## 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:
J R Livestock Limited c/- Richard Harley and Jonathon Rowe [State full name]
This is a submission on the following proposed plan <i>or</i> on a change proposed to the following plan <i>or</i> on the following proposed variation to a proposed plan <i>or</i> 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.]
*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]
Refer to attached submission.
Note: to ditability 340/1103/01.
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
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I seek the following decision from the local authority	J. [Give precise details as this is the only part of your submission
that will be summarised in the summary of decisions requested]	1. Love precise details as this is the only part of your sasmission
—	
To grant, subject to the relief sought in the attache	d submission table.
wish (or do not wish) † to be heard in support of m [*In the case of a submission made on a proposed planning instruonly indicate whether you wish to be heard if the direction specifi [†Select one.]	rment that is subject to a streamlined planning process, you need es that a hearing will be held.]
*If others make a similar submission, I will consider [*Delete if you would not consider presenting a joint case.]	presenting a joint case with them at a nearing.
Signature of submitter (or person authorised to sign [A signature is not required if you make your submission by elect.	•
Date 15 December 2022	richard.harley@progressivelivestock.co.nz
Electronic address for service of submitter: penny.c	
Postal address (or alternative method of service und PO Box 359, Timaru 7940	ler s352 of the Act): Davis Ogilvie (Aoraki) Ltd,
Contact person: [name and designation, if applicable]Pen (Aoraki) Ltd	ny Gallagher, Consultant Planner, Davis Ogilvie
Note to person making submission	

#### 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 PROPOSED TIMARU DISTRICT PLAN

(Clause 6 First Schedule Resource Management Act 1991)

This submission is made by J R Livestock Limited.

#### STATEMENT OF INTEREST AND BACKGROUND

- 1. J R Livestock Limited own a site at 841 Winchester-Geraldine Road, Geraldine. It is 52.59ha and is legally described as Lot 1 DP 8102, held in Record of Title CB35C/1139.
- The site is relatively flat and roughly square in shape. It is predominantly grazed farmland, and it
  contains a dwelling in the north-east corner, and a tree plantation adjacent to WinchesterGeraldine Road. The site has frontage and access to Winchester-Geraldine Road and Tiplady
  Road.
- 3. The Proposed Timaru District Plan (PTDP) proposes that part of the site (~12ha) be zoned General Industrial Zone (GIZ), and the balance of the site (~40ha) be zoned General Rural (GRUZ). The PTDP also identifies the following overlays on the site:
  - National Grid Lines Christchurch to Twizel A (southern portion of the site- GRUZ and GIZ)
  - Flood Assessment Area (whole of site)
  - Liquefaction Area (north of Serpentine Creek GRUZ)
  - Versatile soils (northern portion of the site GRUZ)
  - Drinking Water Protection Area (northern portion of the site GRUZ)
  - Esplanade Serpentine Creek (GRUZ)
- 4. Timaru District Council's Growth Management Strategy 2045 (GMS) (adopted 2018) identifies a 'modest 10ha area' on the site for industrial land known as 'Tiplady Industrial L' to cater primarily for locally based light industrial activities. The image in the GMS (Image 1 below) indicates this on land bridging Winchester-Geraldine Road and Tiplady Road. It appears that the GMS was informed by the Growth of Industrial Activities in Geraldine Consultation and Site Analysis Report, prepared by Timaru District Council (2013).



Image 1 - 'Tiplady Industrial L' from the GMS (page 14)

5. The Planz review of the GMS (2022) sets out that Council has identified latent demand for industrial land near Geraldine and the site was identified in the draft Timaru District Plan. For this reason, it recommends that the GIZ shown in the draft Timaru District Plan be proposed in the PTDP, with a Development Area Plan.



6. The Infrastructure Investigation Report, prepared by Davie Lovell Smith, for Timaru District Council (2020), provides an overview of the infrastructure and engineering requirements necessary to service industrial development on the site. It sets out that site specific servicing will be required. The development plan in the report (Image 2 below) has frontage and access to Winchester-Geraldine Road and Tiplady Road and appears to cover approximately 33ha.

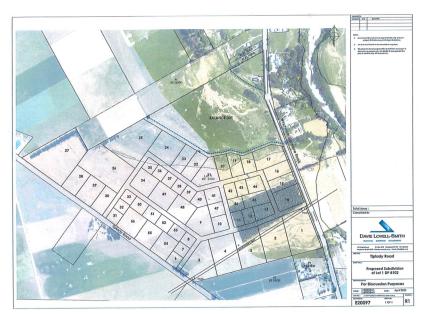


Image 2 – "Preliminary Subdivision Layout", Infrastructure Investigation Report 2020 (Appendix E)

#### **SUBMISSION**

7. J R Livestock seek to ensure that the policy framework and spatial extent of land identified for industrial activity is appropriate to provide future industrial activity required to support the Geraldine area.

#### **RELIEF SOUGHT**

- 8. J R Livestock Limited's submission is in support of the Proposed Timaru District Plan (PTDP), as it relates to their site, subject to the relief set out below and in the attached submission table.
- 9. The primary relief sought is to retain the spatial extent of the GIZ as notified. This zoning recognises that the land is suitable for industrial land use, subdivision and development.
- 10. The secondary relief sought is to include a Future Development Area Overlay over an additional 12.82ha located between the proposed GIZ and Tiplady Road. The spatial extent of this area is shown on the attached plan.
- 11. It is not clear in the PTDP, or supporting documents, how the proposed GIZ area of 12ha was determined, or why the spatial extent of the GIZ does not extend west to Tiplady Road. However the Property Economics Timaru District Plan Economic Analysis Report (2019) indicates that there is only 1.4ha of current industrial zoned land available in Geraldine. It notes that any incremental increase in the industrial zone provision over the life of the PTDP is likely to be specific to Geraldine demand and not likely to undermine the provision of industrial land elsewhere in the District.



- 12. It is considered that it may only take the development of a small number of industrial operations which require large sites, to utilise the majority of the proposed 12ha GIZ. Unlike other urban zones, the GIZ has no minimum lot size, and therefore it is suggested that may be more difficult to anticipate or model future industrial growth. Anecdotal detail in the Timaru District Council's Growth of Industrial Activities in Geraldine Consultation and Site Analysis Report indicates that some of the key industrial businesses in Geraldine would be interested in a site in a GIZ outside of the town boundary (albeit that report is dated 2013 and positions may have changed).
- 13. The submitters seek a 10 year timeframe for the preparation of the Development Area Plan and greater clarity on the timing and initiation of the associated plan change, and which party will initiate the plan change process.
- 14. The 10 year timeframe for the Development Area Plan will enable the rezoning of industrial zoned land to be managed subject to demand.
- 15. Industrial land use and development of the proposed FDA will be assessed at the time of any future plan change to rezone the land. In the meantime, the land will remain GRUZ. The proposed FDA is not located on the versatile soils overlay, nor is it Land Use Classification 1 − 3, and is therefore not defined as highly productive land under the National Policy Statement on Highly Productive Land.

## SUBMISSION TABLE – J R LIVESTOCK LIMITED, 841 WINCHESTER-GERALDINE ROAD, GERALDINE

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT		
PLANNING MAPS	PLANNING MAPS				
General Industrial Zone	Support in part	Primary relief: The spatial extent of the GIZ is supported.	Primary relief: Retain the GIZ.		
Future Development Area Overlay		Secondary relief: The secondary relief sought is to include a Future Development Area Overlay over some 12.82ha located between the GIZ and Tiplady Road. The spatial extent of this area is shown on the attached plan.  It is not clear in the PTDP, or supporting documents, how the GIZ area of 12ha was determined, and why the spatial extent of the GIZ does not extend west to Tiplady Road. However the Property Economics Timaru District Plan Economic Analysis Report (2019) indicates that there is only 1.4ha of current industrial zoned land available in Geraldine. It notes that any incremental increase in the industrial zone provision over the life of the PTDP is likely to be specific to Geraldine demand and not likely to undermine the provision of industrial land elsewhere in the District.  It is considered that it may only take the development of a small number of industrial operations which require large sites, to utilise the majority of the 12ha GIZ. Unlike other urban zones, the GIZ has no minimum lot size, and therefore it is suggested that may be more difficult to anticipate or model future industrial growth. Anecdotal detail in the Timaru District Council's Growth of Industrial Activities in Geraldine Consultation and Site Analysis Report indicates that some of the key industrial businesses in Geraldine would be interested in a site in a GIZ outside of the town boundary (albeit that report is dated 2013 and positions may have changed).  Industrial land use and development of the proposed FDA will be assessed at the time of any future plan change to rezone the land. In the meantime, the land will remain GRUZ. The proposed FDA is not defined as highly productive land under the National Policy Statement on Highly Productive Land.	Secondary relief: Amend the planning maps to include the Future Development Area Overlay indicated on the attached plan.		

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT			
FUTURE DEVELOPMENT	FUTURE DEVELOPMENT AREAS					
SCHED15 – Schedule of Future Development Areas	Support in part	If the secondary relief (as above) is adopted, the FDA should be added to SCHED15, based on the suggested parameters:  - Unique Identifier: FDA-15 - Name: FDA-15 Tiplady Road Future Development Area - Anticipated Zone: General Industrial Zone - Timeframe: 10 years  A 10 year timeframe is proposed for the preparation of the Development Area Plan. This will enable the rezoning of industrial zoned land to be managed subject to demand.	If the <b>secondary relief</b> (as above) is adopted, <b>amend</b> SCHED15 as follows:  Unique Identifier: FDA-15 Name: FDA-15 Tiplady Road Future Development Area Anticipated Zone: General Industrial Zone Timeframe: 10 years			
SCHED15 – Schedule of Future Development Areas	Support in part	SCHED15 sets out the "timeframe for DAP". It is not clear:  - whether the timeframe listed is the timeframe in which the DAP will have been developed, notified or operative; and - whether the timeframe applies from the date of notification of the PTDP, or the date of SCHED15 becoming operative.  The heading of SCHEDU15 should be amended to provide clarity on what stage the DAP will be at on the specified date, and when the specified date applies from.  SCHED15 should provide greater direction and clarity on the timeframe in which the plan change required to incorporate the Development Area Plan and anticipated zone into the PTDP is to be notified.	Amend heading of SCHED15:  "Timeframe: of The DAP shall be prepared within the timeframe specified. The timeframe begins on 22 September 2022"  Amend SCHED15 to include a timeframe for the notification of the plan change to incorporate the Development Area Plan and anticipated zone into the PTDP.			
Introduction	Support in part	Policy FDA-P3 states that Timaru District Council is responsible for preparing Development Area Plans. It is recommended that this is be made clear in the introductory text.	Amend paragraph 3 as follows:  Timaru District Council will prepare a Development Area Plan for each Future Development Area to meet the timeframes set out in SCHED15 – Schedule of Future Development Areas Development Area Plans will be required for each Future Development Area to ensure areas within the overlay are developed sustainably and that all the effects of development are assessed and addressed in advance of development occurring			

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
Objective FDA-O1	Support in part	Objective FDA-O1 is considered appropriate, however the reference to "urban development" should be used to align with the definition in the PTDP.	Amend as follows:  Land in the Future Development Area Overlay remains available for future urban development or rural lifestyle development.
Objective FDA-O2	Support in part	Objective FDA-O2 is considered appropriate, however:  - reference to "urban development" should be used to align with the definition in the PTDP; and  - the reference to 'anticipated zone' should be used to align with SCHED15.	Amend as follows:  Urban <u>development</u> <del>growth</del> or rural lifestyle development does not occur within the Future Development Area Overlay until <u>the land</u> it is rezoned for the <u>anticipated zone</u> identified future land use and a comprehensive Development Area Plan is approved as part of that the plan change process.
Objective FDA-O3	Support	Objective FDA-03 is considered appropriate.	Retain as notified.
Policy FDA-P1	Support in part	Policy FDA-P1 is considered appropriate, however the reference to "urban development" should be used to align with the definition in the PTDP.	Amend as follows:  In the Future Development Area Overlay:  1. Enable primary production activities that:
Policy FDA-P2	Support in part	Policy FDA-P2 is considered appropriate, however the reference to "urban development" should be used to align with the definition in the PTDP.	Amend as follows:  Urban <u>development</u> and rural lifestyle development within the

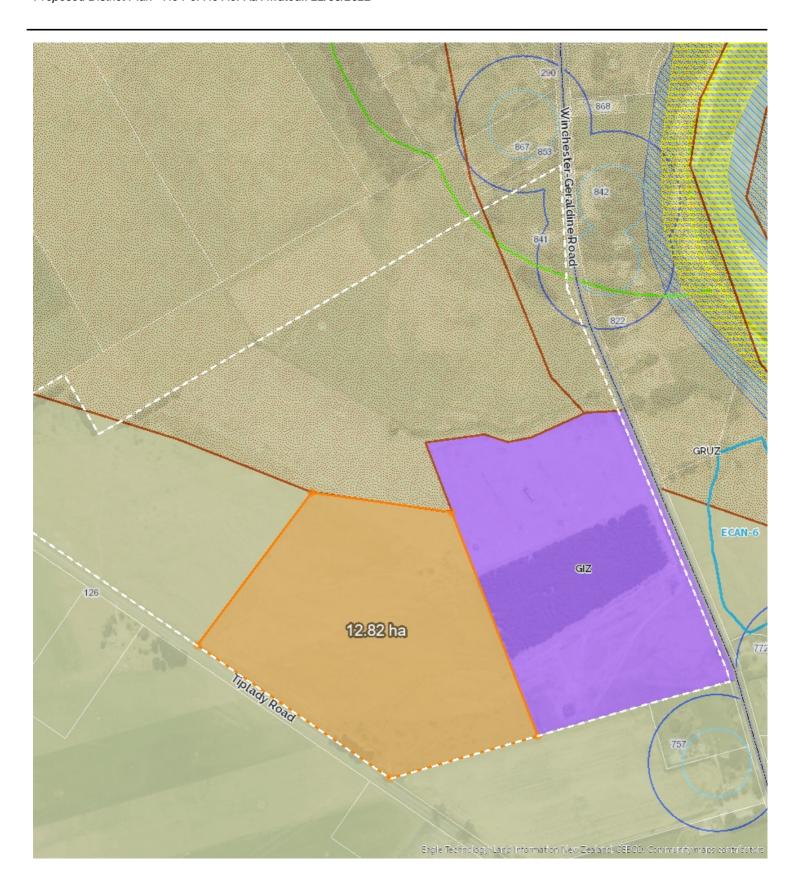
PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
			Future Development Area overlay is required to:  1. be undertaken in accordance with the sequence set out in SCHED15 - Schedule of Future Developme nt Areas in order to avoid adverse effects on urban consolidation; and  2. be developed in accordance with the anticipated zone land use set out in SCHED15 - Schedule of Future Development Areas; and  3. be undertaken in accordance with submit a plan change that includes a Development Area Plan prepared and implemented in accordance with FDA-P4.
Policy FDA-P3	Support in part	Policy FDA-P3 should provide greater direction and clarity on which party will initiate the plan change required to incorporate the Development Area Plan and anticipated zone into the PTDP.	Amend as follows:  Timaru District Council will prepare the Development Area Plans for the future development areas listed indicated as priority areas in SCHED15 - Future Development Area and identified on the Planning Maps.  Amend to specify which party will initiate the plan change to incorporate the Development Area Plan and anticipated zone into the PTDP.
Policy FDA-P4	Support in part	Policy FDA-P4 does not recognise the need for consultation with landowners whose sites are affected by the Development Area Plan.  A new clause 14 should be added to Policy FDA-P4 to the ensure that the development of the Development Area Plan considers the outcomes arising from consultation with the landowners of the site.	Amend as follows:  14. The outcomes arising from consultation with the landowners of the site.
Policy FDA-P5	Support	Policy FDA-P5 is considered appropriate.	Retain as notified.
Rule FDA-R1	Support	Rule FDA-R1 is considered appropriate.	Retain as notified.
Rule FDA-R2	Support	Rule FDA-R2 is considered appropriate.	Retain as notified.
GENERAL INDUSTRIAL ZONE			
Objective GIZ-O1	Support	Objective GIZ-O1 is considered appropriate.	Retain as notified.
Objective GIZ-O2	Support	Objective GIZ-O2 is considered appropriate.	Retain as notified.

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
Objective GIZ-O3	Support	Objective GIZ-O3 is considered appropriate.	Retain as notified.
Policy GIZ-P1	Support	Policy GIZ-P1 is considered appropriate.	Retain as notified.
Policy GIZ-P3	Support	Policy GIZ-P1 is considered appropriate.	Retain as notified.
Policy GIZ-P4	Support	Policy GIZ-P1 is considered appropriate.	Retain as notified.
Policy GIZ-P6	Support	Policy GIZ-P1 is considered appropriate.	Retain as notified.
Rule GIZ-R1	Support in part	Rule GIZ-R1 permits industrial activity but excludes ancillary activities. The definition of "Industrial Activity" in the PDTP is defined to include "any ancillary activity".  Given this, Rule GIZ-R1 is considered to be at odds with the definition of "Industrial Activity" and this creates confusion for plan users.  In order to remove the conflict, an amendment is proposed to the rule to remove the exclusion of ancillary activities. It is also proposed to combine Rule GIZ-R1 with Rule GIZ-R2, to streamline the rule framework.	Amend as follows:  Rule GIZ-R1 - Industrial activity, Trade supplier, Laboratories, Service stations, Motor garage, Emergency services facilities, Veterinary clinics, excluding any industrial ancillary activity and offensive trades  PER-1 - The activity and its buildings and structures (excluding fences) are located more than 50 metres from any Residential Zones or Rural Lifestyle Zone; and  PER-2 - The activity does not require a new industrial and trade waste connection; and  PER-3 - The activity and its buildings and structures, complies with all the Standards of this chapter; and  PER-4 - Any ancillary activity does not include a residential activity; and  PER-5 - Any ancillary activity(s):  1. are located on the same site of the primary industrial activity; and 2. has a maximum combined gross floor area of 15% of the primary industrial buildings on the site.
Rule GIZ-R2	Oppose	Rule GIZ-R2 applies to 'industrial ancillary activities'. The definition of "Industrial Activity" in the PDTP is defined to include "any ancillary activity".	Delete in its entirety and amend Rule GIZ-R1 as above.

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
		Given this, and in the context of Rule GIZ-R1 above, Rule GIZ-R2 is considered to be at odds with the definition of "Industrial Activity" and this creates confusion for plan users.	
		In order to remove the conflict and streamline the rule framework, it is also proposed delete Rule GIZ-R2 in its entirety and to combine it with Rule GIZ-R1.	
Rule GIZ-R3	Support	Rule GIZ-R3 is considered appropriate.	Retain as notified.
Standard GIZ-S1	Support	Standard GIZ-S1 is considered appropriate.	Retain as notified.
Standard GIZ-S2	Support	Standard GIZ-S2 is considered appropriate.	Retain as notified.
Standard GIZ-S3	Support in part	Standard GIZ-S3 requires any building or structure be setback 5m from a road boundary. Whereas Standard GIZ-S6 requires a 3m wide landscaping strip along the road boundary.  It is considered that a 3m landscaping strip is an adequate width to establish the species set out in Standard GIZ-S6 and provide the screening and amenity anticipated. Therefore the additional 2m setback for buildings and structures, beyond the 3m wide landscaping strip, is considered to be an inefficient use of space.  It is proposed to amend Standard GIZ-S3 to require a 3m setback from road boundary.	Amend as follows:  1. Any building or structure must be setback a minimum of 53m from any road boundary; and  2. Any building or structures must be setback a minimum of 3m from any boundary with a Residential Zone, Rural Zone or Open Space and Recreation Zone.
Standard GIZ-S5	Support	Standard GIZ-S5 is considered appropriate.	Retain as notified.
Standard GIZ-S6	Support	Standard GIZ-S6 is considered appropriate.	Retain as notified.
NOISE			
Table 24 – Noise Performance Standards	Support in part	Table 24 sets out the noise performance standards within zones. This includes an 'in-zone' noise limit for the GIZ.  It is considered that the GIZ is the zone where the nosiest activities are anticipated to occur. Noise limit controls are considered appropriate along the zone boundary with sensitive zones or at the notional boundary of noise sensitive activities in other zones. However the principle of an in-zone noise limit in the GIZ is opposed.	<b>Delete</b> the reference to the General Industrial Zone in Table 24.

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT		
		It is considered that the reference to the GIZ in Table 24 – Noise Performance Standards should be deleted.			
GENERAL RURAL ZONE					
Rule GRUZ-S4	Oppose in part	Rule GRUZ-S4 seeks to manage adverse reverse sensitivity effects associated with sensitive activities locating in the GRUZ.  The proposed GIZ at the site is surrounded by GRUZ. A setback for sensitive activities, or buildings for sensitive activities, is considered an appropriate tool to manage reverse sensitivity effects which may arise from the GIZ.  An amendment is proposed to Rule GRUZ-S4 which specifies these setbacks.	1. No new sensitive activity may be established within 500m from:  a. the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and  b. an existing farm effluent disposal area; and c. a lawfully established quarry or mine.  2. No new building for a sensitive activity may be erected within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;  3. No new building for a sensitive activity may be erected within 20m of an existing shelter belt.  4. No new sensitive activity shall be established, and no new building for a sensitive activity shall be erected within 100m from the boundary of the General Industrial Zone.		
TRANSPORT	TRANSPORT				
Rule TRAN-R4, PER-1	Oppose in part	Rule TRAN-R4 PER-1 relates to vehicle crossings and sets out that no vehicle crossing from the site to Tiplady Road or Winchester-Geraldine Road is permitted. The rule singles out the site, and no other sites in the Timaru District.  It is unclear what the basis of this rule is. It is presumed that it seeks to manage future vehicle movements from GIZ, however the way the rule is worded it applies to the whole site (52ha),	<b>Delete</b> PER-1 of Rule TRAN-R4 in its entirety.		

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
		which includes the 40ha GRUZ which contains farming activities and residential activities.  If the purpose of the rule relates to the development of the GIZ, then this should be specified. If Council wishes to avoid ad hoc development of the GIZ, it should prepare a Development Area Plan.  It is proposed that that PER-1 is deleted in its entirety.	
EARTHWORKS			
Rule EW-S1(3)	Support	Rule EW-S1(3) is considered an appropriate threshold for GIZ. However the Flood Assessment Overlay earthworks rules apply to the site.  The exclusions to the earthworks rule are also supported.	Retain as notified.



Page 1 of 3 Print Date: 08/12/2022 timaru.isoplan.co.nz



## **Michelle Reeves**

From: Penny Gallagher <penny.g@do.nz>
Sent: Wednesday, 14 December 2022 7:08 pm

To: PDP

Subject: RE: [#DOA 30593] TM30593 - J R Livestock Limited - Submission on Proposed

Timaru District Plan

**Follow Up Flag:** Follow up **Flag Status:** Flagged

Categories: Acknowledged not profiled on CRM9

Hello,

In addition to the relief sought in the submission for J R Livestock Limited, we note that consequential amendments may be required if Council accepts the relief sought.

Please can you record this as a part of the J R Livestock Limited submission.

Best regards,

Penny Gallagher

From: Penny Gallagher

Sent: Tuesday, 13 December 2022 12:59 pm

To: pdp@timdc.govt.nz

**Cc:** Jonathon Rowe <jonathonrowenz@gmail.com>; Richard Harley <richard.harley@progressivelivestock.co.nz>;

Glen McLachlan <glen@do.nz>; Lauren Roycroft <lauren@do.nz>

Subject: [#DOA 30593] TM30593 - J R Livestock Limited - Submission on Proposed Timaru District Plan

Good afternoon,

Please find attached a submission on behalf of J R Livestock Limited on the Proposed Timaru District Plan.

Regards,

Penny Gallagher

PENNY GALLAGHER / Consultant Planner / penny.g@do.nz / MAppSci BA Assoc NZPI

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