

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:

K J ROONEY 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'):

PROPOSED DISTRICT PLAN - TIMARU DISTRICT COUNCIL
[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]

SEE 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.]

SEE ATTACHED

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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]*

SEE ATTACHED

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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 15/12/2022

Electronic address for service of submitter: sarah.mathews@duncancohenll.com

Telephone: 021-1954156 / (03) 372-6505

Postal address (or alternative method of service under s352 of the Act): C/O DUNCAN COTTERILL, PO BOX 5, CHRISTCHURCH, 8140

Contact person: [name and designation, if applicable] SARAH MATHEWS / KATHERINE FORWARD

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.

0 Boiling Down Road, Temuka – K J Rooney Limited

*Form 5 continued

Submitter Details:

This submission is made on behalf of K J Rooney Limited (**KJRL**), a limited liability company having its registered office c/o HC Partners LP, 39 George Street, Timaru.

KJRL is the registered proprietor of the land identified on **Figure 1** below at 0 Boiling Down Road, Temuka, Timaru, contained in records of title CB309/262, CB497/111 and CB3A/182 and legally described as Lot 11 on Deposited Plan 4679; Lot 1-3 on Deposited Plan 7413 and Lot 4-5 on Deposited Plan 7413 respectively (**Property**). We note that the registered proprietor of the Property as recorded on the Land Registry is incorrectly noted as K.J. Rooney Limited, for the avoidance of doubt, K.J. Rooney Limited and K J Rooney Limited are one and the same.



Figure 1: 0 Boiling Down Road, Temuka

The specific provisions of the proposal that my submissions relates to are:

1. The table below covers all of KJRL's submission points.

My submission is:	My position on this provision is:	The reasons for my submission are:	I seek the following decision from the local authority:
General Rural Zone, GRUZ-01 and GRUZ-R1	Oppose together with any objectives, policies, rules, standards and schedules in respect of the overlay relating to the Properties	<p>Under GRUZ-01, the purpose of the General Rural Zone provides for primary production, including intensive primary production.</p> <p>Intensively farmed stock is not expressly authorised within any zone and clearly fits within the character and qualities of activities of this zone.</p> <p>It is inappropriate for intensively farmed stock to be carried out within other zones– accordingly, it is appropriate that intensively farmed stock should be protected under GRUZ-03 and should be a permitted activity under GRUZ-R1.</p>	<p>Please note: where several options are listed, the preferred relief is first, followed by alternatives in priority.</p> <ol style="list-style-type: none"> 1. Amend GRUZ-R1 to permit primary production, intensive primary production and intensively farmed stock 2. Amend GRUZ-01 to provide for primary production, intensive primary production and intensively farmed stock 1. Any alternative relief that would address KJRL's concerns.
Part 1 – Definition of Urban Areas	Oppose	The boundaries of a “town with a population of 1,000 or more” is unclear. The Property is within Temuka, but are not situated within Temuka proper and it is unclear which rules will apply to the Property.	<ol style="list-style-type: none"> 2. Clarification of the boundaries of urban areas
Sites and Areas of Significance to Māori (SASM)	Oppose the extent of the overlays together with any objectives, policies, rules,	KJRL disputes the extent of the overlays over the Properties. This is on the basis that the boundaries of	<ol style="list-style-type: none"> 1. Exclusion of the Property from SASM-4B 2. The extent of the SASM-4B on the Property be reduced

	standards and schedules in respect of the overlay relating to the Property	<p>SASMs are expansive and it is unclear how these boundaries have been struck. It appears that some SASMs have been determined by property boundaries, rather than the contour of significant areas.</p> <p>For example, SASM-4 Waitarakao to Orari, inland to Seadown Road and including Arowhenua and Temuka and only affects Lot 11 on Deposited Plan 4679, and appears to align with this boundary line. These overlays contain some very restrictive rules, and it is not appropriate to apply these equally across expansive areas, which have their own natural characteristics and existing uses.</p>	3. Any alternative relief that would address KJRL's concerns.
Sites and Areas of Significance to Māori (SASM) Policies	Oppose	The policies contained in this chapter focus on the protection of sites and characteristics that have value to Kāti Huirapa, and KJRL does not oppose this. KJRL does submit that the policies should contemplate health and safety, and existing use of land subject to SASMs and the protection of those activities.	<ol style="list-style-type: none"> 1. SASM-P4 amended to focus on the grant of safe access and to recognise the impact of access on existing rural activities 2. Policies recognise that an adverse effect of the activities, do not negatively impact existing uses of the affected land 3. Any alternative relief that would address KJRL's concerns.
SASM-P8	Oppose	This policy sets out the means to protect sites within the wāhi taoka, wāhi tapu, and wai tapu overlays. This policy does not recognise existing uses of land within the area except for functional needs associated to an activity. Functional needs associated with an activity	<ol style="list-style-type: none"> 1. Amendment of SASM-P8 to recognise exiting rural use of sites within these overlays 2. SASM-P8(3)(a) amended to read “..are for the functional needs of the activity...” 3. Any alternative relief that would address KJRL's concerns.

		<p>may not enable an existing activity to be efficiently carried out.</p> <p>Activities within these overlays can be effectively managed with matters of control or discretion.</p>	
SASM-R6(2) – Intensively Farmed Stock	Oppose	<p>Intensively farmed stock can be adequately managed through matters of control and discretion and a more appropriate process for approval should be provided (i.e. not deemed a non-complying activity within wāhi taoka, wāhi tapu, and wai tapu overlays with objectives and policies that seek avoidance and protection over continued use). It is appropriate for the Proposed Plan to recognise the existing activities within the district, and the impact of the restrictions imposed by these overlays and rules on the economic position of farmers would have to be justified.</p> <p>A significant number of SASMs will fall within the wāhi taoka, wāhi tapu, and wai tapu overlays, which by their nature can be very expansive areas. SASM-4B effects a large portion of the Property which is currently being farmed in both intensive and less intensive stock. The ability to move grazing type (i.e. pasture, winter crop) around the entire property is an important part of farm management and should not be so easily</p>	<ol style="list-style-type: none"> 1. SASM-R6(2) to be deleted in its entirety 2. SASM-R6(2) to be a controlled activity 4. Any alternative relief that would address KJRL's concerns.

		<p>discounted.</p> <p>As discussed above it is unclear how the SASM boundaries have been determined with some SASMs appearing to have been determined by property boundaries, rather than the contour of significant areas. It is inappropriate to apply restrictions and rules equally across expansive areas, which have their own natural characteristics and existing uses.</p> <p>SASM-P8 seeks to protect these sites through engagement and avoiding adverse effects. This policy acknowledges that adverse effects may be allowed where it can be <i>demonstrated</i> that they are required due to the functional needs of the activity (etc). Imposing an activity of non-compliance if the permitted activity rules cannot be met, does not allow a person to demonstrate appropriate management of an activity can achieve SASM-P8, this opportunity can be provided if the activity was controlled. Accordingly, it is more appropriate for this to be a controlled or discretionary activity.</p>	
Significant Natural Area or SNA	Oppose together with any objectives, policies, rules and schedules in respect of the overlay relating to the Property	There is no ECO-SCHED2 to the Proposed Plan, and it is unclear whether this is to be read together with SCHED7 – Schedule of Significant Natural Areas	1. ECO-SCHED2 be made available or reference corrected to SCHED7 if included in error

Flood Assessment Area Overlay	Oppose together with any objectives, policies, rules, standards and schedules in respect of the overlay relating to the Property	The Flood Assessment Area Overlay covers the Property which is used for primary production purposes. Farming activities, and natural hazard mitigation activities (such as maintenance of stopbanks) can involve more than 2,000m ² in earthworks.	<ol style="list-style-type: none"> 3. Exclusion of the Property from the overlay 4. The extent of the overlay on the Property be reduced 5. The volume of earthworks in any calendar year in a Rural zone under NH-S2(1) be increased to 2,500m² or more. 6. Introduction of a rule that earthwork limits within this overlay only apply in respect to activities that increase flood exposure 7. Any alternative relief that would address KJRL's concerns.
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Date 15.12.2022



Sarah Mathews
Solicitor for K J Rooney Limited

Address for Service

Postal address: C/o Duncan Cotterill, PO Box 5, Christchurch 8140
 Email address: Sarah.mathews@duncancotterill.com
 Phone number: 021-1954156 / (03) 372-6505
 Contact person: Sarah Mathews / Katherine Forward

Michelle Reeves

From: Sarah Mathews <sarah.mathews@duncancotterill.com>
Sent: Thursday, 15 December 2022 1:00 pm
To: PDP
Cc: Katherine Forward
Subject: RE: Submission on Proposed Timaru District Plan - K J Rooney Limited [DC-Documents.FID3397687]
Attachments: FINAL and Submitted Submission for - 0 Boiling Down Road (_15922430_7).PDF
Importance: High

Kia Ora,

Our apologies, I see that we had accidentally signed this submission off as solicitor for Alastair Rooney rather than K J Rooney Limited.

Please see **attached** updated submission.

Kind regards,
Sarah

Sarah Mathews
Associate

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Click [here](#) for office directions



All our offices will close at 5:00pm on Friday 23 December 2022 and re-open 8:30am on Monday 16 January 2023. Phone calls for our offices will be monitored between 8:30am - 5:00pm, Monday to Friday between Friday 6 January and Friday 13 January.



From: Sarah Mathews
Sent: Thursday, 15 December 2022 12:50 pm
To: pdp@timdc.govt.nz
Cc: Katherine Forward <katherine.forward@duncancotterill.com>
Subject: Submission on Proposed Timaru District Plan - K J Rooney Limited [DC-Documents.FID3397687]
Importance: High

Kia ora

Please find **attached** submission on the Proposed Timaru District Plan on behalf of our client K J Rooney Limited.

Please confirm receipt.

Kind regards,
Sarah

Sarah Mathews
Associate

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