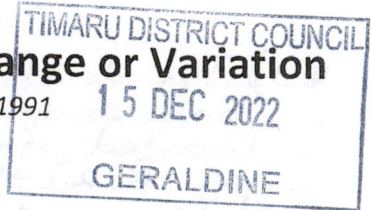


Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991



To: Timaru District Council

Name of submitter/s

David Alexander and Susanne Elizabeth Payne

[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'):

Timaru District Council 'Proposed' 'Notified' Plan.

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

We ~~could not gain an advantage in trade competition with this submission.~~
 ~~I could/could not* gain an advantage in trade competition through this submission.~~
 ~~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 ^{our} my submission relates to are: [Give details]

- 1) Change of Zone from General Rural (GRU2) to Rural Lifestyle Zone (RLZ)
- 2) Future Development Area (FDA) Dev II Future + 10 Years
- 3) RLZ lot size and On-site Wastewater Management Systems
- 4) Versatile Soils

See attached Appendix 1 for our substantive Submission

^{our} 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.]

- 1) The area to the north of Geraldine township which encompasses Main North Road, Temple Street and Bennett Road (The Relevant Area) should not be zoned General Rural (GRU2). GRU2 does not reflect the area's current use. It should be zone Rural Lifestyle Zone (RLZ)
- 2) That marking the area as a Future Development Area (FDA) Dev II Future + 10 Years is unnecessary if the area is zoned correctly as RLZ to reflect its current use characteristics.
- 3) That the proposed RLZ lot size of 2ha where On-Site Wastewater Management Systems (OSWM) are needed adds an unnecessary layer of complexity when the Canterbury Regional Council (Ecan) already has clear and explicit rules.
- 4) Versatile Soils

4.1) The development of RLZ properties on our boundaries has completely compromised our use of the very limited amount of versatile soils (previously identified as R-2) that occur on our lot.

4.2) Inconsistencies with the Versatile Soil Map Overlays between the Operative and Proposed (Notified) Plan.

See attached Appendix 1 D+S Payne for our Substantive Submission

We 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]

The Zoning of the Relevant Area as Rural Lifestyle Zone (RLZ) to recognise that this is the form and function of the predominant land use.

This aligns with the TDC's explicit planning logic as defined within the following documents:

- Linnard District Growth Management Strategy (2016)
- The Notified Plan Sections
- The supporting s 32 Evaluation and Subdivision Reports 2022

See attached Appendix 1 for our substantive Submission

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.]

Susanne Payne

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 14/12/2022

Electronic address for service of submitter: peeluvieworchard@gmail.com

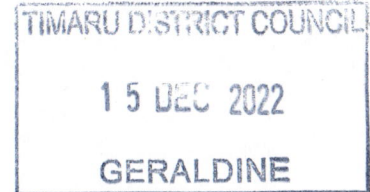
Telephone: 0276016183

Postal address (or alternative method of service under s352 of the Act): 20 Bennett Road, RD 22 Geraldine 7992

Contact person: [name and designation, if applicable] Susanne Payne Partner

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.



SUBMISSION ON THE PUBLICLY NOTIFIED TIMARU DISTRICT PLAN

TO: Timaru District Council ("TDC")

NAME OF SUBMITTER: David Alexander and Susanne Elizabeth Payne ("Submitter")

ADDRESS FOR SERVICE: 20 Bennett Road, RD 22, Geraldine 7992

EMAIL: peelview.orchard@gmail.com

PROPERTY: Peelview Orchard, Lot 2 DP356462 (the "site")

TRADE COMPETITION: The Submitter cannot gain an advantage in trade competition through this submission.

Submission to Timaru District Council (TDC) on the Notified Timaru District Plan

Our submission relates to the following provisions of the Notified District Plan:

Specific provisions of the Variation that the submission relates to:

The Submitter has an interest in the entirety of the GRUZ provisions, the RLZ provisions, SCHED15 – Schedule of Future Development Areas and the SUB provisions in relation to GRUZ and RLZ.

The Submitter has a particular interest in the zoning of the area to the north of Geraldine township which encompasses the Main North Road, Templer Street and Bennett Road ('the Relevant Area') in particular Lot 2 DP 356462.

The Submitter opposes:

- The zoning of Lot 2 DP 356462 and the Relevant Area GRUZ and seeks a RLZ zoning for the site
- The identification of the Relevant Area as a Future Development Area with a proposed 10+ year timeframe
- The minimum lot size of 2 hectares for rural lifestyle sites not connected to a reticulated wastewater network
- The inclusion of Lot 2 DP 356462 within the versatile soils overlay

Relief sought:

- That the Relevant Area is rezoned to RLZ, not a future development area.
- That provision SUB-S1. 4 Rural Lifestyle is amended to remove the 2 hectare minimum lot size for sites providing onsite wastewater disposal.
- That the versatile soil overlay is removed from Lot 2 DP 356462.

1) Change in Zoning (from General Rural Zone (GRUZ) to Rural Lifestyle Zone (RLZ))

The area to the north of Geraldine township which encompasses the Main North Road, Templer Street and Bennett Road ('the Relevant Area') proposed to be zoned GRUZ is opposed in its entirety. GRUZ does not reflect the area's current use. Due to intensification of varied land use activities, the Relevant Area is a fragmented and complex mixed-use **peri-urban area** with at least four sizable commercial operators (including The Orchard Farmshop & Café, Four Peaks Transport, Brett Horrell Building and Gateway Vets) as well as a multitude of rural lifestyle and residential properties. Our property, Peelview Orchard, is the single largest landholding (at only 8.794 ha), and our use of the site for intensive primary production is an outlier that is in conflict with the changed land use across the Relevant Area.

That this area is no longer rural in character was acknowledged by the TDC in the s 32 Subdivision report (June 2022), see below, and the Planz Consultant's TDC Growth Management Strategy Review (March 2022).

Section 1.6 Issues with the Operative District Plan approach to subdivision

Issue 1

...

The current provisions do not reflect the Council's Growth Management Strategy, particularly in Rural residential allotments being provided for throughout the Rural 1 zone;

...

Content within the s 32 Report (June 2022), Subdivision Chapter, Section 2, Approach to Evaluation 2.1, Scale and significance Issue, also outlines that:

The operative plan does not provide a consistent approach to managing subdivision and assessing adverse effects.

It does not give effect to the regional policy statement requirement for:

- *restricting the rural residential development to limited amounts in locations attached to urban areas;*
- *avoiding, remedying or mitigating adverse effects that would foreclose the productivity of soil resources, or further fragment rural land.*

...

SD-09

- i. *A range of primarily rural productive opportunities are enabled in the rural environment to recognise and sustain the significant contribution the rural economy makes to the District, protect versatile soils and avoid the establishment of new incompatible activities; and*
- ii. *The character, qualities and amenity values of rural areas are identified and maintained.*

...

Subdivision can also have a significant impact on the rural character and amenity, and on the ability for land to be used for productive activities (SC-09). The control of subdivision in the District will ensure the expectations of many of the Strategic Directions can be met.

As outlined in the s 32 Report, the Notified Plan must give effect to the Canterbury Regional Policy Statement 2013, including:

Policy 5.3.12: to maintain and enhance resources contributing to Canterbury's rural productive economy in areas valued for primary production by avoiding development or fragmentation that forecloses the ability to make appropriate use of that land for primary production, or results in reverse sensitivity effects that limit or preclude primary production.

In our situation and across the Relevant Area, rural lifestyle development and subdivision has already had "a significant impact on the rural character and amenity, and on the ability for land to be used for productive activities (SC-09).

In the Relevant Area, this 'ship has already sailed' and the predominant rural lifestyle and residential densification has already deviated from Policy 5.3.12, as it 'forecloses the ability' for intensive primary production to occur at scale on our property, with reverse sensitivity effects on our long-standing horticultural property already being significant.

Consequently, it is completely illogical to designate the area as GRUZ in the Notified Plan, and therefore the Notified Plan, like the Operative Plan, *does not provide a consistent approach to managing subdivision* in the Relevant Area.

The proposed designation of the Relevant Area as GRUZ is entirely out of step with the predominant use of the area and not consistent with the Objectives and Policies for GRUZ within the Notified Plan, as follows:

Objectives

GRUZ-01 Purpose of the General Rural Zone

*The General Rural Zone predominantly provides for primary production, including **intensive primary production**, as well as a limited range of activities that support primary production, including associated rural industry, and other activities that require a rural location.*

GRUZ-02 Character and qualities of the General Rural Zone

The character and qualities of the General Rural Zone comprise:

- 1. Large allotments with large areas of open space; and*
- 2. A working environment of mostly utilitarian buildings and structures where primary production generates noise, odours, light overspill and traffic, often on a cyclic and seasonal basis; and*
- 3. Higher levels of amenity immediately around sensitive activities and zone boundaries; and*
- 4. Vegetation, pasture, crops and forestry and livestock across a range of landscapes.*

...

GRUZ-P1 Primary production activities

Enable a range of primary production activities, where they:

- 1. Allow for the ongoing productive use of land for present and future generations; or*
- 2. Maintain the character and qualities of the General Rural Zone; and*

3. *Meet the standards and requirements to minimise adverse effects on **sensitive activities** and the environment.*

GRUZ-P2 Character and qualities of the General Rural Zone

The character and qualities of the zone are maintained by:

1. *Requiring a large minimum allotment size that ensures ample open space around buildings; and*
2. *Controlling the height and setbacks of buildings and structures; and*
3. *Ensuring activities that can generate significant adverse effects and sensitive activities are well separated from each other.*

The relevant area does not meet the Council's rules for GRUZ as the area:

- Does not predominantly provide for primary production, including **intensive** primary production:
- Does not have large allotments with large areas of open space. The allotments in the Relevant Area range in size from the smallest lot size of 0.809 ha (Lot 1 DP 21772 BLK 11 GLD SD) to the largest lot size of 8.794 ha (Lot 2 DP 356462), which is our property. This is substantially smaller than the 40ha size allowed by subdivision from GRUZ lots in the Proposed (Notified) District Plan.
- Does not have an acceptance of it being a working environment – where intensive primary production generates noise -- (bird-scarers, wind turbines etc) and the other activities that are necessary to grow our crop (including the use of chemicals by air-blast sprayer) -- and that this is on a cyclic and seasonal basis.
- Does not meet the standards and requirements to minimise adverse effects on sensitive activities.

In light of the urbanisation of the relevant area, our property, Peelview Orchard, is unable to maintain intensive production on the majority of the land due to reverse sensitivity issues. The development of Rural Lifestyle properties on all our boundaries (we now have 9 neighbours on a property of only 8.794 ha) has marginalised the operation of our long-standing commercial apple and pear orchard. As stated in our feedback provided to TDC in 2020 at the "draft" District Plan stage, our orchard now stands as an "island" of rural use within an increasingly developed and intensively populated space.

Legally, we might obtain consents from Council (at their discretion) to install structures to mitigate some of the risks we face (wind turbines for frost-fighting, and nets for hail etc) due to our current General Rural Zoning. Whilst the pathway for consent for such structures may exist and may be supportable at Section 104, the activity is unlikely to result in less than minor effects on neighbouring properties requiring a costly limited notified process. Regardless, this ignores the tenuous nature of our "social licence" to operate in what is now a complex but predominantly rural lifestyle and residential land-use area. For anyone to suggest otherwise shows a lack of understanding of the reverse sensitivity challenges we face as part of being "good" neighbours.

The proposed zoning, which maintains the existing general rural zone across the Relevant Area, does not reflect the existing land use character and is inconsistent with the mixed activities currently occurring here.

We consider on this basis there are inadequacies within the s 32 report for Rural Areas. The section 32 assessment is inadequate and/or erroneous, in particular in respect of:

- The evaluation of the usefulness, reasonableness and achievability of the objectives in the GRUZ, specifically GRUZ-O1, GRUZ-O2, GRUZ-O3 and GRUZ-O4 in relation to the Relevant Area is flawed
- The conclusion that economic costs would be 'low' as consent can be applied for is erroneous in relation to the Relevant Area given the adverse reverse sensitivity effects already facing the site. The economic cost to the submitter of seeking consent would be high. Failing to recognise the loss of productive value of the land, given the surrounding development, and restricting any further development by the GRUZ zoning also results in a high economic cost to the submitter.

The proposed zoning does not meet the purpose and principles of Part 2 of the RMA.

In particular:

- Section 5, and its elements that promote the use and development of natural and physical resources which enables people and communities to provide for their social, economic, and cultural well-being.
- Section 7(b) which requires that all persons exercising functions and powers under the RMA to have particular regard to the efficient use and development of natural and physical resources. It is inefficient to prevent subdivision, use and development in line with RLZ for the above-mentioned reasons.
- Section 7(c) and (f) which requires the maintenance and enhancement of amenity values and the quality of the environment. The GRUZ enables and encourages activities which are at odds with the current land use activity of the relevant area.

Relief sought:

The area of land encompassed by Main North Road, Templer Street and Bennett Road should be rezoned from GRUZ to RLZ to reflect the existing land use of the area and provide scope and flexibility for the future.

2) Future Development Area (FDA) Dev 11 Future +10 years

It is unreasonable and irrational to prevent future development of the Relevant Area for a period of at least 10 years and to make development dependent on the preparation of a development area plan. Apart from waste water, the reticulated services required for the relevant area to be used as RLZ are installed and the area is already used for a range of commercial and residential uses.

Zoning the Relevant Area RLZ would align with key strategic directions from the Growth Management Strategy outlined in the s 32 Subdivision report including **Strategic Direction 10 (Residential)**, which involves providing opportunities for intensification in areas in close proximity to Geraldine. The Relevant Area is in close proximity to Geraldine. Consequently, water, power and services are installed and the area is being used for semi-urban uses.

Given services are in place, we see no cost implications for TDC from immediately rezoning to RLZ. There is no reasonable basis for zoning this area GRUZ and preventing the existing

infrastructure investments being used to enable development in accordance with the Growth Management Strategy outlined in the s 32 Subdivision report **Strategic Direction 10**.

Zoning the Relevant Area GRUZ is contrary to **Strategic Direction 9**, which aims to provide for greater definition between rural and urban environments. Given the area is being used for commercial uses and housing already, applying a general rural zone to this area significantly reduces the definition between rural and urban environments. The Relevant Area is not a defensible boundary to the GRUZ given its existing developed state. The risk of development creep is higher than if the land was rezoned RLZ now so that Templer Street and Bennett Road become a clear delineated defensible edge of the GRUZ.

Identifying the land as a Future Development Area requiring a further plan change is further creating additional economic burden on landowners if they instigate the plan change, or the ratepayer if Council fund the process. A plan change and development area plan are unnecessary for the Relevant Area. The Area is already fragmented with further development likely to come about via small scale 2-3 lot subdivisions. We fail to see what a development area plan would achieve. Adequate road connections are existing, reticulated water provision in place and the minimum lot size and built form standards manage the character. This isn't proposed as a future General Residential Zone and so there is no reasoning or justification for delaying the rezoning of the area.

Furthermore, the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) requires Regional Council's to map land as highly productive, any land in its region that:

- a. is in a general rural zone or rural production zone; and
- b. is predominantly LUC 1, 2, or 3 land; and
- c. forms a large and geographically cohesive area.

While we consider that the Relevant Area would not qualify as highly productive land given:

- its already fragmented nature,
- the fact it does not form a geographically cohesive area of LUC 2 land, and
- the surrounding rural lifestyle properties have created a permanent constraint on the land such that the use of the land for land-based primary production is not able to be economically viable.

By proposing the GRUZ zoning now, TDC is creating an extremely high bar for a future plan change to achieve, when the intention is clearly for this land to eventually become rural lifestyle.

In light of these factors, the proposed 10+ year timeframe on this 'future development direction' is an unnecessary delay. A significant amount of development that deviates from a general rural character has already occurred and the remaining land cannot realistically be used in an intensive rural manner. Given the length of time for council processes and plan review, the 10+ year timeframe creates significant uncertainty for those living in the Relevant Area and has no benefit given the realities of its current use and its intended, eventual future use.

Relief sought:

Council needs to accept that the area is no longer GRUZ and zone the entire area RLZ for the form and function of the predominant land use it currently has.

Rezoning the area RLZ would demonstrate proactive leadership and initiative from Council to recognise that this area is now a highly fragmented and complex land area on the urban boundary, that is demonstrably low intensity rural lifestyle in its present use.

This fits with the following objectives of the Timaru District's Growth Management Strategy (2016) as outlined in the s 32 Report Subdivision Chapter (June 2022):

- *Strategic Direction 1 (District Character) which is to provide for low density rural residential houses (0.5 – 2 ha) in limited locations attached to existing urban boundaries.*
- *Strategic Direction 3 (Settlement Patterns and Urban Form): 1) set clear limits to the outward development of all urban areas, and limit rural residential development to identified areas.*
- *Strategic Direction 9 (Rural): 1) provide for greater definition between rural and urban environments, with increased protection for rural production.*
- *Strategic Direction 10 (Residential) provide opportunities for intensification in areas in close proximity to Geraldine.*

The area represents a contained precinct that if rezoned as RLZ would provide greater definition between rural and urban activities. It would also reflect that intensive rural uses are no longer viable, a situation we already face given the Relevant Area is now a lifestyle precinct on Geraldine's urban boundary, regardless of its inconsistent rural zoning.

The area also presents some easily available and well serviced rural lifestyle opportunities in very close proximity to Geraldine, which people are seeking. Geraldine needs this for continued prosperity as land available for development is currently extremely limited.

3) **RLZ lot size and on-site wastewater management systems (OWMS)**

TDC planning documentation provides confusion regarding OWMS for rural lifestyle properties.

The s 32 Subdivision report (June 2022) proposed an amendment which says:

"Provide for rural lifestyle allotments only within the proposed RLZ zone, and set a minimum allotment size of 5000 m² where connection to reticulated waste water services is achieved. Where reticulated wastewater services cannot be achieved, the minimum size of rural lifestyle allotments is 2ha".

Whereas TDC's Notified Plan, Part 2, District Wide Matters, SUB-Subdivision SUB-P15 Rural Lifestyle Zone (3) requires connection to the reticulated wastewater networks if available, or if not available, provide a suitable site area for on-site disposal.

Should the proposed s 32 amendment stand, limiting lifestyle properties to 2ha for wastewater management reasons, we consider, would be overly restrictive and wasteful of an already limited RLZ resource. Onsite wastewater systems can be designed for Lots as small as 2000m².

If made operative, this proposed amendment will add an additional and unnecessary layer of complexity to Environment Canterbury's (ECan) already clear rules regarding OSWM, which are as follows:

All applications are assessed on a case-by-case basis but in general, detailed information and proof of plans for highly-effective systems are required for:

- Sites smaller than 4 ha;
- Properties with no reticulated sewers or water and where groundwater is shallow;
- Areas with known high levels of nitrate and E. Coli in the groundwater;
- Where groundwater is shallow and there are properties with drinking-water bores located near or down gradient from the proposed site.
- Properties within a community Drinking-Water Supply Protection Zone.

Ecan's decisions on consents are guided by: the National Policy Statement for Freshwater Management; the National Environmental Standards for Freshwater (NES-F); as well as their own Land and Water Regional Plan and the principles of Te Mana o te Wai.

At a lot size of 4 ha under Ecan's rules, OSWM is a permitted activity. For lots less than 4 ha consent is required. However, a rigid 2 ha minimum lot size, as proposed in TDC's proposed amendment adds ambiguity and does not appear to be supported scientifically or to be necessary in light of Ecan's strict consenting considerations as outlined above.

While being wasteful of a very limited RLZ resource, limiting lifestyle properties to a uniform minimum 2 ha allotment size would also undermine flexibility and constrain Council's discretion within the consenting process and lead to perverse land use outcomes.

RLZ property owners in general lack both the time and knowledge to care for large lifestyle blocks. Most are seeking rural amenity values that towns like Geraldine can provide, as an alternative to dense city-like subdivisions. However, they are often busy people with external employment, and large lifestyle properties entail too much work to maintain.

This is analogous to the submissions in the current district plan review for the Gore District, where the minimum lot size for rural lifestyle properties is recommended at between 0.5 and 1 ha.

Relief sought:

Remove the 2 hectare minimum lot size for OSWM within the RLZ.

We hope that TDC make operative the rule as currently proposed within Part 2, District Wide Matters, SUB-Subdivision SUB-P15 Rural Lifestyle Zone, which requires connection to the reticulated wastewater networks if available, or if not available, provide a suitable site area for on-site disposal.

Obviously, Council will still have the opportunity to thoroughly assess the merits and effectiveness of proposed OSWM systems with the Assessment of Environmental Effects (AEE) as part of any development proposal. This provides a further check and balance and reserves Council's discretion and flexibility to achieve the best outcomes for specific development proposals in RLZ areas.

4) Versatile Soils

4.1 Reverse sensitivity issues and encroachment on the usability of versatile soils

The development of rural lifestyle properties adjoining our boundaries has completely compromised the use of the very limited versatile soils (previously identified as R-2 soils) on our property.

While we fully support efforts to protect versatile soils across the Timaru District, reverse sensitivity issues in our specific part of Geraldine now prevents us operating an intensive horticultural operation on the majority of the property. Commercial apple and pear growing is an intensive form of horticulture, that requires practices, including but not limited to, the use of air blast chemical sprayers, frost fighting using generally noisy wind turbines or helicopters, hail protection nets or extremely loud cannons and bird scaring devices set off at regular intervals during the growing and harvest season.

Our orchard is an outlier within this already fragmented and highly developed area on the urban boundary of Geraldine.

As already outlined, development has already occurred along our boundaries. This means that we have retreated production from our boundaries, already removing in excess of 5 ha of productive orchard, in order to maintain some **intensive primary production** (as per **Objective GRUZ-01 - Purpose of the General Rural Zone**) on the remainder of our property. This severely limits our ongoing viability, which has become unsustainable. We are very small by industry standards, and the ability to optimise the use of any versatile soils on our property for **intensive primary production** is a major contributor to our lack of sustainability.

Due to the specific complexities of our property's location on Geraldine's urban boundary, to **"minimise adverse effects on sensitive activities"** (refer **Policies GRUZ-P1 Primary production activities, 3**), such as our neighbours' quiet enjoyment of their adjacent lifestyle and residential properties, we are not able to operate in an intensive manner as per the objectives of the GRUZ as proposed in the Notified Plan.

The National Policy for Highly Productive Land (NPS-HPL) is about ensuring the availability of New Zealand's most favourable soils for food and fibre production, now and for future generations. It seeks to protect highly productive land (HPL) by preventing "inappropriate subdivision and use". Of note it directs to **avoid** urban development and rural lifestyle development within rural zoned land that is on HPL. As we have demonstrated, the 'horse has bolted' in terms of the viability of our property for primary production.

Whilst the larger majority of FDA11 is identified as LUC Class: 2, this land is already fragmented by existing rural lifestyle development. The productive value of this area is therefore diminished, and Lot 2 DP356462, bordered by such development is now impeded.

It is considered the versatile soil overlay is further at odds with the identified 'future development area'. Restricting coverage over this area in an attempt to protect the soil will likely result in a nonsensical development outcome given the irregularity of the area identified. It is not cohesive with the existing land use of the surrounding area and an unnecessary restriction on the land.

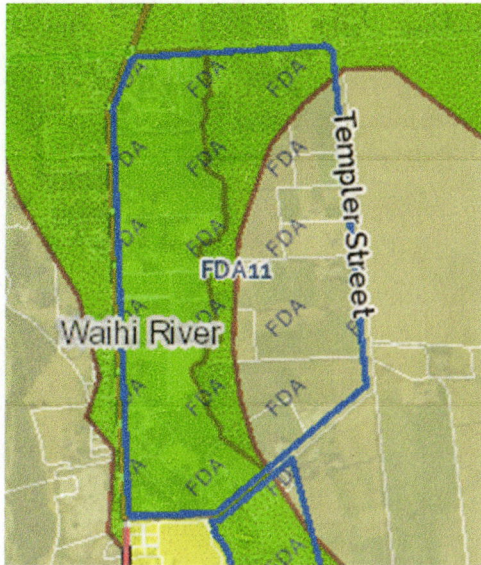


Figure 1: TDC Proposed District Plan - He Po. He Ao. Ka Awatea; Transitional Highly Productive Land Layer (Green area)

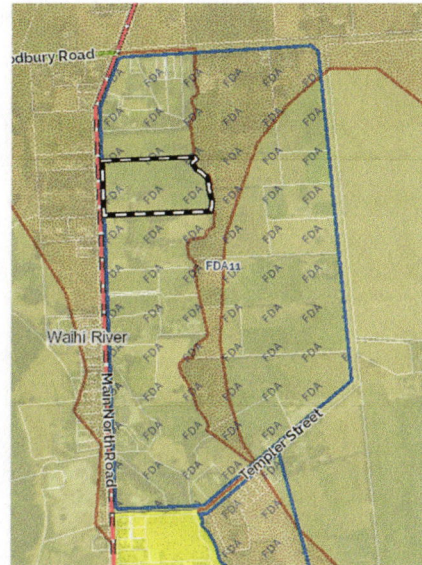


Figure 2: TDC Proposed District Plan - He Po. He Ao. Ka Awatea; Versatile Soils (Red dotted area)

4.2 Inconsistencies with Versatile Soils Map Overlays between Operative and Notified District Plans.

Regarding a specific technical matter, we are extremely concerned by the new map pertaining to the versatile soils overlay within the area of land encompassed within Main North Road, Templer Street and Bennett Road.

The versatile soils overlay in the new e-maps supporting the Notified Plan shows a significant departure from the previous soil maps in the Operative Plan. This shows that the high class (previously R-2 soils) occur mostly on our property. While we do not dispute some R-2 soils exist on our property as this is consistent with our lived experience as growers here, it is a matter of long-established knowledge that the R-2 high class soils fall to the west of our property and include the area right along Main North Road, which are not included in the new versatile soils overlay in the Notified Plan (Figure 1 & Figure 2).

For substantiation of this matter, we refer to our previous application for resource consent (Number 4325) granted on the 20/11/2003, which subdivided a 1.637 ha lot (now 112 Main North Road, LOT 1 DP356462), a lot size deemed by Council to maintain productive use of the soils.

In the Hearing Committee's decision our property was described using the following terms:

Status

*The subject site straddles the Rural 1 and Rural 2 Zone of the Proposed Timaru District Plan. Proposed Lot 1 (112 Main North Road) is located in the Rural 2 Zone while proposed Lot 2 (our orchard) is **partly** within the Rural 1 and 2 Zones.*

In reference to subdivision of high-quality soils the Committee stated that:

In considering the limitations on use of Proposed Lot 1 (112 Main North Road) the Committee is of the opinion that any adverse environmental effects associated with subdivision of the subject site will be no more than minor.

We would submit that any loss of the minimal highest quality (R-2) versatile soils on Lot 2 (the orchard) would also be considered “*no more than minor*” as well.

Soil maps are not just arbitrary lines on a data portal. They require scientific substantiation. We are not aware of any updated scientific investigation to support the modification of the versatile soils map overlay to be inconsistent with the previous typology of R-1 and R-2 soil types in the Operative Plan. Therefore, we do not understand the logic of no longer representing the soils along Main North Road as high quality (R-2) in the new versatile soils overlay when although they have been built on with multiple residential and lifestyle developments they have not disappeared. Should the justification be that the land has undergone subdivision and subsequent rural lifestyle development, and is therefore not considered “versatile soil”, it should then follow that the identification of our site as a future rural lifestyle zone, also negates its versatile soil value.

This appears to be a hasty attempt by the TDC in an endeavour to meet the requirements of the recent National Policy Statement for Highly Productive Land (NPS-HPL), and “versatile soils” appear to be applied as an ambiguous ‘catch all’ concept that in this case does not align with the previous scientific classifications of R-1 and R-2 soils.

Consequently, the proposed map layer stands as an arbitrary line on a map, imposed as a GIS layer without reflection on the actual reality of where these versatile soils are located. On our property this arbitrary definition amounts to a change from approximately 12% Versatile Soils (R-2) under the Operative Plan, and 90% under the Notified Plan.

These ‘lines’ have potentially very significant consequences for us and Council needs to be far more conscientious with any proposed revisions. For our property the significant changes to the versatile soils map overlay have not been supported with ground truthing data or verified scientific evidence. This should underpin the altering of maps that have significant impact on local people when imposed from a distance.

Relief sought:

Remove the versatile soil overlay from Lot 2 DP356462 and the Relevant Area.

No consideration should be given to the very limited area of versatile soils that remain on this property when considering the area being zoned RLZ. The majority of the R-2 versatile soils are along the Main North Road, which is already the most densely developed part of the area.

The undeniable fact is that any versatile soils on our property cannot be maximised due to the issues previously outlined, particularly related to reverse sensitivities. In addition, the presence of versatile soils in the area encompassed by Main North Road, Templer Street and Bennett Road should not prevent the area being zoned RLZ as this is its predominant current use.

Additionally, Council will require an AEE as part of any development proposal, and this provides an effective mechanism to assess the impact on remaining versatile (R-2) soils.

Maintaining GRUZ across the area shows completely incongruous logic and simply does not make sense.

5) Summary

In summary, the fundamental issue is that the Notified Plan attempts to zone the Relevant Area GRUZ when this does not reflect the reality of current land uses. The TDC has itself acknowledged in the Subdivision s 32 report (June 2022) that past plans have allowed for intensification in areas like the Relevant Area.

These weaknesses have allowed for the densification of rural lifestyle and residential allotments in the Main North Road, Templer Street and Bennett Road area and this has substantially limited our ability to operate in an intensively productive manner. Attempting to preserve a rural character in this area through zoning this as GRUZ Rural is irrational and unreasonable now that this intensification has already occurred.

Council's own consultants also identified that the area was suitable for RLZ development and it is disappointing that their advice has been ignored.¹

It is clear that the area no longer meets the Objectives and Policies for General Rural (GRUZ) but it does meet the Objectives and Policies for Rural Lifestyle Zone (RLZ) as outlined within the Notified Plan (Part 3 – Area Specific Matters –Rural Lifestyle Zone), as follows:

Objectives

RLZ-01 Purpose of the Rural Lifestyle Zone

*The Rural Lifestyle Zone provides for areas adjoining Timaru, Temuka, Geraldine and Pleasant Point **used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General Rural Zone**, while enabling compatible primary production to occur.*

RLZ-02 Character and qualities of the Rural Lifestyle Zone

The character and qualities of the Rural Lifestyle Zone comprise:

1. *Natural character and openness; and*
2. *Residential buildings, trees and landscaping that integrate with the natural and rural character of the area; and*
3. *A high level of amenity, outlook, access to sunlight and environmental quality; and*
4. *A pastoral landscape and the presence of compatible primary production.*

...

Policies

...

RLZ-P2 Primary production (excluding primary production)

1. *Provide for primary production (**excluding intensive primary production**) where it:*
 - a. *Allows for the ongoing productive use of land for present and future generations; and*
 - b. *Maintains the character and qualities of the Rural Lifestyle Zone.*

¹ The Planz Consultants Growth Management Strategy 8 March 2022 (Pages 24-25) viewed the area to the west of the stream along Main North Road as confirmed as RLZ as per the draft District Plan and recommended that the area to the east of the stream to Templer Street be included into DEV7 as RLZ.

To quote "This area already contains a number of dwellings and is a logical addition to the Rural Lifestyle Zone".

Over time the intensive nature of our primary production has become severely challenged by our location on Geraldine's urban boundary and the predominantly rural lifestyle activities that now surround our operation. It is clear that our operation is totally incompatible with the predominant rural lifestyle use of the area.

It is clear that the existing land use character of the area is consistent with the RLZ Objectives and Policies, outlined above, rather than GRUZ.

This is also reflected in Council's recognition of the area as a Future Development Area which is unnecessary if the zoning is corrected now to recognise that much of the lifestyle densification has already occurred.

To be clear, the commercial orchard operation has been in existence for 94 years. It is not a poorly planned recent addition. Geraldine has expanded to now be closely adjacent to us, and hence, we appeal to Council to proactively recognise that the land use in this area is significantly changed from how it is currently represented in the Notified Plan.

Continuing to zone the area in question as GRUZ is not in alignment with TDC's explicit planning logic, Objectives and Policies as defined within the following documents - Timaru District Growth Management Strategy (2016), the Notified Plan Sections and the supporting s32 Evaluation and Subdivision Reports - and it simply does not make sense.

While the current zoning map 'looks tidy' by placing a blunt line between residential and rural zones by following the geographical contour of Waihi River, this far from reflects the reality of land use on the ground up Main North Road and to the north-east towards Templer Street and Bennett Road.

The Submitter wishes to be heard in support of their submission.

If others make similar submissions, the Submitter will consider presenting a joint case at any hearing.