

**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 #:**43

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:**

King, Hillegers and McMillan

**Attachments:**

King Hillegers 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**

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**Point 43.1**

**Section:** Planning Maps

**Sentiment:** Amend

**Submission:**

Please see attached report

**Relief sought**

Please see attached report - refer to paragraphs 7.0 - 9.0.



**milward  
finlay lobb**



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**Submission on the Proposed Timaru District Plan**

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**Client** G E King  
LK Hillegers & RE McMillan

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**Address** 43 Wallingford Road & 15 Lachlan Street, Temuka

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**File Number** 269816/04

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**Date** December 2022

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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:

Graeme Edward King  
Leon Kenneth Hillegers  
Rebecca Elaine McMillan  
[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 – 9.0.**

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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## Submission on the Proposed Timaru District Plan

On behalf of GE King, LK Hillegers & RE McMillan, we submit the following to Timaru District Council for their consideration as part of the consultation on the Proposed Timaru District Plan.

### Introduction

1.0 This submission is prepared on behalf of the submitters to addresses some of the proposed District Plan provisions that affect the subject land.

### Site Description

2.0 The subject sites are located within the Residential 1 zone at the northern end of Temuka to the west of State Highway 1. The subject sites are provided below in Figure 1.



**Figure 1 –The subject sites Lot 6 DP 47926 & Lots 72 -75 DP 2593 are highlighted in green.**

### Planning Status of the Site

3.0 As mentioned previously, the subject sites are zoned Residential 1 in the Operative District Plan. This is to become General Residential Zone in the Proposed District Plan including various overlays under the e-plan some of which have immediate legal effect from 22 September 2022.



## Reasons for the Submission

- 4.0 Subsequent to the notification of the Proposed Timaru District Plan on 22 September 2022, the submitters both received correspondence from the Timaru District Council that the proposed District Plan will affect their land. With that Council correspondence being very general in nature, the submitters seek further clarification as to how the Proposed District Plan will affect property rights and development both now and into the future.
- 5.0 The two particular items that form the basis of this submission are the SASM-4 – Wāhi Tūpuna and Earthworks.



**Figure 2 – The SASM-4 – Wāhi Tūpuna overlay applies to both properties under the Proposed District Plan.**

- 6.0 SASM-4 as notified by the Timaru District Council covers a broad expansive area, extending well beyond the Urban boundaries of Temuka. SASM-R1 refers to permitted earthworks which will not apply to the subject land as the sites have an area in excess of 750m<sup>2</sup>. By default, earthworks within these properties are classified as a Restricted Discretionary Activity which anticipates consultation with Te Rūnanga o Arowhenua and AECL, a cultural impact assessment and a commitment to Council’s Accidental Discovery Protocol – APP4. These Rules have immediate legal effect, however how the District Plan works in real life practical situations is unclear and uncertain.





### Decision Sought By Submitters

- 7.0 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. Amend SASM - R1 PER-2 from 2 weeks to 5 working days' notice.
- 8.0 Sites and areas of Significance to Māori – SASM-R7 (Subdivision) is requested to be reviewed and amended, the proposed Rule is too broad with no measurable values.
- 9.0 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 adhoc reports being undertaken by landowners. Given the sheer size of SASM-4, individual reporting initiated and paid for by individual landowners considered to be inappropriate.

### General

- 10.0 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](mailto: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