

15 DEC 2022

GERALDINE

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:

George Harper on behalf of the joint submitters.

[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 through this submission.
~~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 ^{our} my submission relates to are: [Give details]

- 1) Changes of Zone from General Rural (GRU2) to Rural Lifestyle Zone (RLZ)
- 2) Future Development Area (FDA) Devil Future + 10 Years.
- 3) RLZ lot size and On-Site Wastewater Management Systems

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 Rd, Temple St and Bennett Rd and Main North Rd from Temple St to Woodbury Rd and back to the Waikare River should not be zoned General Rural (GRU2). GRU2 does not reflect its current use. It should be Residential Lifestyle Zone (RLZ)

2) That marking the area a Future Development Area (FDA) Devil Future + 10 years is unnecessary if the area is zoned correctly to reflect its current use characteristics

3) The proposed lot size for RLZ properties of 2 ha where On-Site Wastewater Management Systems (OSWM) are needed adds an unnecessary layer of complexity when Canterbury Regional Council (ECon) already

has clear and explicit rules.

See attached Appendix 1 for the Joint Submitters 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 area to the north of Geraldine (as described in the Specific provisions section on Page 1) as Rural Lifestyle Zone (RLZ) to recognise that this is the form and function of the predominant land use.

This aligns with TDC's explicit planning logic as defined within the following documents - Timaru District Growth Management Strategy (2016), the Ratified Plan Sections and the supporting s.32 Evaluation and Subdivision Reports.

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.]

GH

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 14/12/22

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Telephone: 021 469999

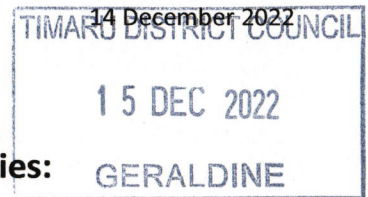
Postal address (or alternative method of service under s352 of the Act):

80 Main North Road Geraldine 7930

Contact person: [name and designation, if applicable] George Harper george.harper@lynnriver.co.nz

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.



The following is a Joint Submission from the following parties:

R and G Kellahan, 53 Templer Street, Geraldine
H Kellahan, 53 Templer Street, Geraldine
B and S Robertson, 40 Bennett Road, Geraldine
D and S Payne, 20 Bennett Road, Geraldine
G and R Harper, 80 Main North Road, Geraldine

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All parties are owners of property in the area to the north of Geraldine township which includes the area encompassed by the Main North Road, Templer Street and Bennett Road and the Main North Road from Templer Street up to Woodbury Road and back to the Waihi River.

The Submitters cannot gain an advantage in trade competition through this submission.

We Jointly Submit Re:

1) Zoning

The Timaru District Council (TDC) **should not** zone the area to the north of Geraldine township ('the Relevant Area') General Rural. This does not reflect its current use. Due to intensification, 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.

It is not appropriate to zone the area as General Rural Zone (GRUZ). The existing land use activities are not consistent with the proposed Timaru District Council's GRUZ Objectives, Policies and Rules.

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 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.

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.

Relief sought:

The Relevant Area of land 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 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. The services required for the relevant area to be used as RLZ are installed, and in practice the area is currently used for a range of commercial and residential uses.

Zoning the relevant area Rural Lifestyle would align with key strategic directions from the TDC's 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 General Rural and preventing the existing infrastructure investments being used to enable development in accordance with the Growth Management Strategy outlined in the S32 Subdivision report **Strategic Direction 10**.

Zoning the Relevant Area General Rural 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.

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. 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.

Relief sought:

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

Rezoning the area RLZ would demonstrate proactive leadership from TDC to recognise that this area is now a highly fragmented and complex land area on the urban boundary.

The area represents a contained precinct that if rezoned as RLZ would provide greater definition between rural and urban activities.

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 its 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 s32 amendment stand limiting lifestyle properties to 2ha for wastewater management reasons, we consider this would be overly restrictive and wasteful of an already limited RLZ resource. Limiting lifestyle properties to a uniform minimum 2 ha allotment size undermines flexibility and is constraining of Council's discretion within the consenting process and will lead to perverse land use outcomes.

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

If made operative, the proposed amendment would add an additional and unnecessary layer of complexity to Canterbury Regional Council'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 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.

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.

The Submitters wish to be heard in support of their submission.

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