

Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council - Planning Unit

Date received: 02/12/2022

Submission Reference Number #:10

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Submitter:

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I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 10.1

Section: Planning Maps

Sentiment: Oppose

Submission:

Planning Maps Oppose

Remove the small allotments along Shaw Street & Hislop Street, Geraldine from the Rural Lifestyle Zone and zone these properties as General Residential Zone, GRZ.

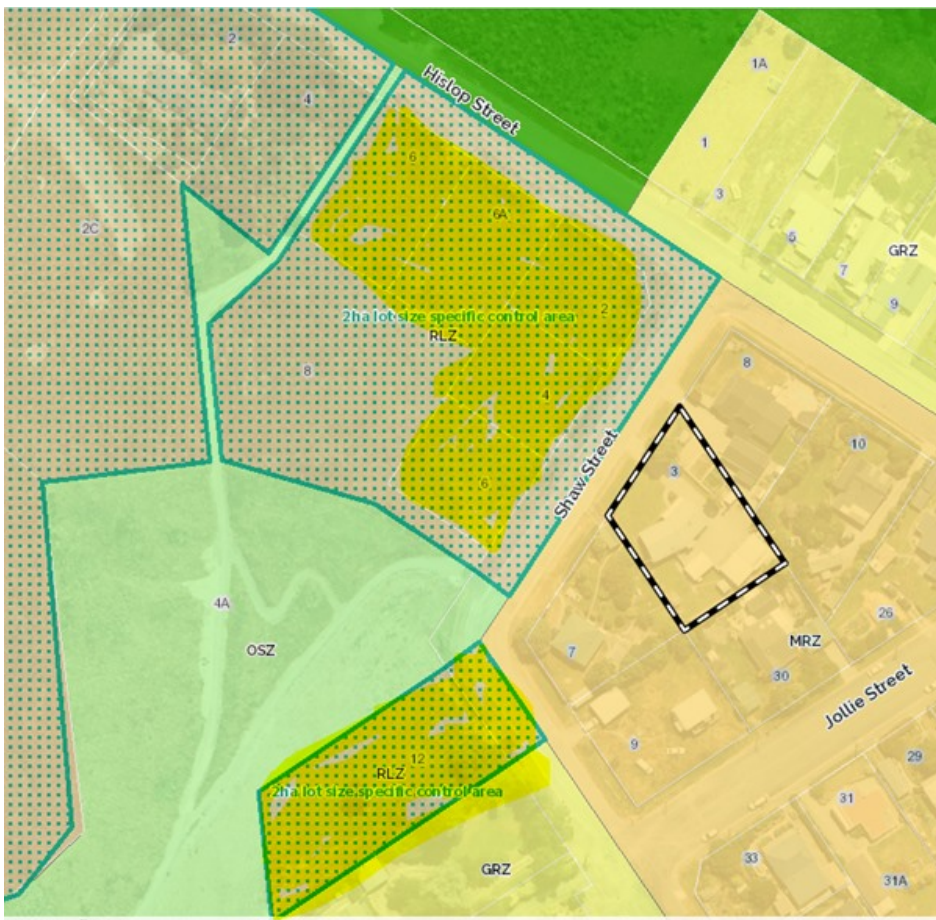
These small lots are effectively part of the urban precinct of Geraldine, are small scale and have all infrastructural services connected, with an urban amenity including street lights, kerb & channel etc. Along Shaw Street these RLZ sites are across the road from the Medium Density Zone, MRZ. The MRZ provides for higher density settlement in town centres. A better graduation of zoning would be achieved to zone the lots subject to this submission as GRZ.

The small allotments in the RLZ of Shaw and Hislop Streets are small scale and unable to achieve yard setbacks set out in Schedule 16 and the RLZ of the PDP. They are below the minimum site area of 5000 sq metres for new Lots referred to in RLZ-R2. These Lots have been granted subdivision consent by the Council with the intent of them being developed as residential properties, not rural residential properties

Oppose

Planning maps that relate to the RLZ along Shaw Street & Hislop Streets Geraldine to the extent that the RLZ is imposed on small allotments below 5,000 square metres.

Shaw Street 2, 4, 6, 12 and Hislop Street 6 & 6A highlighted in yellow below.



Relief sought

Re-draw the planning maps to include these Lots in the GRZ, see attached map, or in the alternative amend the standards of the RLZ to exclude Lots existing at the time of public notification of the Proposed District Plan which are less than 2001 square metres in area. To

re-draw the zone boundaries and make these Lots GRZ would not be inconsistent with the current GRZ fronting Hislop Street in the same vicinity and would provide a natural progression from MRZ to RLZ.

Shaw Street 2, 4, 6, 12 and Hislop Street 6 & 6A highlighted in yellow on the attached map.

Point 10.2

Section: RLZ – Rural Lifestyle Zone

Sub-section: Standards

Provision:

RLZ-S1	Height of buildings and structures	
1. Rural Lifestyle Zone	The height of buildings and structures must not exceed 8m, except for buildings and structures located within 50m of a General Residential Zone, which must not exceed 4.5m in height. <i>Note: Height shall be measure from the existing ground level prior to any works commencing.</i>	Matters of discretion are restricted to: <ol style="list-style-type: none">1. dominance in the landscape; and2. overlooking and loss of privacy of adjacent residential units; and3. shading of adjacent residential units; and4. landscaping.
2. Brookfield Road specific control area	Buildings and structures must not exceed a maximum height of 4.5m in the Brookfield Road Specific Control Area. <i>Note: Height shall be measure from the existing ground level prior to any works commencing.</i>	Matters of discretion are restricted to: <ol style="list-style-type: none">1. dominance in the landscape; and2. overlooking and loss of privacy of adjacent residential units; and3. shading of adjacent residential units; and4. landscaping.

Sentiment: Oppose

Submission:

This standard unfairly penalises owners of sites that are effectively within the urban precinct of the Geraldine Community.

Relief sought

If the Planning Maps are not amended to exclude the small sites on Hislop & Shaw Street Geraldine, provide an exemption from these standards for site less than 2001 square metres in area.

Point 10.3

Section: RLZ – Rural Lifestyle Zone

Sub-section: Standards

Provision:

RLZ-S3	Building coverage	
Rural Lifestyle Zone	The footprint of all buildings on the site shall not exceed 10% site coverage.	Matters of discretion restricted to: <ol style="list-style-type: none">1. adverse effects on the character and qualities of the zone; and2. landscaping and screening.

Sentiment: Oppose

Submission:

RLZ-S3 site coverage limitation to 10%, (some of these sites are only 760 sq metres in area so this is an unrealistic and unjust restriction).

Relief sought

This standard unfairly penalises owners of sites that are effectively within the urban precinct of the Geraldine Community.

If the Planning Maps are not amended to exclude the small sites on Hislop & Shaw Street Geraldine, provide an exemption from these standards for sites less than 2001 square metres in area.

Point 10.4

Section: RLZ – Rural Lifestyle Zone

Sub-section: Standards

Provision:

RLZ-S4	Boundary setbacks for buildings and structures	
Rural Lifestyle Zone	All new buildings and structures (excluding fences, irrigators, water troughs, crop support structures and artificial crop protection structures) shall be setback 8m from all site boundaries.	Matters of discretion are restricted to: <ol style="list-style-type: none">1. location of buildings and structures; and2. the extent of adverse effects including noise, smell, visual, character, privacy, shading, dominance and reverse sensitivity; and3. measures to avoid and mitigation adverse effects.

Sentiment: Oppose

Submission:

RLZ-S4 boundary setbacks from boundaries for buildings and structures, building setbacks of 8 metres on these small Lots are very unrealistic.

Relief sought

This standard unfairly penalises owners of sites that are effectively within the urban precinct of the Geraldine Community.

If the Planning Maps are not amended to exclude the small sites on Hislop & Shaw Street Geraldine, provide an exemption from these standards for sites less than 2001 square metres in area.

Point 10.5

Section: RLZ – Rural Lifestyle Zone

Sub-section: Standards

Provision:

RLZ-S5	Boundary treatment styles	
Rural Lifestyle Zone	Boundary treatments must be limited to: <ol style="list-style-type: none">1. post and rail fences; or2. post and wire fences; or	Matters of discretion are limited to: <ol style="list-style-type: none">1. adverse effects on the character and qualities of the zone; and

3. hedges; and

- 2. security of livestock; and
- 3. the location, height and design of fences or hedges

The height of hedges must not exceed 1.2m.

Sentiment: Oppose

Submission:

RLZ-S5, S6 & S8 These design control standards are opposed as they impinge on property ownership rights within the urban precinct of the urban precinct of the Geraldine Township and are therefore an un-necessarily restriction without providing a benefit to the natural rural landscape of the Geraldine Downs. Other property owners within the Geraldine Township logically do not suffer from this imposition, (rightly so). Such controls are inconsistent and with the remainder of the urban precinct of Geraldine and suggest that zone boundaries have not been carefully considered or drawn.

Relief sought

These standards unfairly penalise owners of sites that are effectively within the urban precinct of the Geraldine Community.

If the Planning Maps are not amended to exclude the small sites on Hislop & Shaw Street Geraldine, provide an exemption from these standards for sites less than 2001 square metres in area.

Point 10.6

Section: RLZ – Rural Lifestyle Zone

Sub-section: Standards

Provision:

RLZ-S6	Colour reflectance	Matters of discretion restricted to:
Rural Lifestyle Zone	The colour reflectance of materials must be no greater than: <ul style="list-style-type: none"> 1. 10% for roofs; and 2. 30% for the exterior of building walls. 	<ul style="list-style-type: none"> 1. adverse effects on the character and qualities of the zone; and 2. effect on amenity values.

Sentiment: Oppose

Submission:

RLZ-S5, S6 & S8 These design control standards are opposed as they impinge on property ownership rights within the urban precinct of the urban precinct of the Geraldine Township and are therefore an un-necessarily restriction without providing a benefit to the natural rural landscape of the Geraldine Downs. Other property owners within the Geraldine Township logically do not suffer from this imposition, (rightly so). Such controls are inconsistent and with the remainder of the urban precinct of Geraldine and suggest that zone boundaries have not been carefully considered or drawn.

Relief sought

These standards unfairly penalise owners of sites that are effectively within the urban precinct of the Geraldine Community.

If the Planning Maps are not amended to exclude the small sites on Hislop & Shaw Street Geraldine, provide an exemption from these standards for sites less than 2001 square metres in area

Point 10.7

Section: RLZ – Rural Lifestyle Zone

Sub-section: Standards

Provision:

RLZ-S8	Trees
Rural Lifestyle Zone	<p>1. Within each site there must be a minimum of 4 trees (for sites under 5,000m²), or 8 trees (for sites over 5,000m²) capable of attaining a minimum height of 8 metres at maturity and those trees must:</p> <ul style="list-style-type: none">a. be 2.5m high at planting with a trunk diameter of 50mm; andb. be planted no closer than 20 metres apart; andc. include at least two trees planted in the road boundary setback, except for rear allotments; andd. be established prior to the issue of building consent for a building; ande. be maintained and any dead or diseased trees replaced; andf. not consist of pines, firs or eucalypts; and <p>2. the height of any trees located within 100m of a residential unit on an adjoining site are contained within an envelope defined by a recession plane of 1m vertical for every 3.5m horizontal that originates from the closest point of the residential unit.</p>

Matters of discretion restricted to:

- 1. adverse effects on the character and qualities of the zone; and
- 2. effect on amenity values;
- 3. height and setback of trees from property boundaries and roads; and
- 4. shading of houses; and
- 5. effects on the character of the area and amenity values; and
- 6. tree species.

Sentiment: Oppose

Submission:

RLZ-S5, S6 & S8 These design control standards are opposed as they impinge on property ownership rights within the urban precinct of the urban precinct of the Geraldine Township and are therefore an un-necessarily restriction without providing a benefit to the natural rural landscape of the Geraldine Downs. Other property owners within the Geraldine Township logically do not suffer from this imposition, (rightly so). Such controls are inconsistent and with the remainder of the urban precinct of Geraldine and suggest that zone boundaries have not been carefully considered or drawn.

Relief sought

These standards unfairly penalise owners of sites that are effectively within the urban precinct of the Geraldine Community.

If the Planning Maps are not amended to exclude the small sites on Hislop & Shaw Street Geraldine, provide an exemption from these standards for sites less than 2001 square metres in area.

Point 10.8

Section: Mana whenua

Sub-section: mana whenua

Provision: General

Sentiment: Amend

Submission:

The use of the term Mana Whenua in the Proposed District Plan is confusing as it is used in two ways. One to describe the Tangata Whenua, (Takata Whenua) and another to recognise the Mana held by the Tangata Whenua, people of the land being Kati Huirapa. Example MW 2.1.5 & MW 2.1.6

It is not possible to engage with someone's Mana or involve their Mana in Resource Management matters. It is more important that the Tangata Whenua are consulted and involved in such matters in recognition of their Mana.

Relief sought

Re-draft the District Plan to provide consistency with the Regional Policy Statement definitions of Tangata Whenua and Mana Whenua.

Re-draft the District Plan to provide consistency with the Waitangi Tribunal decisions defining Mana Whenua and Tangata Whenua.

RPS definition:-

2.1 TĀNGATA WHENUA

In Te Waipounamu (the South Island) one tribe, Ngāi Tahu¹ occupies all but the most northern part of the island. The entire Canterbury region lies within the rohe (area) of Ngāi Tahu.

2.1.1 Mana whenua

Ngāi Tahu is recognised as tāngata whenua within their rohe. The iwi is made up of whānau and hapū (family groups) who hold mana whenua (traditional authority) over particular areas. Mana whenua is determined by whakapapa (genealogical ties), and confers traditional customary authority over an area. Once acquired, mana whenua is secured and maintained by ahi kā (continued occupation and resource use). The Canterbury Regional Council recognises mana whenua through its relationship and engagement with papatipu rūnanga and Te Rūnanga o Ngāi Tahu.