

[*Select one.]

~~*I am/am not directly affected by an effect of the subject matter of the submission that—~~

~~(a) adversely affects the environment; and~~

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

[*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[†Select one.]

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

Please refer attached Maven letter dated 08/12/2022

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:

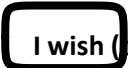
- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should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

Please refer attached Maven letter dated 08/12/2022

.....
.....
.....
.....
.....
.....
.....

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

.....
Please refer attached Maven letter dated 08/12/2022
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....



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

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

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

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

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

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

Date 09/12/2022

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

Telephone:

Postal address (or alternative method of service under s352 of the Act): 86 Sheffield Street, Timaru
PO Box 2103, Washdyke, Timaru

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

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.



8 December 2022

Ref: 761002

To: Timaru District Council
PO Box 522
Timaru 7940

Name of Submitter: Paul Smith Earthmoving Limited
86 Sheffield Street
Timaru

Submission on the Timaru District Council Proposed District Plan

1.0 INTRODUCTION

- 1.1 Maven South Limited have been engaged by Paul Smith Earthmoving Limited “The Submitter” to prepare a submission with respect to the Timaru District Council Proposed District Plan “PDP”.
- 1.2 The Submitter operates an earthmoving company from 86 Sheffield Street, Timaru “the subject site”. The Company Directors are also Landowners of the Site.
- 1.3 The Submitter will not gain an advantage in trade competition through this submission.
- 1.4 The Submitter is generally in support of the proposal to rezone the subject site from Rural 3/Industrial H to General Industrial in principle, and seeks clarification and relief on the matters outlined in Sections 2.0 – 5.0 below.
- 1.5 The Submitter wishes to be heard in support of this submission. If other submitters make similar submissions, we would consider presenting a joint submission.

2.0 OVERVIEW

- 2.1 The subject site under the Operative District Plan is primarily a Rural 3 zoning, which covers areas of the coastal environment which retain a high degree of natural character. A small portion of the site is Industrial H which generally supports a plethora of industrial activities – generally incompatible with activities that the Rural 3 zoning enables – such as protection of indigenous vegetation, walking tracks, farming, home stays and home occupations. There is an existing 100 year coastal erosion line running parallel with the eastern boundary, and a coastal inundation line that follows the western extent of the Rural 3 zoning.
- 2.2 The PDP proposes to rezone the subject site, and the existing Industrial 3 zoned land to the north and west of the site to General Industrial Zone. The following overlays apply – Coastal Environment, Height Specific Control Area, Coastal Erosion Overlay, Sea Water Inundation Overlay, Flood Assessment Area, Wahi Taoka and Wahi Tupuna. The adjoining land to the east is proposed to be zoned “Natural Open Space Zone”.

3.0 PROPOSED ZONING

- 3.1 The transition of this site and surrounding properties into General Industrial zone is generally supported. The environment is characteristic of this zoning.
- 3.2 The Natural Open Space Zone (“NOSZ”) immediately to the east of the site, which runs along the Coastline to the immediate north and south will require landscape planting and screening between the subject site and the NOSZ. Policy GIZ-P3 require the interface with the NOSZ maintain a “reasonable” standard of sunlight, and not “unreasonably” dominated by built form.
- 3.3 Policy GIZ-P3 with respect to maintenance of sunlight and dominance of built form does not correspond to height rules within the Standards, with the height specific control zone having a height limit of 35m (GIZ-S2(2)) and the general industrial zone rules having a height limit of 15m (GIZ-S2(1)). It appears that if you are within the height specific “control” area you can build up to 20m higher than the general industrial zone.
- 3.4 The relative height in relation to boundary rule (GIZ-S1) appears difficult to interpret, understand, and apply.

4.0 PROPOSED OVERLAYS

4.1 Coastal Environment

There is an approximately 500m² triangle of the subject site that is within the “Coastal Environment” Overlay, within the south-eastern most extent of the site. While we support the intent of this overlay, having this over such a small proportion of the site does restrict what can occur within the underlying zoning, and only within this portion, which can be contradictory to the General Industrial Zone.

4.2 Height Specific Control Area

The height specific control area covers the entirety of the subject site, and most proposed General Industrial zoned land to the east of Seadown Road. This appears to add an additional 20m of possible height to otherwise General Industrial Zoned land. Height Specific Control Area is not defined, so it is not clear what the intention of this is.

4.3 Coastal Erosion Overlay

The coastal erosion overlay appears to follow a similar trajectory to the “100 year coastal erosion line” in the Operative District Plan, albeit slightly more inland. This overlay appears to trigger the requirement for at a minimum a Restricted Discretionary Activity for any buildings within this area. This is a clearer requirement than the Operative District Plan which refers any activities seaward of the 100 year Coastal Erosion Line to the Regional Coastal Environment Plan. This overlay is supported.

4.4 Sea Water Inundation Overlay

The Sea Water Inundation Overlay appears to encourage the construction of future buildings to consider flooding and natural hazards with respect to minimum floor levels. It does restrict new buildings or extensions to a maximum ground floor area per site of 25m² over a 10 year period, which appears to be very restrictive, particularly within industrial zoning. Non-compliance with

this would need to prove a functional or operational need, which is arbitrary at best, and given the underlying zoning, unnecessarily restrictive.

4.5 Flood Assessment Area

This overlay limits earthworks to 250m² within any calendar year. Buildings or extensions are permitted only if there is a flood risk certificate issued. The flood risk certificate must state that the activity is not on land within an overland flowpath or a high hazard area.

5.0 RELIEF SOUGHT

5.1 The submitter generally supports the proposed Industrial Zoning with respect to the subject site with the following relief sought;

- Provide simplified Height in Relation to boundary Rule parameters (ie. 2.5m height + 45 degree angle) – this provides certainty in assessments and does not unnecessarily confuse the public when trying to interpret the District Plan.
- Provide clarification on what “height specific control area” intends to achieve, and why height limits are increased by 20 metres within the control area.
- Rule CE-R4(4) – Sea Water Inundation overlay within urban areas
 - Remove 25m² limit on new buildings or extensions (rule 4 PER-1), with respect to sites within the Seawater inundation overlay, enable development within Industrial Land if flood modelling can be provided and buildings can be demonstrated to be safe, and not for residential purposes.
 - Remove 10 year period parameter criteria – this is hard to accurately determine over extended periods of time for larger landholdings.
 - Remove matter of discretion point 3 where the onus is on the applicant to demonstrate a functional need or operational need for the location. This is arbitrary and very difficult to prove.
- Remove Coastal Environment Overlay triangle (approximately 555m²) from this site, allowing it to follow site boundaries.

Yours faithfully,

Maven South Limited



Sarah Duffy

Principal Planner

Mob: 027 241 6655

Email: sarahd@maven.co.nz