# Proposed Timaru District Plan

# Section 42A Report: Subdivision and Development Areas

## Report on submissions and further submissions

**Author: Nick Boyes**

**Date: 11 December 2024**

# Contents

**Appendices**

Appendix 1 – Recommended Changes to Provisions

Appendix 2 – Recommended Responses to Submissions

# List of Submitters and Further Submitters Addressed in this Report:

***Original Submitters***

| Submitter Ref | Submitter Name | Abbreviation |
|---|---|---|
| 2 | Clayton Wallwork | Wallwork, C |
| 13 | David George Earl and Maria Lucia Earl | Earl, DG & ML |
| 22 | Oliver Amies | Amies, O |
| 36 | Peter Bonifacio | Bonifacio, P |
| 41 | Maze Pastures Ltd | Maze Pastures |
| 42 | Timaru District Council | TDC |
| 60 | Milward Finlay Lobb | MFL |
| 66 | Bruce Speirs | Speirs, B |
| 74 | H B | H B |
| 81 | John Leonard Shirtcliff and Rosemary Jean Shirtcliff | Shirtcliff, JL & RJ |
| 100 | David and Judith Moore | Moore, D J and J |
| 105 | Peel Forest Estate | Peel Forest |
| 106 | Ministry of Education | MOE |
| 108 | George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper | Harper et al. |
| 113 | Kerry and James McArthur | McArthur, K |
| 114 | Heritage New Zealand Pouhere Taonga | Heritage NZ |
| 131 | Fire and Emergency New Zealand | FENZ |
| 136 | Simon Connelly | Connelly, S |
| 140 | Southern Proteins Ltd | SPL |
| 143 | NZTA/Waka Kotahi | NZTA |
| 147 | Chris Hughes | Hughes, C |
| 149 | James Reece Hart | Hart, JR |
| 152 | Radio New Zealand Ltd | RNZ |
| 159 | Transpower New Zealand Limited | Transpower |
| 160 | David & Susanne Payne | Payne, D & S |
| 165 | Fonterra Ltd | Fonterra |
| 166 | Penny Nelson, Director-General of Conservation Tumuaki Ahurei | DOC |
| 167 | Broughs Gully Development Ltd | BGDL |
| 168 | Hilton Haulage Limited Partnership | HHLP |
| 169 | Road Metals Company Ltd | Road Metals |
| 170 | Fulton Hogan Ltd | FH |
| 172 | Silver Fern Farms Limited | SFF |
| 173 | Alliance Group Limited | Alliance Group |
| 174 | Rooney Holdings Ltd | RHL |
| 175 | PrimePort Ltd | PrimePort |
| 176 | Connexa Ltd | Connexa |
| 182 | Federated Farmers | Fed Farmers |
| 183 | Canterbury Regional Council (Environment Canterbury) | ECan |
| 185 | Te Runanga o Ngai Tahu | TRoNT |
| 187 | KiwiRail Holding Ltd | KiwiRail |
| 189 | Waipopo Huts Trust | Waipopo Huts |
| 190 | North Meadows 2021 Ltd and Thompson Engineering (2002) Ltd | NMTE |
| 191 | GJH Rooney | Rooney, GJH |
| 192 | Harvey Norman Properties (N.Z.) Limited | Harvey Norman |
| 208 | Spark New Zealand Trading Ltd | Spark |
| 209 | Chorus New Zealand Ltd | Chorus |
| 210 | Vodafone New Zealand Ltd | Vodafone |

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| 212 | Venture Timaru | VT |
| 229 | Kainga Ora | Kainga Ora |
| 245 | Horticulture New Zealand | Hort NZ |
| 247 | New Zealand Pork Industry Board | NZPIB |
| 249 | Rooney Group Holdings Ltd | RGHL |
| 250 | Rooney Farm Ltd | RFL |
| 251 | Rooney Earthmoving Ltd | REL |
| 252 | Timaru Developments Ltd | TDL |

### *Further Submitters*

| Submitter Ref | Further Submitter Name | Abbreviation |
|---|---|---|
| 11 | Gerald Morton | Morton, G |
| 12 | Steve Fraser | Fraser, S |
| 19 | Waitui Deer Farm Limited | Waitui Deer Farm |
| 20 | Terrence John O'Neill, Aileen Kathryn O'Neill, C and F Trustees 2006 Limited | O'Neill et al |
| 27 | Holly Renee Singline and RSM Trust Limited | Singline and RSM Trust |
| 30 | Chris and Sharon Mcknight | McKnight, C and S |
| 31 | Karton and Hollamby Group Limited T/A Stonewood Homes South Canterbury Limited | Karton and Hollamby Group |
| 32 | Bruce Selbie | Selbie, B |
| 33 | Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie | Ford et al |
| 41 | Maze Pastures Limited | Maze Pastures |
| 51 | OSA Properties Limited | OSA |
| 54 | Steve and Anthony Dale | Dale, S and A |
| 60 | Milward Finlay Lobb | MFL |
| 81 | John Leonard Shirtcliff and Rosemary Jean Shirtcliff | Shirtcliff, J L and R J |
| 85 | John and Linda Badcock | Badcock, J and L |
| 108 | George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper | Harper, G on behalf of submitters |
| 131 | Fire and Emergency | FENZ |
| 138 | Steve and Yanna Houwaard Sullivan | Sullivan and Houwaard Sullivan |
| 143 | Waka Kotahi | Waka Kotahi |
| 145 | Tristram Johnson | Johnson, T |
| 152 | Radio New Zealand Limited | Radio NZ |
| 160 | David Alexander and Susanne Elizabeth Payne | Payne, D A and S E |
| 165 | Fonterra Limited | Fonterra |
| 166 | Penny Nelson, Director-General of Conservation Tumuaki Ahurei | Dir. General Conservation |
| 172 | Silver Fern Farms Limited | Silver Fern Farms |
| 173 | Alliance Group Limited | Alliance Group |
| 182 | Federated Farmers | Federated Farmers |
| 187 | KiwiRail Holdings Limited | KiwiRail |
| 189 | Waipopo Huts Trust | Waipopo Huts |

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| 212 | Venture Timaru | Venture Timaru |
| 229 | Kāinga Ora - Homes and Communities | Kāinga Ora |
| 245 | Horticulture New Zealand | Hort NZ |
| 247 | NZ Pork Industry Board | NZ Pork |
| 252 | Timaru Developments Limited | TDL |
| 255 | NZ Frost Fans Limited | NZ Frost Fans |
| 261 | Davis Ogilvie (Aoraki) Limited | Davis Ogilvie |
| 268 | McCutcheon, Tarrant, Sullivan, Sullivan and Ellery | McCutcheon et al |
| 269 | Westgarth, Chapman, Blackler, et al. | Westgarth, Chapman et al |
| 273 | Bruce and Sharon Robertson | Robertson, B and S |
| 274 | South Pacific Sera Limited | South Pacific Sera |
| 278 | Rooney Group Limited, Rooney Holdings Limited, Rooney Earthmoving Limited and Rooney Farms Limited | Rooney Group et al |

# Abbreviations Used in this Report:

| Abbreviation | Full Text |
|---|---|
| Council | Timaru District Council (as territorial authority) |
| CLWRP | Canterbury Land & Water Regional Plan |
| CRPS | Canterbury Regional Policy Statement |
| DAP | Development Area Plan |
| DEV | Development Areas |
| DEV1 | Broughs Gully Residential Development Area |
| DEV2 | Gleniti Residential Development Area |
| DEV3 | Washdyke Industrial Development Area |
| DEV4 | Temuka North West Residential Development Area |
| HPL | Highly Productive Land |
| IMP | Iwi Management Plan |
| GIZ | General Industrial Zone |
| GRZ | General Residential Zone |
| LIM | Land Information Memorandum |
| LUC | Land Use Capability |
| MfE | Ministry of the Environment |
| MPZ | Māori Purpose Zone |
| MRZ | Medium Density Residential Zone |
| NES | National Environmental Standard |
| NESCS | National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 |
| NESETA | National Environmental Standards for Electricity Transmission Activities 2009 |
| NH | Natural Hazards Chapter of the PDP |
| NPS | National Policy Statement |
| NPSET | National Policy Statement on Electricity Transmission 2008 |
| NPSHPL | National Policy Statement for Highly Productive Land 2022 |
| NPSIB | National Policy Statement for Indigenous Biodiversity 2023 |
| NPSUD | National Policy Statement on Urban Development 2020 |

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|---|---|
| NPSREG | National Policy Statement for Renewable Electricity Generation 2011 |
| NP Standards | National Planning Standards |
| NZCPS | New Zealand Coastal Policy Statement 2010 |
| ODP | Outline Development Plan |
| OSZ | Open Space Zone |
| OTDP | Operative Timaru District Plan |
| PDP | Proposed Timaru District Plan |
| PORTZ | Port Zone |
| RLZ | Rural Lifestyle Zone |
| RMA | Resource Management Act 1991 |
| SETZ | Settlement Zone |
| SNA | Significant Natural Areas |
| SH1 | State Highway 1 |
| SUB | Subdivision Chapter of the PDP |
| TRAN | Transport Chapter of the PDP |

# 1. Introduction

## 1.1 Experience and Qualifications

1.1.1 My full name is Nick Boyes. I am an independent planning consultant, having been self-employed (Core Planning and Property Ltd) for two and a half years. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Hons.) from Lincoln University (1999).

1.1.2 I have 25 years' planning experience, which includes working in both local government and the private sector. My experience includes district plan development, including the preparation of plan provisions and accompanying section 32 evaluation reports, and preparing and presenting section 42A reports. I also have experience undertaking policy analysis and preparing submissions on Resource Management Act 1991 (RMA) documents. The majority of my work involves preparing and processing resource consent applications and notices of requirements for territorial authorities and private clients. I am currently assisting Mackenzie District Council with their District Plan Review and was the author of Plan Change 23 (covering Natural Environment Values and General Rural Zone Topics), including the Section 32 Report and Section 42A Report on submissions. I recently prepared the Section 42A Report on submissions relating to the Open Space and Recreation Zones as part of Hearing D for the Timaru District Council.

1.1.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent planning advice to the Hearing Panel.

## 1.2 Purpose and Scope of this Report

1.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.

1.2.2 This report is prepared under section 42A of the RMA in relation to the Subdivision (SUB) and Development Areas (DEV) Topics of the PDP. It covers the following matters:

- The Subdivision (SUB) Chapter contained within Part 2 – District Wide Matters.

- Development Areas 1 to 4 contained in Part 3 – Area Specific Matters, being:
  - **DEV1**: Broughs Gully Residential Development Area
  - **DEV2**: Gleniti Residential Development Area
  - **DEV3**: Washdyke Industrial Development Area
  - **DEV4**: Temuka North West Residential Development Area
- The mapping relating to the above Development Areas.
- Definitions relating to the above SUB and DEV provisions.

1.2.3 This report considers the submissions and further submissions that were received in relation to the SUB and DEV topics. It includes recommendations in response to these submissions to either retain provisions without amendment, delete, add to or amend the provisions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report; or, in relation to mapping, through recommended spatial amendments to the mapping. Footnoted references to the relevant submitter(s) identify the scope for each recommended change.

1.2.4 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them by the submitters.

### 1.3 Procedural Matters

1.3.1 There have been no pre-hearing conferences or expert witness conferencing in relation to submissions on these topics.

1.3.2 It is noted that the Timaru District Council is a submitter in relation to the provisions addressed within this section 42A report. Where referring to the Council as submitter, the abbreviation TDC has been used. Where referred to more generally as 'the Council', the reference is being made in context of the roles and responsibilities as a territorial authority.

# 2. Topic Overview

### 2.1 Summary of Relevant Provisions of the Proposed District Plan (PDP)

2.1.1 This report relates to provisions associated with the SUB Chapter and provisions relating to the DEV Areas contained in the PDP. This section of the report provides a brief summary of the provisions relevant to this topic.

***Subdivision (SUB)***

2.1.2 Subdivision is the process of dividing a site or building into one or more additional legal allotments or changing the location of the existing legal boundaries. Subdivision design influences future patterns of land use and can have a significant impact on the character of the environment and associated amenity values. Subdivision enables the intensification of land uses that in turn increases the level of activity, density of built form, traffic generation and demand on infrastructure services.

2.1.3 The SUB Chapter contains Objectives, Policies, Rules and Standards to ensure that resulting allotments:

- are an appropriate size and shape to accommodate the anticipated land uses;
- appropriately respond to any important natural, physical, cultural, historical or ecological features, values or constraints within or adjoining the site;
- appropriately respond to any potential impacts on infrastructure and risks from natural hazards;
- provide appropriate legal and physical access;
- provide appropriate connections to transport infrastructure and network utility services; and
- integrate with surrounding neighbourhoods.

2.1.4 The subdivision process can also provide for the creation of esplanade reserves or strips adjacent to the coast and rivers to enable public access, recreation or the management of conservation values. Other district-wide chapters may also contain provisions that are relevant to subdivision, for example, the Public Access Chapter and the Earthworks Chapter.

***Development Areas (DEV)***

2.1.5 The Development Area chapters and associated DAP identify locations for future growth and ensure development is undertaken in an integrated manner. There are a total of four development areas identified in the PDP as set out above, which are effectively being carried over from the Operative Timaru District Plan (OTDP). The expectation is that they will continue to be developed in general accordance with the OTDP. On that basis the PDP effectively recognises that these areas were previously identified for growth, included in the OTDP, and already have a framework in place for their development.

2.1.6 More detail on each of these areas is provided in the report below at the commencement of the assessment of the submission relating to each specific DEV area.

2.1.7 Since the Draft District Plan was released for consultation in 2020, the Council has also prepared a Future Development Chapter. The Future Development Chapter is separate to the DEV Areas and will be heard as part of Hearing G.

### 2.2 Background to Relevant Provisions

2.2.1 As with other chapters of the PDP, the review of the SUB chapter and identification of DEV Areas went through a typical plan development process, which involved identification of issues; community consultation via a discussion document (November, 2016); development of draft provisions through collaboration amongst the Council's technical working group; community feedback on these via a draft Plan; and incorporation of these comments reflected in the notified PDP.

# 3. Overview of Submission and Further Submissions

3.1.1 There were 353 primary submissions and 339 further submissions lodged on the PDP in respect of the SUB and DEV Areas Chapters.

3.1.2 The full list of submission points addressed in this report are set out in **Appendix 2**. The following table provides a brief summary of the key issues raised in submissions, which are discussed in more detail in the 'Analysis and Evaluation of Submissions' section of this report

| ISSUE | SUMMARY OF ISSUE | POSITION OF SUBMITTER/S |
|---|---|---|
| PDP Structure | Subdivision rules are contained throughout the PDP.<br>Whether these should be consolidated within the SUB Chapter. | All subdivision rules should be included within the SUB Chapter. |
| NPSHPL and highly productive land | Rural provisions refer to productive land.<br>Whether this should refer to highly productive land to give effect to the NPSHPL. | Provisions should refer to highly productive land. |
| GRUZ minimum allotment size | Whether the 40ha minimum allotment size in the GRUZ gives effect to the NPSHPL. | 40ha minimum allotment size does not meet requirements set out in the NPSHPL. |
| Boundary adjustments | Whether boundary adjustments should be subject to different minimum area requirements than the underlying zone. | More enabling provisions for boundary adjustments sought. |
| Esplanades and provision of public access and relationship with esplanades and non-regulatory conservation efforts. | PDP includes provisions for subdivision and creation of esplanade reserves, as well as separate public access provisions.<br>Whether PDP should also include an additional chapter dealing specifically with esplanade reserves. | New esplanade chapter required. |
| Growth in rural areas | Whether PDP provides for managed growth in rural communities and allows | Greater provision for subdivision in GRUZ. |

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| | farmers to undertake small lot subdivision to provide for farm succession, dispose of surplus dwellings and for providing on-farm accommodation for employees. | |
| Rural Residential minimum allotment size | Whether allotments less than 2ha should be provided for regardless of whether they are connected to a reticulated wastewater system. | Remove the 2ha minimum allotment size within the RLZ when not connected to a reticulated wastewater system. |
| Reverse sensitivity effects | Whether such effects should be minimised or avoided.<br>In rural areas whether such protection refers to only regionally significant infrastructure and intensive primary production; or is expanded to all primary production as well as rural industry.<br>Whether protection should be expanded to include reference to all existing lawfully established activities. | Greater protection for infrastructure, primary production, rural industry, industrial activity and other lawfully established activities provided for. |
| Indigenous biodiversity values | Whether these need to be specifically recognised within the within subdivision objectives. | Specific inclusion sought. |
| Educational activities | Whether educational facilities should be specifically referenced as opposed to facilities generally. | Specific reference sought. |
| Fragmentation of land | What is meant by fragmentation and whether that includes all subdivision less than the minimum allotment for the zone. Whether fragmentation of land should be avoided or minimised. | Wide range of views expressed in submissions. |
| Lifeline utilities | Whether these should be offered protection from reverse sensitivity along with other infrastructure and facilities. | Inclusion within the policy framework sought. |
| Cultural values | Whether provisions of infrastructure and esplanades will maintain or enhance Kāti Huirapa values onsite or downstream. | Include matters of discretion to ensure cultural impacts are considered. |
| Public access and health and safety. | Whether requiring provision of esplanades at the time of subdivision adequately accounts for the operational health and safety requirements of the adjoining land. | Exclude certain areas from requirements for esplanades and otherwise place greater consideration on potential health and safety impacts of allowing access. |

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| Utilities | Whether a more permissive approach should be taken for the subdivision of allotments for utility purposes. | New rule sought. |
| Consent Notices | Whether consent notices should be used to "alert" future owners that services may not be provided to an allotment. | Consent notices should only be used to secure a condition imposed on a subdivision consent that requires compliance on an on-going basis. |
| Connections to wastewater reticulation | Whether connection to the reticulated wastewater system should be required in the GIZ. | Connection not required. |
| Provision for electricity supply and telecommunication services | Whether the exception applying for new allotments in the GRUZ is appropriate. | Connections should be required for all new allotments, including within the GRUZ. |
| Development Area Plans (DAP) | Whether future subdivisions should be "in general accordance" or "comply" with DAP.<br>Whether development not in accordance with a DAP must "better" achieve the outcomes sought. | General accordance is all that should be required.<br>Alternative proposals should not be held to a higher standard than developments deemed to comply with the DAP. |
| Associated requirements | What is meant by this term as used in the DEV Area policy framework.<br>Whether this should be deleted or replaced with referencing any other relevant provisions within other District Plan. | Deletion of this terms throughout the SUB and DEV Area chapters. |
| Qualifications of those that can prepare engineering plans | Whether such plans need to be prepared by a chartered engineer, or whether surveyors are also able to prepare such plans to submit to Council for approval. | Deletion of reference to a 'chartered' engineer and allow surveyors to all prepare such plans. |
| Walkway/cycleways shown on the DAP | Whether development on a site triggers requirements to undertake development across the entire DAP. | Requirements should be restricted to the land area subject to the consent application only. |
| Provision for residential units on existing sites within DAP | Whether a residential unit on an existing site should trigger full compliance with balance of DEV Area rule frameworks. | A residential unit on a vacant site should be provided for as a permitted activity. |

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|---|---|---|
| Extent of works and contributions required for development. | The PDP as notified discourages future development in that it requires too much in the way of land to be set aside (for esplanade, roading, walkways/cycleways etc.) without any provision for compensation. | Requirements should be reduced. |
| Consistency across DEV Areas | The four Development Area Chapters include generic provisions. Various submissions relate to one or more chapters and do not otherwise provide scope to make the change to all four chapters to retain consistency.<br>Whether Clause 10(2)(b) of the First Schedule can be used to make changes to all DEV Area chapters to retain the consistency as per the notified PDP. | |

# 4. Relevant Statutory Provisions

4.1.1 The assessment under the RMA for the PDP includes whether:

- it is in accordance with the Council's functions (section 74(1)(a)).
- it is in accordance with Part 2 of the RMA (section 74(1)(b)).
- it will give effect to any national policy statement or operative regional policy statement (section 75(3)(a) and (c)).
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (section 32(1)(a)).
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (section 32(1)(b)).

4.1.2 In addition, assessment of the PDP must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (section 74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (section 74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

4.1.3 Section 31(1)(aa) sets out every territorial authority shall have a function of the establishment, implementation, and review of objectives, policies, and methods to manage land use and development, ensure there is sufficient development capacity for housing and business land, and protect natural and physical resources.

4.1.4 Section 31(1)(b) also provides the Council with the function of controlling any actual or potential effects of the use, development, or protection of land, including for the purpose of:

*(i) The avoidance or mitigation of natural hazards*
*(iia) The prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
*(iii) The maintenance of indigenous biological diversity*

4.1.5 Section 106 sets out circumstances when a subdivision consent can be refused or granted subject to conditions, being:

*(a) There is significant risk from natural hazards.*
*(c) Sufficient provision has not been made for legal and physical access to each allotment created.*

4.1.6 In this regard it is noted that subdivision provisions interact with other Chapters of the PDP relating specifically to Natural Hazards (NH) and Transport (TRAN) found in Part 2 District Wide Matters of the PDP.

# 5. Statutory Instruments

5.1.1 The section 32 reports for each of the Subdivision and Development Area topics set out the statutory requirements and relevant planning context in more detail. The section below sets out a summary of the key planning provisions considered particularly relevant.

## 5.2 Matters of National Importance – Section 6 of the RMA

5.2.1 Section 6 of the RMA sets out matters of national importance, which persons exercising functions and powers under the RMA in relation to managing the use, development and protection of natural and physical resources, must recognise and provide for. Of relevance to these topics are:

- the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development (section 6(a));
- the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development (section 6(b));
- provision for public access to and along the coastal marine area, lakes and rivers (section 6(d));
- protection of historic heritage from inappropriate subdivision (section 6(f)); and
- the management of significant risk from natural hazards (section 6(h)).

## 5.3 Public Access and Esplanade Reserves/Strips

5.3.1 One of the principal mechanisms by which public access to and along the coastal marine area, lakes and rivers is provided is through esplanade reserves/strips, and access strips.

Sections 229 – 237H of the RMA set out the purpose of these mechanisms, and the way in which esplanade reserves and strips, and access strips can be created. Of particular note:

- Esplanade reserves and strips have a range of purposes, including to enable public access to or along any sea, river or lake (section 229(b));
- An esplanade reserve 20m in width shall be set aside where any allotment of less than 4ha is created (unless a rule in a plan provides otherwise) (section 230(3));
- Esplanade reserves or strips can only be set aside where any allotment of greater than 4ha is created if a rule in the District Plan requires it (section 230(5)); and
- The territorial authority shall compensate owners for esplanade reserves or strips in their entirety when taken from land that is being subdivided and is greater than 4 hectares in area unless the registered owner agrees otherwise (section 237F).

5.3.2 It should be noted that the PDP also includes a separate Public Access Chapter (under Part 2 – District-Wide Matters: Natural Environment Values) which manages when public access is required at time of land use and subdivision. The objectives and policies of that chapter also apply to subdivision that results in the creation of esplanade reserves and strips that are for the purpose of providing public access. Council has identified in **SCHED11 – Schedule of Public Access Provisions** that identifies parts of the coastal marine area and margins of specified wetlands and rivers where public access should be provided.

## 5.4 National Policy Statement on Urban Development Capacity 2020

5.4.1 This National Policy Statement on Urban Development Capacity 2020 (NPSUD) provides direction on planning for urban environments, to ensure that development of residential and business land is sufficient to meet demand. It is relevant to the Subdivision Chapter and the identification of Development Areas because subdivision enables urban development and the identification of Development Areas is a key mechanism to provide for identified future growth opportunities.

5.4.2 Key provisions include:

- **Objective 1**: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- **Objective 4**: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- **Objective 8**: New Zealand's urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.

5.4.3 The Subdivision Chapter provisions relate to management of the act of subdivision within those areas already zoned for growth. Many of the key provisions contained in the NPSUD relate to housing supply. For example, the NPSUD requires Tier 1, 2, and 3[1] local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term (Policy 2). It is noted that matters relating to the identification of additional land for urban growth fall within the Future Development Area Chapter and Rezoning Topics to be considered separately as part of Hearing G.

## 5.5 New Zealand Coastal Policy Statement (NZCPS)

5.5.1 The NZCPS recognises the coastal environment's unique characteristics and issues and seeks to protect its natural character. Key requirements include:

- **Objective 2:** to preserve the natural character of the coastal environment, including identifying areas where various forms of subdivision would be inappropriate.
- **Objective 5:** to ensure that coastal hazard risks, taking account of climate change, are managed.
- **Objective 6:** to enable people and communities to provide for their social, economic, and cultural well-being and their health and safety, through appropriate subdivision, use, and development.

## 5.6 Canterbury Regional Policy Statement (CRPS)

5.6.1 A district plan must give effect to a regional policy statement. The provisions in the Canterbury Regional Policy Statement (CRPS) directly relevant to subdivision are set out in Chapter 5 'Land use and Infrastructure'.

5.6.2 **Objective 5.2.1** seeks development that achieves consolidated, well designed and sustainable growth in and around existing urban areas.

5.6.3 **Objective 5.2.2** seeks that land use and regionally significant infrastructure are integrated, so that it:

*is located and designed so that it functions in a way that:*

1. *achieves consolidated, well designed, and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and*
2. *enables people and communities, including future generations, to provide for their social, economic, and cultural well-being and health and safety; and which:*
   - a. *maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features, and landscapes, and natural values;*

   *[…]*
   - i. *avoids conflicts between incompatible activities.*

[1] Timaru District Council is Tier 3.

5.6.4 **Policy 5.3.2** is to enable development that ensures adverse effects are avoided, remedied or mitigated, including effects on regionally significant infrastructure, the consolidated growth and development of existing urban areas, the productivity of soil resources, fragmentation of rural land, community water supply sources and significant natural and physical resources. Reverse sensitivity effects are to be avoided, and development is to be integrated with efficient and effective infrastructure and transport networks.

5.6.5 **Policy 5.3.5** seeks to ensure development is appropriately and efficiently serviced by avoiding development that will not be served in a timely manner, and requiring infrastructure services to be designed, built and upgraded to ensure their on-going effectiveness.

5.6.6 **Policy 5.3.6** seeks to avoid development that constrains the ongoing ability for infrastructure to be developed and used.

5.6.7 **Policy 5.3.7** seeks to avoid development that adversely affects the safe functioning of the strategic land transport network and arterial roads, or forecloses the opportunity for development to meet future requirements.

5.6.8 **Policy 5.3.8** seeks to integrate land use and transport planning.

## 5.7 Iwi Management Plan of Kāti Huirapa

5.7.1 The Iwi Management Plan (IMP) of Kāti Huirapa sets out a series of outcomes in relation to Mahika Kai, water quality and quantity, the protection and restoration of ecological biodiversity, indigenous vegetation removal, discharges to air, and place names. Subdivision can create opportunities for provision of access to Mahika Kai adjacent to waterways and/or Māori Reserves.

## 5.8 Te Whakatau Kaupapa Ngāi Tahu Resource Strategy for the Canterbury Region.

5.8.1 Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy is a statement of Ngāi Tahu beliefs and values and was prepared while the then Ngāi Tahu claim was before the Waitangi Tribunal, and prior to the RMA being enacted. It includes an overview of values and attitudes relating to natural resources, and policy statements concerning their future management. There is also a specific section on Arowhenua, including a case study of the Opihi River and catchment addressing abstraction, pollution, results of mismanagement, and future aspirations. There are no specific policies that relate directly to subdivision and development. However, the proposed policies and rules in the SUB chapter may assist in achieving policies that seek to retain vegetation along the margins of rivers and lakes, provide habitats for indigenous flora and fauna and protection of urupā.

### 5.9 National Planning Standards

5.9.1 Section 75(3)(ba) states that a district plan must give effect to a national planning standard. The National Planning Standards (NP Standards) direct the zones that can be used in the PDP, and include a description of each zone, which district plan provisions must be aligned with.

5.9.2 Subdivision provisions are to be located in one or more chapters under the subdivisions heading. Provisions may include technical subdivision requirements from Part 10 RMA and material incorporated by reference under Part 3 Schedule 1. Chapters must cross reference any relevant provisions in the energy, infrastructure and transport heading.

## 6. Analysis and Evaluation of Submissions

### 6.1 Approach to Analysis

6.1.1 The analysis undertaken in this report is separated into five sections in the following order.

- Subdivision (SUB) Chapter
- DEV1: Broughs Gully Residential Development Area
- DEV2: Gleniti Residential Development Area
- DEV3: Washdyke Industrial Development Area
- DEV4: Temuka North West Residential Development Area

6.1.2 The approach taken in this report is to assess submissions that are general in nature first or relate to the introduction of the Chapter. Following that the assessment is largely on a provision-by-provision basis, by groups of provisions (e.g. objectives, policies, rules, standards and related definitions). The provisions are then followed by an assessment of mapping issues.

6.1.3 The assessment of submissions generally follows the following format:

- A brief summary of the relevant submission points.
- An analysis of those submission points.
- Recommendations, including any amendments to plan provisions and the related assessment under section 32AA.

6.1.4 Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under Clause 10(2)(b) are footnoted as such.

6.1.5 Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under Clause 16(2) are footnoted as such.

6.1.6 Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Further submissions are not listed within **Appendix 2**. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:

- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
- Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
- Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

6.1.7 Moore, D and J [100.2], Peel Forest [105.1] and McArthur, K and J [113.1], in a primary submission, support the submission of Fed Farmers and seek the same relief as sought in that submission. Discussion of the Fed Farmers submission points and recommendations made in relation to these therefore applies to that of Moore, D and J [100.2], Peel Forest [105.1] and McArthur, K and J [113.1].

## 6.2 Provisions where no Change Sought

6.2.1 The following provisions were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified:

- Subdivision Chapter: SUB-O2; SUB-O4; SUB-P10; SUB-P8;
- Development Area1: DEV1-O2; DEV1-R2; DEV1-S4;
- Development Area 2: DEV2-O1; DEV2-O2; DEV2-P1; DEV2-P2; DEV2-R2; DEV2-S4; DEV2-S5;
- Development Area 3: DEV3-O2; DEV3-P2; DEV3-R2; DEV3-S4; DEV3-S5; and

- Development Area 4: DEV4-O1; DEV4-O2; DEV4-P1; DEV4-P2; DEV4-P3; DEV4-R2; DEV4-S3; DEV4-S4; DEV4-S5; DEV4-S6.

## 6.3 Broad Submissions

6.3.1 This section of the report addresses general submission points that are relevant to the SUB and DEV Areas chapters but relate to the same underlying matter.

6.3.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| ECan | 183.1, 183.4 |
| Waipopo Huts | 189.3 |
| RHL | 174.3, 174.4 |
| Rooney, GJH | 191.3, 191.4 |
| RGL | 249.3, 249.4 |
| RFL | 250.3, 250.4 |
| REL | 251.3, 251.4 |
| TDL | 252.3, 252.4 |

***Submissions***

6.3.3 ECan [183.1] is concerned that rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined, so that it is not clear what is being measured. The submitter considers that it is necessary to review all references to size of buildings and consider whether a clear definition is required linking development to either the "building footprint" or "gross floor area", which are defined NP Standard terms, and then create exclusions from those terms within the rules if necessary.

6.3.4 Similarly, ECan [183.4] seeks that references to the height of buildings across the PDP are reviewed to ensure that height is measured from ground level, with consistent expression of height rules. The submitter is concerned that across the PDP, references to "height" of buildings or structures do not make reference to where height is measured from.

6.3.5 The general submission from Waipopo Huts [189.3] sets out that Council needs to provide the Waipopo Huts with adequate drinking water, wastewater and stormwater infrastructure in recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient community on Māori Trust land. No specific relief is sought in this general submission point.

6.3.6 RHL [174.3], Rooney, GJH [191.3], RGL [249.3], RFL [250.3], REL [251.3] and TDL [252.3] considers the PDP has been drafted to require significant areas of private land to be surrendered when subdivision or development occurs, even for minor activities such as boundary adjustment. No specific relief is sought in this general submission point. Related to this, submissions from RHL [174.4], Rooney, GJH [191.4], RGL [249.4], RFL [250.4], REL [251.4] and TDL [252.4] consider the policy direction in the PDP provides for Council to take significant areas of land without any provision for compensation. The submitters are of the view that the land area required by the PDP is large, which would deter future development.

***Analysis***

6.3.7 With respect to the standards for 'Height', 'Scale of buildings and structures' and 'Site Coverage', I have reviewed the standards in each of the SUB and DEV Area chapters and am satisfied that these terms are not used therein. On that basis I do not consider that any changes are required; and insofar as these general ECan [183.1, 183.4] submission points relates to the SUB and DEV Area Chapters, I recommend they are rejected.

6.3.8 Waipopo Huts have submitted [189.3] requesting that the Council needs to provide the Waipopo Huts settlement with adequate drinking water, wastewater and stormwater infrastructure. In my view these matters are beyond the scope of a district plan and the submission should therefore be rejected. Nonetheless, the submitter has made other submissions regarding the [re]zoning of the land in question. These submissions were previously deferred to this Hearing E as set out in Minute 17 of the Hearings Panel; and have subsequently been considered by Liz White is her section 42A Report for this Hearing. I understand that Ms White has recommended that the Waipopo Huts are included within the Māori Purpose Zone (MPZ).

6.3.9 The general points raised in the submissions by RHL, Rooney, GJH, RGL, RFL, REL and TDL are all otherwise subject to more specific submission points raised in relation to the provisions contained in the SUB and DEV Area chapters assessed below. I recommend that these general points are accepted and/or rejected in accordance with the recommendations on those more specific submission points as set out in **Appendix 2**.

***Conclusions and Recommendations***

6.3.1 I do not recommend any changes in relation to these broad submission points. However I note that in subsequent sections of this report, I recommend changes to specific provisions that may, to some extent, address the broader concerns expressed by the submitters.

## 6.4 Matters to be considered in other Hearings

6.4.1 Submissions that have been deferred from this chapter include those by BGDL [167.6, 167.7], which seek reference to Medium Density Residential Zoning within the DEV1 Chapter and on the accompanying DAP. This is recommended to be deferred to Hearing

G as the change to the DEV1 and the DAP depends on the outcome of the related re-zoning request.

# 7. Subdivision (SUB)

## 7.1 General Submissions

7.1.1 This section of the report addresses submission points that relate to the SUB chapter at a broad level, rather than commenting on specific provisions.

7.1.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| Speirs, B | 66.45, 66.46, 66.47, 66.48, 66.49, 66.50, 66.51, 66.52, 66.53, 66.54, 66.61 |
| Harper et al. | 108.3 |
| Payne, D&S | 160.3 |
| TRoNT | 185.57 |
| Fed Farmers | 182.143 |

***Submissions***

7.1.3 The submissions from Speirs, B [66.45 to 66.51, 66.53, 66.54 and 66.61] are similar in nature and relate to the subdivision rules included within different chapters of the PDP (as listed below). The submitter considers that subdivision is given considerable prominence and significance in resource management, and on that basis it makes sense to have all rules involving subdivision in one chapter within the plan. These submissions relate to the following subdivision rules within other chapters:

- NH-R8 Subdivision
- HH-R10 Subdivision of land containing a Historic Heritage Item
- HH-R16 Subdivision of land within a Historic Heritage Area
- SASM-R7 Subdivision
- ECO-R6 Subdivision of land containing a Significant Natural Area.
- NATC-R6 Subdivision of land containing a riparian margin.
- NFL-R9 Subdivision
- PA-R1 Any new land use, subdivision or development
- CE-R11 Subdivision

- DWP-R2 Subdivision not connected to a community sewage system
- FC-R3 Subdivision

7.1.4 The general submission from Speir, B [66.52] also refers to deleting the term subdivision from the title of **PA-R1**, as follows:

***PA-R1 Any new land use, ~~subdivision~~ or development***

7.1.5 No specific reasoning is given, but it is assumed that the submitter considers that any rule relating to subdivision within the Public Access Provision Overlay should be within the SUB chapter as per the submissions referred to above.

7.1.6 Harper et al [108.3] and Payne, D&S [160.3] consider that the PDP and supporting documents are inconsistent and there is confusion regarding on-site wastewater systems within the Rural Lifestyle Zone (RLZ). The Section 32 Report considers a 5000m$^2$ minimum allotment size, while the PDP as notified sets a 2ha minimum lot size where reticulated wastewater is not provided. The submitter considers the 2ha minimum requirement is overly restrictive and wasteful of the already limited RLZ land resource. The submitters note that the notified requirements do not align with the ECan requirement of 4ha, which adds another layer of complexity. The submitters do support **SUB-P15** which states:

*Require connection to the reticulated wastewater networks where available, or if not available, provide a suitable site area for onsite disposal[…]*

7.1.7 The relief sought is to amend the SUB Chapter to remove the 2ha minimum lot size for on-site wastewater management system within the RLZ and make the rule align with the outcome sought by **SUB-P15**.

7.1.8 TRoNT [185.57] submit that it is not clear in the SUB chapter that the status and matters of discretion will change in the SASM overlay. A cross reference is sought in the SUB chapter to clearly reference this rule. The relief sought is to amend the SUB chapter to include a cross reference to **SASM-R7** Subdivision, so it is clear how the provisions apply.

7.1.9 Fed Farmers [182.143] submit that subdivision should provide for managed growth in rural communities and allow farmers to undertake small lot subdivision to provide for farm succession, dispose of surplus dwellings and for providing on-farm accommodation for employees. There should be acknowledgement that well managed growth in rural communities provides for diversity and vibrancy in rural areas, sustains essential community infrastructure, and provides employment flexibility and opportunities. One major concern with subdivision in rural areas is the issue of reverse sensitivity. Rural residential activities are often incompatible with rural production activities. Fed Farmers advocates for reverse sensitivity protection for rural land use so that the introduction of residential activities in rural areas will not negatively impact on the current use of rural land for production purposes. Fed Farmers wants to ensure that any objectives, policies, and relevant rules consider and mitigate the potential for reverse sensitivity issues to arise, where practical.

7.1.10 Fed Farmers [182.143] seek the following relief:

> ***Amend the SUB - Subdivision overview to:***
> *a) acknowledge the need for growth of rural communities; and*
> *b) address in detail the issue of reverse sensitivity in the rural environment and clearly sets out why the issue needs to be acknowledged and addressed.*
> *AND*
> *Any consequential amendments required as a result of the relief sought.*

***Analysis***

7.1.11 The NP Standards now determine the structure of the PDP. Clause 7 therein sets out the 'District-wide Matters Standard'. In terms of subdivision this states:

> ***Subdivision***
> *24. Subdivision provisions must be located in one or more chapters under the Subdivision heading. These provisions may include:*
> *a. any technical subdivision requirements from Part 10 of the RMA*
> *b. material incorporated by reference, such as Codes of Practice, under Part 3 of Schedule 1 of the RMA.*
> *25. The chapters under the Subdivision heading must include cross-references to any relevant provisions under the Energy, infrastructure and transport heading.*
> *26. All chapters must be included alphabetically.*

7.1.12 My assessment of this NP Standard is that any provisions relating to subdivision must be under a heading using that term, but can include multiple chapters under that heading. The NP Standards also direct that subdivision is its own heading within Part 2 – District Wide Matters. However, it is acknowledged that the NP Standards are somewhat contradictory in that they also set out that all the district-wide chapters 'must' be included in their respective chapters, e.g., all SASM related matters must be located in SASM chapter. To resolve this potential conflict, the Ministry of the Environment (MfE) produced the 'Guidance for District Plans Structure and Chapter Standards' (MfE, 2020).

7.1.13 This guidance acknowledges that in some cases the provisions to be included in a district plan will not fall neatly into a single chapter. To resolve that issue the Guidance suggests consideration of:

- Does the purpose of the provision relate to protecting a value or managing a risk where the appropriate heading is already provided in the structure?; and
- What are the primary effects sought to be managed?

7.1.14 Specifically in terms of subdivision provisions, the Guidance sets out that 'consolidating' provisions is a better approach than separating and, in some cases, duplicating provisions.

7.1.15 In my view the structure of the PDP as notified, by having various subdivision rules spread throughout the plan, does not 'consolidate' the subdivision provisions. Furthermore, the format of the PDP takes a different approach to all other Proposed Plans/Plan Changes I am familiar with that have been promulgated since the NP Standards were introduced. From a plan usability perspective, I am of the view that it is preferable to have all

subdivision related provisions within a single subdivision chapter as that is the first place plan users would look for subdivision standards applying across the district.

7.1.16 As it stands, the policy framework in these other district-wide chapters also reference to subdivision. I do not consider that raises any issues should the rules be relocated to the subdivision chapter, as the applicable policy framework would continue to apply in addition to the objectives and policies included in the SUB chapter. This outcome anticipated within the MfE Guidance, which suggests the use of cross-referencing to assist plan users. In my view the 'Note' already included at the commencement of the SUB chapter rules, which includes reference to 'How the Plan Works' adequately addresses this situation. The specific wording of the 'Note' is as follows:

> *Note: All subdivision activity requires consent. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works - General Approach.*

7.1.17 Therefore, I recommend that the various subdivision provisions subject to these submissions are moved to be included within the SUB chapter; and that the submissions from Speirs, B [66.45 to 66.51, 66.53, 66.54 and 66.61] are accepted.

7.1.18 The only exceptions to this relates to **PA-R1** relating to Public Access and **FC-R3** in the Financial Contributions chapter.

7.1.19 Rule **PA-R1** is titled 'Any new land use, subdivision or development'; and applies to all sites *"overlaid or adjoining waterways identified in the Public Access Provision Overlay"*. The resultant activity status is 'Permitted'. The structure of this rule has both subdivision and land use components. Furthermore, the subdivision component does not provide a minimum allotment size, but rather sets s threshold that residential development of greater than 5 allotments is a controlled activity so that the Council can assess the provision for public access in accordance with the Public Access Provision Overlay identified on the planning maps and **SCHED11** - Schedule of public access provisions.

7.1.20 On that basis I consider that the reference to subdivision in the title of the rule is appropriate, and secondly that this rule is appropriate to remain as the sole Rule within the Public Access Chapter, as opposed to being relocated to the subdivision chapter as discussed above. Therefore, I recommend that **PA-R1** remain as notified and the submission from Speirs, B [66.52] is rejected.

7.1.21 In terms of **FC-R3** in the Financial Contributions chapter, it is acknowledged that there is no guidance provided within the NP Standards regarding provisions relating to financial contributions. However, in my view this rule is better kept within the separate financial contributions chapter with other related rules. On that basis I recommend that the submission from Speirs, B on this point [66.61] is rejected.

7.1.22 I note that in addition to the rules listed above specifically referred to in the Speirs submission, other subdivision rules are also included elsewhere within the PDP, including **EI-R29**, **HS-R3**, **VS-R2** and **Noise R12**.

7.1.23 The rules relating to hazardous substances (**HS-R3**) and Noise (**Noise-R12**) are similar in format to **PA-R1** in that they have both subdivision and land use components and the subdivision component does not provide a minimum allotment size. For the reasons discussed above in relation to PA-R1, I am of the view that these provisions are best to remain in the respective chapters as notified.

7.1.24 The subdivision rules relating to the National Grid Corridor and Versatile Soils are structured as traditional subdivision rules. On that basis I recommend that rules **EI-R29** and **VS-R2** are moved into the SUB Chapter as a consequential amendment to the other submission lodged by Mr Speirs pursuant to Clause 10(2)(b), Schedule 1 of the RMA.

7.1.25 The changes recommended above to move **SASM-R7** into the SUB Chapter would also address the concern raised by TRoNT [185.57]. On the basis TroNT sought a cross reference to **SASM-R7** Subdivision, rather than transferring the provision to the SUB chapter, I recommend this submission is accepted in part.

7.1.26 The submissions from Harper et al [108.3] and Payne, D&S [160.3] seek to remove the 2ha minimum allotment size within the RLZ when not connected to a reticulated wastewater system. The submitters refer to the 4ha requirement for on-site wastewater systems in terms of the ECan rules within the Canterbury Land & Water Regional Plan (CLWRP). In my view this would support an increase in the minimum allotment size from 2ha to 4ha as opposed to providing support for the relief sought in their respective submissions.

7.1.27 The 2ha minimum allotment size within the RLZ is derived from the Timaru Growth Management Strategy 2016, and is provided in limited locations attached to existing urban boundaries in order to protect the character of rural and undeveloped areas and maintain their capacity to function as predominantly productive, recreational and natural environments. On that basis the 2ha minimum allotment size has been chosen based on rural character and amenity grounds, as opposed to being large enough to result in permitted activity status for on-site wastewater treatment and disposal under regional planning provisions. In my view the 2ha minimum allotment size is appropriate, and I recommend that the provision is retained as notified and the submissions from Harper et al [108.3] and Payne, D&S [160.3] are rejected.

***Conclusions and Recommendations***

7.1.28 I recommend, for the reasons given above, that the following rules are removed from the respective chapters and included as new rules within the SUB chapter:

- **NH-R8** Subdivision

- **HH-R10** Subdivision of land containing a Historic Heritage Item
- **HH-R16** Subdivision of land within a Historic Heritage Area
- **SASM-R7** Subdivision
- **ECO-R6** Subdivision of land containing a Significant Natural Area.
- **NATC-R6** Subdivision of land containing a riparian margin.
- **NFL-R9** Subdivision
- **CE-R11** Subdivision
- **DWP-R2** Subdivision not connected to a community sewage system

7.1.29 I recommend that rule **EI-R29** 'Subdivision of land within the National Grid Subdivision Corridor' and **VS-R2** 'Subdivision of a site within the Versatile Soil Overlay' are similarly removed from the current chapters and included as a new rule within the SUB chapter as consequential amendments pursuant to Clause 10(2)(b).

7.1.30 The recommended amendments are set out in **Appendix 1**.

7.1.31 In terms of a section 32AA evaluation, the transfer of the above provisions relating to subdivision to the SUB chapter accords with the format required by the NP Standards and does not otherwise change the nature of the provision. The changes recommended are to improve drafting and does not alter the general intent and therefore the original section 32 evaluation still applies.

## 7.2 SUB – Objectives

7.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| Fed Farmers | 182.144 |
| Speirs, B | 66.26, 66.55, 66.58, 66.60 |
| Connexa | 176.77, 176.78 |
| Spark | 208.77, 208.78 |
| Chorus | 209.77, 209.78 |
| Vodafone | 210.77, 210.78 |
| MoE | 106.12 |
| FENZ | 131.8 |

| | |
|---|---|
| NZTA | 143.93, 143.94 |
| Fonterra | 165.82, 165.83 |
| DOC | 166.80, 166.81 |
| TRoNT | 185.58 |
| KiwiRail | 187.61 |
| Kainga Ora | 229.41 |
| Hort NZ | 245.64, 245.65 |
| ECan | 183.98 |
| RNZ | 152.47 |
| Road Metals | 169.30 |
| FH | 170.30 |
| SFF | 172.73 |
| Alliance | 173.73 |
| NZPIB | 247.15 |
| Bonifacio, P | 36.6 |
| TDC | 42.37 |

***Submissions***

7.2.2 Fed Farmers [182.144] supports the objectives set out in the Subdivision chapter and in particular the recognition of highly productive land and the reverse sensitivity issues that arise from subdivision in rural areas. Fed Farmers seek that the objectives are retained as notified, or otherwise retained with wording of similar effect and any consequential amendments retain the purpose of the objectives as notified.

7.2.3 FENZ [131.8] and NZTA [143.93] support **SUB-O1** and seek that it be retained as notified.

7.2.4 MoE [106.12] supports **SUB-O1** as it ensures that subdivisions are serviced by the required infrastructure. However, the submitter requests that specific provision is made as part of **SUB-O1.7** for 'educational facilities' to ensure that population growth and the impact on schools is considered within developments.

7.2.5 A number of submitters seek changes to **SUB-O1** to address reverse sensitivity effects. Fonterra [165.82] requests that **SUB-O1.10** be amended as follows:

*10. not intentionally prevent, hinder or limit the use or development of adjoining or adjacent land, including by way of reverse sensitivity effects.*

7.2.6 KiwiRail [187.61] supports the objective to manage adverse effects on regionally significant infrastructure, but seeks that the objective is further strengthened to avoid adverse reverse sensitivity effects, noting that the rail network interacts with almost all zones within the Timaru District. On that basis the submitter seeks that **SUB-O1.8** is amended so that rather than new subdivision having "minimal" adverse effects, that such effects are "avoided". This relief would ensure that reverse sensitivity effects on the operational corridor which threatens the effective function and operation of the existing rail network would not occur.

7.2.7 Hort NZ [245.64] considers it is important to link to the subdivision outcomes sought for each respective zone and the strategic direction of the PDP. Hort NZ also consider it important for subdivision at a zone interface to respond appropriately and avoid conflict between incompatible land uses. On that basis Hort NZ seeks a new clause 11 to read as follows:

*11. respond to a zone interface to avoid conflict between incompatible activities and reverse sensitivity.*

7.2.8 DOC [166.80] seeks that **SUB-O1.3** be amended to recognise the maintenance and enhancement of indigenous biodiversity outside of SNAs as required by the RMA (Part 2 (7) and section 31) and Policy 4, 5, 8 & 13 of the draft NPS-IB (as it was at the time of submission), which seek to recognise the importance of maintaining and providing for indigenous biodiversity outside SNAs. The relief sought is:

*3. maintain and enhances amenity values and the quality of the environment including indigenous biodiversity values;*

7.2.9 TRoNT [185.58] seeks minor changes to clarify the values of Kāti Huirapa that should be considered when assessing subdivision consent applications. The relief sought is to add the term "and associational" to **SUB-O1.2**, and delete the term 'significant' from **SUB-O1.5**, as follows:

*2. respond positively to the physical and associational characteristics of the site and its context; and*
*5. protect ~~significant~~ natural and cultural values; and […]*

7.2.10 Kainga Ora [229.41] generally supports **SUB-O1**, but seeks minor changes to make reference to the *"planned"* character and qualities of the zone (in terms of **SUB-O1.1**) and to delete **SUB-O1.3**, on the basis that the outcomes in terms of amenity values and quality of the environment should be managed through **SUB-O1.1**.

7.2.11 **SUB-O2** deals specifically with infrastructure. Submissions from NZTA [143.94], Connexa [176.77], Spark [208.77], Chorus [209.77], Vodafone [210.77] and ECan [183.98] each support this objective and seek that it be retained as notified.

7.2.12 **SUB-O3** deals specifically with rural subdivision. RNZ [152.47] supports the objective and in particular the maintenance of low-density development. RNZ seeks that the provision be retained as notified.

7.2.13 Speirs, B [66.26] requests that the word *"highly"* be included in **SUB-O3.1** when referring to productive land; and notes that such relief is consistent with the NPSHPL.

7.2.14 Both Road Metals [169.30] and FH [170.30] support **SUB-O3.4** as it recognises that reverse sensitivity effects can arise from subdivision in rural areas. However, the submitters consider it is unclear why the protection from reverse sensitivity is applied only to intensive primary production, and are of the view that it should be applied to all primary production activities. The relief sought is to delete the term "intensive" from **SUB-O3.4**. SFF [172.73] and Alliance [173.73] seek that **SUB-O3.4** is amended to include additional land uses that might be impacted by reverse sensitivity, as follows:

> *4. minimise reverse sensitivity effects on intensive primary production and existing industrial activities and major hazard facilities in any zone.*

7.2.15 Hort NZ [245.65] made a similar submission supporting the protection of productive land from fragmentation, but seeking greater protection from reverse sensitivity effects, which in their view should be avoided. Furthermore, like the submitters above, they consider that concerns around reverse sensitivity should apply to all primary production, not only that defined as intensive. Rather than delete the term 'intensive', as sought by Road Metals [169.30] and FH [170.30], Hort NZ seek the following relief:

> *4. ~~minimise~~ avoid reverse sensitivity effects on primary production including intensive primary production.*

7.2.16 NZPIB [247.15] supports the intent of the objective, but oppose the use of the term 'minimise' as this may still allow subdivision to occur in the rural zone where it is not enabling the rural nature of the zone and may impact on the availability of highly productive land for primary production. NZPIB seeks that the term 'minimise' as used in both **SUB-O3.1** and **SUB-O3.4** is replaced with the term 'avoid'.

7.2.17 Finally, the submission from Fonterra [165.83] similarly sought that the term 'minimise' in **SUB-O3** be replaced with the term 'avoid'; and otherwise that consideration of reverse sensitivity is not limited to only 'intensive' primary production, and also make specific reference to 'rural industry'.

7.2.18 **SUB-O5** refers to 'Public access and esplanade reserve and strips'. TDC [42.37] supports the intent of **SUB-O5**, but seeks to ensure alignment with the Objective **PA-O1** and Policy **PA-P4** in the Public Access Section of the Natural Environmental Values. The submitter notes that those provisions acknowledge that public access to the identified areas may not always be appropriate, e.g., to protect certain sensitive areas/values or for public health and safety reasons. Similarly, Bonifacio, P [36.6] submits **SUB-O5** is unclear in how and who will determine whether the proposed public recreational uses will be compatible with conservation values. The submitter considers that additional detail should be provided within the objective as to how compatibility with conservation values will be assessed under **SUB-O5**.

7.2.19 On the basis that it is possible to create esplanades outside of the subdivision process, Speirs, B [66.58] submits it is more appropriate that a separate chapter of the PDP be developed dealing specifically with esplanades. Similarly, Speirs, B [66.60] notes that whilst definitions of an Esplanade reserve and an Esplanade strip are included in the PDP, the lack of context could be misleading to the general public, and further explanation needs to be outlined.

7.2.20 DOC [166.81] supports **SUB-O5** and considers the objective gives effect to Objective 4 and Policy 18 and 19 of the NZCPS and Policy 8.1.5 of the CRPS. DOC seeks that the objective is retained as notified in the PDP.

7.2.21 Speirs, B [66.55] seeks a new objective relating to rural lifestyle subdivision be included, noting that separate objectives are included for both rural and residential subdivision in the notified PDP.

7.2.22 Connexa [176.78], Spark [208.78], Chorus [209.78] and Vodafone [210.78] made identical submissions seeking a new objective to address reverse sensitivity effects, as follows:

> *Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable or mitigated where avoidance is not practicable.*

***Analysis***

7.2.23 The submissions supporting the Objectives of the Subdivision Chapter as notified in the PDP are noted. On the basis of the amendments otherwise recommended in response to other submissions, it is recommended that the submissions from Fed Farmers [182.144], FENZ [131.8], NZTA [143.93], RNZ [152.47] and DOC [166.81] be accepted in part.

7.2.24 As no changes are recommended to **SUB-O2**, the submissions from NZTA [143.94], Connexa [176.77], Spark [208.77], Chorus [209.77], Vodafone [210.77] and ECan [183.98] are recommended to be accepted.

7.2.25 **SUB-O1.7** requires new subdivisions to (amongst others) *"have infrastructure and facilities appropriate for the intended use"*. MoE [106.12] suggests that this should make specific provision for 'educational facilities'. The PDP as notified defines the following land uses as coming under the general heading of 'facilities':

- Car parking or parking facility
- Community facility
- Educational facility
- Emergency services facility (being a subset of community facilities)
- Hazardous substances facility
- Healthcare facility

- Major hazard facility
- Motorsport facility

7.2.26 On that basis, the relief sought by the submitter would promote educational facilities at the exclusion of all the other facilities listed above. Whilst many of those facilities would be inappropriate in certain zones, **SUB-O1.7** does state *"appropriate for the intended use"*, in my view this is sufficient to ensure that (for example) a hazardous substances or motorsport facility is not established within a residential zone. On that basis I do not consider the relief sought by the submitter to be appropriate, and recommend that the submission from MOE [106.12] is rejected.

7.2.27 A number of submitters seek changes to **SUB-O1** and **SUB-O3** to address reverse sensitivity effects, including that **SUB-O1.8** and **SUB-O3.4** are amended so that rather than referring to having "minimal" adverse effects, that such effects are "avoided".

7.2.28 **SUB-O1.8** refers to the adverse effects on both 'regionally significant infrastructure' and 'intensive primary production'. In terms of regionally[2] significant infrastructure, I note that the direction set out in the higher order Canterbury Regional Policy Statement (CRPS) in Objective 5.2.1 and Policy 5.3.9 is (respectively):

> *2.g. avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;*
>
> *1. avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;*

7.2.29 The grouping of regionally significant infrastructure and intensive primary production within the one clause of the objective is somewhat problematic. Whilst a qualified 'avoid' (where practical or possible) might be justified for regionally significant infrastructure in order to give effect to the CRPS framework above, I do not consider that avoidance of all adverse effects (no matter how small) is justified in relation to intensive primary production.

7.2.30 KiwiRail [187.61] notes that the rail network interacts with almost all zones within the Timaru District. This means that it may not be possible for in zone residential development to 'avoid' potential reverse sensitivity effects on the rail network. In that context, and given that the CRPS acknowledges that there will be circumstances where it is "impractical" to avoid adverse effects, I am of the view that the reference within **SUB-O1.8** to having "minimal adverse effects" is appropriate. Therefore, I recommend that the submission from KiwiRail [187.61] is rejected.

[2] Note that SUB-O1.8 as notified referred to regional significant infrastructure, it is recommended that this typographical error is corrected using Clause 10(2)(b) of Schedule 1 of the RMA.

7.2.31 Reverse sensitivity effects are also addressed in **SUB-O1.10**, however, the submission from Fonterra seeks this be made more explicit, as well as making reference to "use or" development of adjoining or adjacent land. I support those changes and recommend that the submission from Fonterra [165.82] is accepted. This additional recognition of reverse sensitivity effects of subdivision may also go some way to address the concerns raised by submitters seeking changes to **SUB-O3**, which relates specifically to rural subdivision.

7.2.32 On the basis of the above recommended change, along with the matter of reverse sensitivity also being specifically dealt with in **SUB-O3.4**, I do not consider further reference to reverse sensitivity is required within **SUB-O1**, or an additional Objective specific to reverse sensitivity is required. On that basis I recommend that the submissions from Hort NZ [245.64], Connexa [176.78], Spark [208.78], Chorus [209.78] and Vodafone [210.78] are rejected.

7.2.33 **SUB-O3** relates specifically to Rural subdivision, with **SUB-O3.4** seeking to *"minimise reverse sensitivity effects on intensive primary production"*. Various submitters seek that the term minimise is replaced with avoid, and that such effects are not limited to only intensive forms of primary production. Whilst intensive forms of primary production are more likely to result in reverse sensitivity, such effects can arise in relation to more traditional, less intensive, forms of primary production. On that basis I agree with the relief sought by the submitters to expand the scope **SUB-O3.4** so that they refers to all forms of primary production, not only intensive. I note that I would have recommended this same change to **SUB-O1.8**, but there is no scope to do so given no submitter sought such relief.

7.2.34 In terms of whether such effects should more appropriately be 'minimised' or otherwise 'avoided', I note that rural subdivision applications will also be assessed against **GRUZ-P5**, which sets out to protect primary production from the adverse effects arising from reverse sensitivity. The recommended amendments to **GRUZ-P5** set out in the Interim Reply Version of the Section 42A Report prepared by Mr Maclennan seek to avoid reverse sensitivity effects in the first instance, and then to require mitigation *"so that there is minimal potential for adverse effects on the sensitive activity…"*. In my view it is appropriate to recommend a similar framework be included in **SUB-O3.4**. Therefore I recommend that the submissions from Fonterra [165.83], Road Metals [169.30], FH [170.30], Hort NZ [245.65] and NZPIB [247.15] are accepted in part.

7.2.35 Fonterra also seeks that **SUB-O3** protect rural industry from reverse sensitivity, whilst SFF and Alliance seek that **SUB-O3** protect all *"existing industrial activities and major hazard facilities in any zone"*. Rural industry is defined in the PDP as being *"an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production"*. The CRPS seeks to protect primary production from reverse sensitivity, but this protection does not extend to include associated rural industry. I note that in the PDP as notified rural industry is a RDIS activity within the

GRUZ. Part of the assessment for any such application will include the proximity of sensitive land uses. Once established, any consented rural industry becomes part of the existing environment; and on that basis would be considered as part of any future subdivision consent application/s in the vicinity. Overall, I do not consider that **SUB-O3.4** should be extended to include rural industry or industrial activity more generally, and recommend that aspect of the submission from Fonterra [165.83], and those of SFF [172.73] and Alliance [173.73], be rejected.

7.2.36 The changes sought by Kainga Ora are not required in my view. Adding the word 'planned' in the context of the character into **SUB-O1.1** is unnecessary. The planning assessment undertaken in relation to any resource consent will have to consider both the existing environment and the permitted baseline (i.e., the "planned" or anticipated character and qualities of the zone). In my view adding the term planned has the potential to place less weight on the existing environment when undertaking this assessment. It is noted that **SUB-O1.3** effectively replicates the requirements set out in section 7(c) and (f) of the RMA. Notwithstanding, I do not see a particular need for this to be deleted. Overall, I recommend that the submission from Kainga Ora [229.41] is rejected.

7.2.37 The submission of DOC [166.80] seeks that **SUB-O1.3** is amended to make specific reference to indigenous biodiversity values. As noted above, this clause effectively repeats the requirements set out in section 7 of the RMA. I do not consider it appropriate to then make specific reference to one aspect of the environment over another. Accordingly, I recommend that this submission from DOC is rejected.

7.2.38 The submission from TRoNT seeks the addition of the term "and associational" to **SUB-O1.2** when referring to the characteristics of the site and its context, with a similar change sought to **SUB-P4** as assessed further below. In the specific context of **SUB-O1** I do not consider that this term is sufficiently certain to be included in this particular context as sought. In terms of **SUB-O1.5**, the submitter seeks to delete the term 'significant'. In my view deleting this term would create a very low threshold by which all such natural and cultural values would have to be protected. I note that further policy guidance in terms of the management and protection of cultural values is also set out in the SASM chapter. I therefore recommend that the term 'significant' in **SUB-O1.5** be retained as notified, and the submission from TRoNT [185.58] rejected.

7.2.39 As notified **SUB-O3.1** refers to *"minimising the fragmentation of productive land"*. Speirs, B seeks that this refer to *"highly productive land"* in order to be consistent with the NPSHPL. It should be noted that due to the timing of the preparation of the PDP, the provisions do not necessarily give effect to the NPSHPL. The PDP does however include a chapter dedicated to 'Versatile Soils' as part of the district wide matters. The submissions relating to this chapter have been deferred to Hearing F.

7.2.40 In my view the change sought to **SUB-O3.1** by the submitter could have the unintended consequence of allowing fragmentation of productive rural land not otherwise identified as HPL under the NPSHPL. This would lead to impacts on rural character and amenity that would not achieve the outcomes sought by the balance of the policy framework.

7.2.41 Consideration was given to recommending a new clause within **SUB-O3** to specifically address the irreversible loss of highly productive land from inappropriate subdivision in order to 'give effect to' the NPSHPL in accordance with section 75(3)(a) of the RMA. However, in my view that policy is more effectively addressed in either the 'Versatile Soils' chapter, or alternatively within the GRUZ chapter. In any case, inclusion within the SUB chapter would likely cause duplication and can only address the subdivision aspect of the NPSHPL, which otherwise refers to avoiding the irreversible loss of highly productive land from inappropriate subdivision, use or development. On that basis, I recommend that the submission from Speirs, B [66.26] is rejected, but note that it may be addressed by other changes recommended to the Versatile Soils chapter as part of Hearing F.

7.2.42 NZPIB request that the term "minimise" in **SUB-O3.1** is replaced with "avoid". In my view fragmentation describes a situation where a threshold has been reached, whereby a pattern of subdivision has resulted in an adverse change of rural character and amenity values. On that basis I support the relief sought by NZPIB in terms of **SUB-O3.1** and recommend that this submission [247.15] is accepted in part given that it also seeks changes to **SUB-O3.4.**

7.2.43 In terms of the relief sought to include a separate section, or new chapter, of the district plan dedicated to esplanades, I do not consider this is necessary. As set out in the NP Standards, the PDP already includes a subdivision chapter addressing esplanade creation, and also a chapter on Public Access under the Natural Environment Values topic. I note that that the NP Standards do not otherwise provide for a further separate 'esplanades' chapter. The submitter refers to the fact that it is possible to create esplanades outside of the subdivision process, in my view that is done by agreement between the parties outside the district plan process (see section 235 of the RMA); much like landowners can create QEII or other private covenants on their land. The PDP is a regulatory function and the requirement to create esplanade upon the act of subdivision under certain criteria. On that basis I consider the structure of the PDP to be appropriate, and therefore recommend that the submissions from Speirs, B [66.58, 66.60] are rejected.

7.2.44 The submission from Bonfacio, P requests greater clarification/detail as to how compatibility with conservation values will be assessed under **SUB-O5**. In my view such detail does not have to be included within the policy framework, as it will be determined at the time of processing any resource consent required in terms of the rules to give effect to that policy. I therefore recommend the submission from Bonfacio, P [36.6] is rejected.

7.2.45 In terms of the objective relating to public access (**SUB-O5**), the submission from the TDC considers that greater consistency with the Public Access chapter is required, including specifically **PA-O1** and **PA-P4**, but no specific detail on the relief sought is provided. In my view the provisions referred to **PA-O1** and **PA-P4** provide greater detail on the circumstances where it might be inappropriate to require an esplanade reserve/strip purely on public access grounds. On that basis I recommend that a cross reference to the matters set out in **PA-P4** is included in **SUB-O5.3**; and the submission of TDC [42.37] be accepted in part.

7.2.46 A new objective was requested to deal specifically with Rural Lifestyle zone (RLZ) subdivision. In terms of the PDP structure, a Rural Lifestyle zone falls under the umbrella of a Rural Zone, as does the General Rural Zone (GRUZ) and the Settlement Zone (SETZ). This is reflected in **SUB-O3**, which refers to all three of the Rural Zones. In that context I do not consider an additional objective dealing specifically with the RLZ is required, noting that a specific policy (**SUB-P15**) is included in the PDP. Therefore, I recommend that the submission from Speirs, B [66.55] is rejected.

***Conclusions and Recommendations***

7.2.1 I recommend, for the reasons given above, that **SUB-O1** 'General subdivision design' is amended as follows:

*New subdivisions will:*

1. *accord with the purpose, character and qualities of the zone; and*
2. *respond positively to the physical characteristics of the site and its context; and*
3. *maintain and enhances amenity values and the quality of the environment;*
4. *be accessible, connected and integrated with surrounding neighbourhoods; and*
5. *protect significant natural and cultural values; and*
6. *respond appropriately to hazards, risks and site constraints; and*
7. *have infrastructure and facilities appropriate for the intended use; and*
8. *have minimal adverse effects on regionally significant infrastructure or intensive primary production; and*
9. *provide for the health, wellbeing and safety of people;*
10. *not intentionally prevent, hinder or limit the use or development of adjoining or adjacent land, including by way of reverse sensitivity effects.*

7.2.2 I recommend, for the reasons given above, that **SUB-O3** 'Rural Subdivision' is amended as follows:

*Subdivision in the rural zones will:*

1. ~~*minimise*~~ *avoid the fragmentation of productive land in the General Rural Zone; and*
2. *maintain the low-density open character of the General Rural Zone; and*
3. *maintain a contrast between the rural environment and adjoining urban, Rural Lifestyle and Settlement zones; and*
4. *avoid where possible, and otherwise minimise reverse sensitivity effects on* ~~*intensive*~~ *primary production.*

7.2.3 I recommend, for the reasons given above, that **SUB-O5** 'Public access and esplanade reserves and Esplanade strips' is amended as follows:

*Public access and esplanade reserves and strips created through subdivision will:*

1. *contribute to the protection of conservation values; and*

2. *provide for public access to and along identified rivers and the sea, except where in accordance with PA-P4; and*
3. *provide public recreational uses along the waterways and coast where the use is compatible with conservation values.*

7.2.4 The recommended amendments are set out in **Appendix 1**.

7.2.5 In terms of section 32AA, I consider that the recommended change to **SUB-O1.10** clarifies the inclusion of reverse sensitivity, thereby improving drafting without altering the general intent. The changes to the **SUB-O3** and **SUB-O5** are minor changes to improve consistency across chapters. Removing the term 'intensive' from **SUB-O3** better reflects the primary land use undertaken in the GRUZ. Therefore the original section 32 evaluation still applies.

## 7.3 SUB – Policies

7.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| RHL | 174.47, 174.48, 174.49, 174.50, 174.51 |
| Rooney, GJH | 191.47, 191.48, 191.49, 191.50, 191.51 |
| RGL | 249.47, 249.48, 249.49, 249.50, 249.51 |
| RFL | 250.47, 250.48, 250.49, 250.50, 250.51 |
| REL | 251.47, 251.48, 251.49, 251.50, 251.51 |
| TDL | 252.47, 252.48, 252.49, 252.50, 252.51 |
| Fed Farmers | 182.149, 182.150, 182.151, 182.152, 182.153, 182.154, 182.155, 182.156, 182.157 |
| Kainga Ora | 229.42, 229.43, 229.44, 229.45, 229.46, 229.47, 229.49 |
| Hort NZ | 245.66, 245.67, 245.68, 245.69 |
| NZTA | 143.95, 143.96, 143.97 |
| BGDL | 167.16 |
| SFF | 172.74, 172.75, 172.76 |
| Alliance | 173.74, 173.75, 173.76 |
| Fonterra | 165.84, 165.85, 165.86, 165.145 |
| ECan | 183.99, 183.100, 183.101, 183.102, 183.103 |

| | |
|---|---|
| Heritage NZ | 114.36 |
| DOC | 166.82, 166.83 |
| TRoNT | 185.59, 185.60, 185.61 |
| Speirs, B | 66.27, 66.59 |
| RNZ | 152.48 |
| Road Metals | 169.31 |
| FH | 170.31 |
| Connexa | 176.79, 176.80 |
| KiwiRail | 187.62, 187.63, 187.64 |
| Spark | 208.79, 208.80 |
| Chorus | 209.79, 209.80 |
| Vodafone | 210.79, 210.80 |
| NZPIB | 247.16 |
| FENZ | 131.9 |
| Bonifacio, P | 36.7 |
| PrimePort | 175.41 |

***Submissions***

7.3.2 Fed Farmers [182.149, 182.150, 182.151, 182.152, 182.153, 182.154, 182.156, 182.157] supports **SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, SUB-P6, SUB-P14** and **SUB-P15**. The submitter seeks that these policies are retained as notified, or otherwise amended to have similar effect, and any other consequential amendments required to give effect to their submissions.

7.3.3 Kainga Ora [229.42, 229.43, 229.45, 229.46, 229.47] support **SUB-P1, SUB-P4, SUB-P6, SUB-P9, SUB-P10**, but seeks to include the term 'planned' in **SUB-P1** when referring to the character and qualities of the applicable zone.

7.3.4 TRoNT [185.59] and Heritage NZ [114.36] support **SUB-P2**, which seeks to ensure that subdivision in sensitive environments, including heritage items, settings and sites of significance to Māori, does not compromise identified cultural values. DOC [166.82] and ECan [183.99] similarly support **SUB-P2**, noting that it is consistent with the requirements of both the RMA and CRPS. All the above submitters seek that these policies are retained as notified.

7.3.5 RHL [174.47], Rooney, GJH [191.47], RGL [249.47], RFL [250.47], REL [251.47] and TDL [252.47] oppose the directive within **SUB-P2** to require esplanade provisions as described in **SUB-P2.2**. The submitters consider the esplanade provisions may compromise the ability of the landowner to continue to use their land effectively due to reverse sensitivity and accordingly seeks that **SUB-P2** is amended to recognise that esplanade provisions can have an adverse effect through reverse sensitivity.

7.3.6 Hort NZ [245.66, 245.67] supports **SUB-P1** and **SUB-P4** and seeks they be retained as notified, but notes that it is important to link to the subdivision outcomes sought for each respective zone and the strategic direction of the PDP. Hort NZ [245.69] also supports **SUB-P9** and seeks it be retained as notified.

7.3.7 ECan [183.100] supports **SUB-P4** and seeks it be retained as notified, or otherwise that any amendments preserve the original intent. TRoNT [185.60] supports **SUB-P4** in part, but considers an amendment is necessary to include the associational values as well as the physical values of the landscape and sense of place. TRoNT seek the following relief:

> *1. responds positively to <u>the associational,</u> natural and physical features such as underlying landscape, topography and established trees and vegetation that provide amenity, contribute to local character and sense of place; and […]*

7.3.8 Speirs, B [66.27] opposes **SUB-P4.2** for safety reasons on the basis that people who are in control of mobile transport need to concentrate on their immediate surroundings, not looking at views and landmarks. The submitter seeks that the requirement set out in **SUB-P4.2** that subdivision design *"aligns streets to focus on significant views or landmarks"* be deleted.

7.3.9 **SUB-P5** 'Reverse Sensitivity' was the subject of numerous submissions with a divergence of views being expressed. NZTA [143.95], Connexa [176.79], Spark [208.79], Chorus [209.79] and Vodafone [210.79] all support **SUB-P5** and seek that it be retained as notified. ECan [183.101] also supports **SUB-P5** noting that as it is consistent with CRPS Chapter 5, specifically Policy 5.3.12. ECan seeks that **SUB-P5** is retained as notified or otherwise that any amendments preserve its original intent.

7.3.10 RNZ [152.48] supports a policy to explicitly address reverse sensitivity effects that would compromise infrastructure, but specifically considers that "Lifeline Utilities" should also be referred to as they provide critical civil defence functions and it is therefore important they too are protected from reverse sensitivity effects. RNZ seeks that specific reference to the term "lifeline utilities" is included within **SUB-P5** along with 'regionally significant infrastructure' and 'legally established intensive primary production'.

7.3.11 Road Metals [169.30] and FH [170.31] made identical submissions supporting **SUB-P5** in part, as it recognises that reverse sensitivity effects can arise from subdivision in rural areas. However, the submitters consider it is unclear why the protection from reverse sensitivity is applied only to intensive primary production; and in their view should be

applied to all primary production activities. The submitters also prefer the use of the term 'lawfully' rather than 'legally' established, as included in the following relief sought:

> ***SUB-P5 Reverse sensitivity***
> *Only allow subdivision that does not result in reverse sensitivity effects that would compromise the operation of regionally significant infrastructure/facilities and ~~legally~~ lawfully established ~~intensive~~ primary production.*

7.3.12 SFF [172.74] and Alliance [173.74] seek to ensure subdivision design is cognisant of interfaces with non-residential zones. On that basis the submitters seek to amend **SUB-P5** to also refer to industrial activities when referring to activities that could be compromised by reverse sensitivity effects.

7.3.13 KiwiRail [187.62] supports the intent of policy **SUB-P5**, but seeks minor amendment to clarify that it is the "safe and efficient" operation of regionally significant infrastructure that requires protection.

7.3.14 Kainga Ora [229.44] raised concerns around how **SUB-P5** could be applied where the underlying zone anticipates residential subdivision, but sites are adjacent to, or nearby regionally significant infrastructure. The submitter is concerned that the policy as drafted could be applied bluntly and result in residential zoned land not being developed as intended by the PDP. Kainga Ora seeks the following relief:

> ***SUB-P5 Reverse Sensitivity***
> *~~Only allow~~ Manage subdivision ~~that does not result in~~ to ensure that adverse reverse sensitivity effects ~~that would compromise the operation of~~ on regionally significant infrastructure/facilities and legally established intensive primary production are minimised.*

7.3.15 Hort NZ [245.68] supports the approach to avoidance as the priority for managing reverse sensitivity effects. However, the submitter considers this outcome should relate to all primary production and on that basis seeks the following relief:

> *Only allow subdivision that does not result in reverse sensitivity effects that would compromise the operation of regionally significant infrastructure/facilities and legally established primary production including intensive primary production.*

7.3.16 NZPIB [247.16] also supports the intent of **SUB-P5**, but opposes the 'narrowness' of the term "legally established". NZPIB notes that Intensive Primary Production is permitted in the GRUZ subject to meeting standards and states that using only the term "legally established" does not allow for new primary production to be established. On that basis NZPIB seeks that **SUB-P5** is amended to include the term *"legally established and permitted intensive primary production"*.

7.3.17 FENZ [131.9], NZTA [143.96], ECan [183.102], KiwiRail [187.63], Connexa [176.80], Spark [208.80], Chorus [209.80], Vodafone [210.80], all support **SUB-P6** requiring the integration of subdivision and infrastructure and seek that it be retained as notified.

7.3.18 TRoNT [185.61] considers untreated stormwater and wastewater is culturally inappropriate and that this should be a consideration for decisions regarding

infrastructure for new subdivisions. TroNT seeks that a new clause be added to **SUB-P6** as follows:

*10. infrastructure will maintain or enhance Kāti Huirapa values onsite or downstream.*

7.3.19 PrimePort [175.41] supports **SUB-P7** on the basis there will be some sites where esplanade reserve or strip provision is not appropriate (other than where already identified in the PDP), and it is appropriate that the policy set out circumstances where those requirements can be reduced or waived. PrimePort seeks that **SUB-P7** be retained as notified in the PDP.

7.3.20 DOC [166.83] supports **SUB-P7** and notes that it is consistent with the requirements of the CRPS and Policy 18 included in the NZCPS.

7.3.21 Bonifacio, P [36.7] opposes **SUB-P7** as there are significant health and safety, security, biodiversity and cost implications for the provision of esplanades within farm land. The submitter is of the view that riparian margins that were fenced off many years ago have almost fully regenerated so disturbing them to create an esplanade would be contrary to the biodiversity values being protected. The submitter provides no specific relief, but seeks that the Council reconsider the practicalities of creating esplanade strips and/or reserves around functioning farming operations and through high biodiversity value areas; as well as provide more clarity around who will fund and maintain these areas and who is responsible for funding and undertaking cost benefit analysis of these areas.

7.3.22 Speirs, B [66.59] considers that **SUB-P7** should be moved to a new section of the PDP Plan relating to esplanades on the basis that it is possible to create esplanades outside of the subdivision process.

7.3.23 RHL [174.48, 174.49], Rooney, GJH [191.48, 191.49], RGL [249.48, 249.49], RFL [250.48, 250.49], REL [251.48, 251.49] and TDL [252.48, 252.49] oppose the directive nature set out in **SUB-P7.2** and consider that the esplanade provisions may compromise the ability of the landowner to continue to use their land effectively due to reverse sensitivity. The submitter refers to the draft Waitaki District Plan which provides for a waiver/reduction. The submitters seeks the deletion and/or amendment of **SUB-P7.2** and the addition of a new policy within the SUB Chapter to provide for a waiver or a reduction for esplanade requirements.

7.3.24 Fed Farmers [182.155] has concerns around the right of public access arising from **SUB-P7**. In their view the PDP should not compel the landowner to always provide access across what is essentially their business and home. Fed Farmers seek to amend **SUB-P7** as follows:

*a) address the issue of public access across private property; and*
*b) ensure that this access is provided with the agreement of the landowner; and*
*c) provide access to public land, only if access cannot be gained through public land in a safe manner.*

7.3.25 SFF [172.75] and Alliance [173.75] seek a minor amendment to **SUB-P9** to align sub-clause **SUB-P9.7** with the direction of **SUB-P5**, as set out below:

> ***SUB-P9 Residential subdivision***
> *Require residential subdivision to accord with the purpose, character and qualities of the zone, and maintain and enhance amenity values, by ensuring:*
> *[…]*
> *7. conflict between residential activities and adjoining land uses ~~are~~ is avoided or minimised including by integrating buffers between new lots and adjoining zones.*

7.3.26 KiwiRail [187.64] similarly seeks to strengthen clause 7 of **SUB-P9** in order to "avoid" conflict and adverse effects on adjoining land uses, which might include the rail corridor. The relief sought by KiwiRail is as follows:

> *7. ~~conflict between~~ adverse effects, including reverse sensitivity effects from residential activities ~~and~~ on adjoining land uses are avoided ~~minimised~~.*

7.3.27 NZTA [143.97] supports **SUB-P10** and seeks it be retained as notified.

7.3.28 The submissions by RHL [174.50], Rooney, GJH [191.50], RGL [249.50], RFL [250.50], REL [251.50] and TDL [252.50] support **SUB-P11**, but consider that **SUB-P11.2** should also afford the same flexibility to the GRZ as is provided for the MRZ in the notified PDP. The submitter seeks that GRZ also be added to **SUB-P11.2**:

> *2. not specifying a minimum allotment size in the General Residential Zone and the Medium Density Zone for joint subdivision and land use applications to ensure flexibility and comprehensive consideration of applications; and* [….]

7.3.29 Kainga Ora [229.48] opposes **SUB-P11** and seeks that it be deleted from the SUB chapter as it is more appropriately contained in the Residential Zone chapter. In terms of **SUB-P12**, Kainga Ora [229.49] considers that the use of the term 'avoid' seems overly restrictive. The relief sought is to amend **SUB-P12** as follows:

> *~~Avoid~~ Provide for subdivision in the General Residential Zones that does not comply with the minimum lot design and parameters where ~~unless~~ where:*

7.3.30 BGDL [167.16] opposes **SUB-P13** as notified, and seeks that 'complies' is replaced with the term 'in general accordance with' when considering the Development Area Plan (DAP). The submitter considers that DAPs are at a broad level and in that context strict 'compliance' may be difficult to determine. The submitter considers that a design, that is not in general accordance with a DAP should only have to achieve the objectives for that Development Area, rather than have to demonstrate how a proposal will 'better achieve' the planning outcomes sought.

7.3.31 The submissions by RHL [174.51], Rooney, GJH [191.51], RGL [249.51], RFL [250.51], REL [251.51] and TDL [252.51] oppose the use of the term "avoid" in **SUB-P14**. The submitters consider that the policy should provide flexibility to work with natural boundaries and existing fence lines and occupation. The relief sought in the submission is that the term 'avoid' is replaced with 'discourage'.

7.3.32 Identical submissions from SFF [172.76] and Alliance [173.76] oppose **SUB-P14** on the basis that it is not sufficient to allow subdivision less than the minimum allotment size where the average dwelling density anticipated for the zone can be met. The submitters seek that **SUB-P14.2** is amended so that new allotments do not facilitate the development of rural-residential dwellings in the environs of existing rural and industrial activities like the Pareora processing site, as follows:

> *2. the non-compliance is minor, ~~and~~ the subdivision maintains the dwelling density anticipated for the zone and does not facilitate the establishment of sensitive activities with reverse sensitivity effects on existing rural and industrial activities; or ~~and~~*

7.3.33 Fonterra [165.145] supports **SUB-P14** and seeks it be retained as notified. However, Fonterra [165.84, 165.85, 165.86] opposes **SUB-P3, SUB-P5** and **SUB-P15** on the basis that they should also include specific direction in relation to reverse sensitivity effects. The relief sought is to make specific reference to reverse sensitivity effects in **SUB-P3**, include rural industry in **SUB-P5** and add an additional clause **SUB-P15.5** as follows:

> ***SUB-P3***
> *Avoid subdivisions that ~~are intended to~~ prevent, hinder or limit the use or development of adjoining or adjacent land~~, unless it is done to comply with a Council approved Development Area Plan~~ including by way of reverse sensitivity effects.*
>
> ***SUB-P5***
> *Only allow subdivision that does not result in reverse sensitivity effects that would compromise the operation of regionally significant infrastructure/facilities~~, and legally established~~ intensive primary production and rural industry.*
>
> ***SUB-P15***
> *5. avoid reverse sensitivity effects on existing or permitted primary production and rural industry activities.*

7.3.34 ECan [183.103] supports **SUB-P15** and seeks it be retained as notified, or otherwise that any amendments preserve the original intent.

***Analysis***

7.3.35 The various submissions supporting the subdivision chapter policies are noted, as set out in the table below:

| | |
|---|---|
| SUB-P1 | Fed Farmers [182.149], Hort NZ [245.66] |
| SUB-P2 | Heritage NZ [114.36], DOC [166.82], Fed Farmers [182.150], ECan [183.99], TRoNT [185.59] |
| SUB-P3 | Fed Farmers [182.151] |
| SUB-P4 | Fed Farmers [182.152], ECan [183.100], Kainga Ora [229.43], Hort NZ [245.67] |
| SUB-P5 | NZTA [143.95], Connexa [176.79], Fed Farmers [182.153], ECan [183.101], Spark [208.79], Chorus [209.79], Vodafone [210.79] |
| SUB-P6 | FENZ [131.9], NZTA [143.96], Connexa [176.80], Fed Farmers [182.154], ECan [183.102], KiwiRail [187.63], Spark [208.80], Chorus [209.80], Vodafone [210.80] |
| SUB-P7 | DOC [166.83], PrimePort [175.41], |
| SUB-P9 | Kainga Ora [229.46], Hort NZ [245.69], |
| SUB-P10 | NZTA [143.97], Kainga Ora [229.47] |

| | |
|---|---|
| SUB-P14 | Fed Farmers [182.156], Fonterra [165.145] |
| SUB-P15 | Fed Farmers [182.157], ECan [183.103], |

7.3.36 These submissions are either accepted, or accepted in part, depending on the recommended changes made to those provisions as set out in the analysis below (and as noted in **Appendix 2**).

7.3.37 One submission sought that the word 'planned' be included in **SUB-P1** when referring to the quality and character of the applicable zone. For the same reasons discussed above in terms of the SUB objectives, I do not consider such an addition to be appropriate and accordingly recommend that the submission from Kainga Ora [229.42] is similarly rejected.

7.3.38 The submissions by RHL [174.47], Rooney, GJH [191.47], RGL [249.47], RFL [250.47], REL [251.47] and TDL [252.47] state they oppose the *"directive to requiring esplanade provisions as described in SUB-P2.2"*. It is assumed that this is a typo and should instead refer to **SUB-P7.2**. Notwithstanding, the merits of these submissions is considered under separate submission points relating to **SUB-P7** below. On that basis I recommend that these submissions are rejected.

7.3.39 **SUB-P3** 'Disruptive subdivision' in the notified version of the PDP reads as follows:

> *Avoid subdivisions that are intended to prevent, hinder or limit the development of adjoining or adjacent land, unless it is done to comply with a Council approved Development Area Plan.*

7.3.40 The Fonterra submission seeks this is amended to delete the phrase 'are intended to', as well as the reference to Development Area Plans; and to make explicit reference to reverse sensitivity. I agree that the reference to the intent of a subdivision is not appropriate and recommend this aspect be deleted; with the appropriate focus being on the outcome not what is intended. In my view, reference to the DAP is appropriate and should be retained as otherwise this policy could be used to frustrate development otherwise anticipated by the PDP in terms of the identified Development Areas set out therein. In terms of reverse sensitivity, in my view there are already sufficient references to the potential adverse effects arising as a result of reverse sensitivity within the SUB chapter, and I have made recommendations above to make that more explicit in terms of **SUB-O1** and **SUB-O3**. Furthermore, **SUB-P5** deals specifically with the matter of reverse sensitivity (which is assessed further below). On that basis I recommend that the submission from Fonterra [165.84] is accepted in part only.

7.3.41 As noted above, a number of submitters supported **SUB-P4** 'Quality of the environment and amenity'. A submission from Speirs, B [66.27] sought that **SUB-P4.2** be deleted on traffic safety grounds. In my view this is not necessary and does not account for the fact that there are pedestrians and also passengers within not otherwise in control of the vehicle whom are still able to enjoy such views. Furthermore, the alignment of streets to focus on landmarks opens viewshafts which can also benefit adjacent residences.

Accordingly I recommend that this clause be retained and the submission of Speirs, B [66.27] is rejected.

7.3.42 TRoNT [185.60] seek that reference to "associational" values is added to complement natural and physical values. Whilst it could be argued that such effects are inherent within the reference to *"natural and physical features"*. In the context of landscape values and the stated contribution to a "sense of place" such values can have, I recommend that this amendment is made and the TRoNT submission accepted in the context of this policy.

7.3.43 **SUB-P5** refers to 'Reverse sensitivity' and was subject to submissions seeking a wide range of relief. RNZ [152.48] sought inclusion of reference to "lifeline utilities". I note that this term is defined in the PDP as notified; being the same as that set out in Part A, or described Part B, of Schedule 1 to the Civil Defence Emergency Management Act 2002 that are within the Timaru District area. On that basis I consider that reference to this term in **SUB-P5** to be appropriate and recommend that the RNZ submission [152.48] is accepted.

7.3.44 **SUB-P5** makes reference to *"legally established intensive primary production"*. Various submitters sought that the term 'legally' be replaced with 'lawfully'. I consider that this is appropriate and better aligns with the RMA terminology as used in section 10 in regard to existing use rights. NZPIB [247.16] sought that the term "and permitted" be added. In my view this is unnecessary, as any activity established as a permitted activity under the district plan, i.e., without consent, still remains both legally and lawfully established. Therefore, I recommend that this submission is rejected.

7.3.45 Other submissions sought that the concern regarding reverse sensitivity is wider than simply the intensive form of primary production, and should appropriately apply to primary production generally. I agree with this and note this change aligns with the objectives of the SUB chapter, the outcomes sought for the GRUZ and also Clause 3.8(2)(b) of the NPS HPL, which requires councils to take measures to ensure subdivision of HPL avoids or mitigates actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

7.3.46 Hort NZ sought that **SUB-P5** be amended to read *"primary production including intensive primary production"*, in my view the appropriate amendment is to simply delete the word 'intensive'. On that basis the submission from Hort NZ [245.68] is recommended to be accepted in part; and those from Road Metals [169.31] and FH [170.31] accepted.

7.3.47 Fonterra seek that reference in **SUB-P5** be extended to include "rural industry", whilst SFF and Alliance seek reference to industrial activities generally. I note that reverse sensitivity in relation to rural subdivision is specifically dealt with by **SUB-O3.4** assessed above. This particular policy relates to reverse sensitivity effects more generally; so in my view does not need to have a rural focus. On the basis of the general application, I consider that some reference to industrial activity within the policy is appropriate.

Accordingly I recommend that the submission from Fonterra [165.85] is accepted in part and the submissions from SFF [172.74] and Alliance [173.74] are accepted.

7.3.48 KiwiRail seeks that *"safe and efficient"* is added when describing the operation of regionally significant infrastructure and other activities that are susceptible to reverse sensitivity effects. I consider this to be a minor amendment that otherwise assists with the drafting of **SUB-P5**. Therefore, I recommend this change is made and that the submission from KiwiRail [187.62] is accepted.

7.3.49 The submission from Kainga Ora seeks to amend **SUB-P5** so that effects are 'managed' to ensure adverse reverse sensitivity effects are 'minimised'; and that reference to *"compromising the operation of…"* is deleted. I do not support this suggested deletion as it removes the threshold by which such effects are to be assessed. As worded, this threshold acknowledges that in some cases, including where the underlying zone anticipates subdivision, some level of reverse sensitivity effects may arise. Ironically, this is the very point raised by the submitter to justify the relief sought. I consider it might be appropriate to amend the wording to 'avoid' subdivision that compromises the operation of the listed land uses, but no submitter sought such relief. On that basis I do not recommend the changes sought by the Kainga Ora to be appropriate and subsequently recommend their submission [229.44] is rejected.

7.3.50 The submissions received on **SUB-P6** were overwhelmingly in support of the policy as notified. TRoNT [185.61] seeks a new clause that subdivision infrastructure *"maintain or enhance Kāti Huirapa values onsite or downstream"*. On the basis that this policy applies only to the act of subdivision and connection to Council's reticulated networks as opposed to applications for infrastructure (such as treatment plants and associated discharges) then I consider that such additional wording is appropriate, but noting the slight amendments are required to make the new clause grammatically correct. I therefore recommend that the submission by TRoNT [185.61] is accepted in part.

7.3.51 I do not consider that **SUB-P6.2** to be inconsistent with the Energy, Infrastructure and Transport chapters. This clause requires *"certainty that infrastructure networks have sufficient capacity to accommodate the additional development, or requiring any necessary upgrades to be completed at the time of subdivision"*. In my view this is appropriate as subdivision should not proceed until such time as the resulting development can be adequately serviced. The same submission from Kainga Ora [229.45] states that the section 32 reports related to stormwater infrastructure contain limited information and evidence around the current or future capacity of the Council's stormwater infrastructure, and that greater information is needed to implement the policy. In my view it would be unusual for such information to be included in the district plan, with funding decisions regarding future infrastructure upgrades needing to go through the LTCCP and Annual Plan processes. Otherwise, information around current development capacity is normally sought and obtained from the Council at the time of

subdivision consent and is not included in the district plan itself. On that basis I recommend that this submission from Kainga Ora [229.45] is rejected.

7.3.52 The submission from Speirs, B [66.59] seeks that **SUB-P7** is included in a new section of the PDP relating specifically to esplanades. For the reasons given above in relation to **SUB-O5**, I recommend that this submission is similarly rejected.

7.3.53 In my view **SUB-P7.3** includes circumstances where the requirement for either an esplanade reserve or strip can be reduced or waived. In that context, applicants for subdivision consent are able to put forward reasoning why such policy should be implemented in each particular case. In my view this is an appropriate process and is far more appropriate than simply removing the requirements for esplanades per se. The process for taking an esplanade is set out in the RMA and the proposed provisions align with that process. I therefore recommend that these provisions are not removed and the submissions from RHL [174.48], Rooney, GJH [191.48], RGL [249.48], RFL [250.48], REL [251.48] and TDL [252.48] are rejected. As set out above, I do not consider it to be the case that **SUB-P7** compels the landowner to always provide esplanade access, as a reduction or waiver can be sought. I do not consider a need for a new policy to provide a waiver or reduction for esplanade provisions as that is already set out in **SUB-P7.3**. Therefore, I recommend that the submissions from RHL [174.49], Rooney, GJH [191.49], RGL [249.49], RFL [250.49], REL [251.49] and TDL [252.49] and Fed Farmers [182.155] are similarly rejected.

7.3.54 I do not consider that the creation of esplanade requires any physical disturbance, beyond that required to undertake any survey required to establish new legal boundaries. In my view such disturbance is unlikely to compromise any biodiversity values being protected, noting that the primary purpose of esplanade reserves is public access not conservation. As stated above, should the particular circumstances warrant a reduction or waiver, that can be considered at the time of subdivision pursuant to **SUB-P7.3**. Accordingly, I recommend that the submission from Bonifacio, P [36.7] is also rejected.

7.3.55 Submissions sought additional recognition of reverse sensitivity within **SUB-P9** relating to 'Residential subdivision'. In my view such effects are less relevant in relation to residential subdivision as that type of development is occurring within land already zoned for that purpose. In that context matters relating to potential reverse sensitivity on adjoining land have already been addressed at the time of rezoning. As worded **SUB-P9** seeks to minimise conflicts between residential activities and adjoining land uses, whilst this might include reverse sensitivity, it also includes direct effects (such as traffic increases from residential development). In my view narrowing the scope to refer only to reverse sensitivity effects is a less desirable outcome. Similarly, any need for buffers should be considered at the zoning stage, requiring buffers at the subdivision stage is more difficult to justify as it effectively prevents the land from being used for its zoned

purpose. Therefore, I recommend that **SUB-P9** remains as notified in the PDP and the submissions from SFF [172.75], Alliance [173.75], and KiwiRail [187.64] be rejected.

7.3.56 Kainga Ora [229.48] considers that **SUB-P11** 'Residential intensification' should be deleted from the SUB chapter and included in the Residential zone chapter. I note that there is no single 'Residential zone' chapter within the PDP, but separate General Residential Zone (GRZ) and Medium Density Residential Zone (MRZ) chapters. **SUB-P11** refers specifically to both residential zones (GRZ and MRZ), on that basis the policy would have to effectively be repeated twice if moved to the residential zone chapters. In any case I note that similar provisions are included in the GRZ and MRZ zones, but are specific to land use development. Therefore, I recommend that the status quo is a more efficient and effective outcome and this submission from Kainga Ora [229.48] is rejected.

7.3.57 **SUB-P11** introduces that no minimum allotment size is specified for the MRZ for joint subdivision and land use applications to ensure flexibility and comprehensive consideration of applications. This reflects that the MRZ is applied to existing residential areas located near commercial centres where further consolidation and intensification is enabled. These circumstances differentiate the MRZ from the GRZ; and on that basis I do not consider it appropriate that the same flexibility is afforded to the GRZ as sought in the submissions from RHL [174.50], Rooney, GJH [191.50], RGL [249.50], RFL [250.50], REL [251.50] and TDL [252.50]. Therefore, I recommend these submissions are rejected.

7.3.58 **SUB-P12** 'Non-complaint lot size' sets out to 'avoid' such development in the GRZ unless the circumstances in clauses 1 and 2 can be met. This wording is reflected in the subsequent rule framework and minimum allotment size set out therein. Kainga Ora seeks that the wording is changed to such development being 'provided for' where clauses 1 and 2 can be met. In my view this change is inappropriate as a 'provide' policy would indicate a different activity status (such as PER or CON). The current GRZ rule framework does not reflect a 'provide for' policy directive. To subsequently amend the rule framework to provide for such development would be inappropriate, as it would require a subjective assessment to determine activity status (such as whether subdivision design maintains residential character and amenity of the area). In my view the current wording, which allows assessment by way of a consent process where the Council has a discretion to consider undersized allotments if the listed policy criteria can be met, is an appropriate outcome. I consider the changes sought by Kainga Ora will create inconsistency within the PDP. Therefore, I recommend that the submission from Kainga Ora [229.49] is rejected.

7.3.59 BGDL [167.13] seeks that the word 'comply' in **SUB-P13** is replaced with *"in general accordance with"* and that the term 'better' is deleted. These changes are further considered below in more detail when considering submissions on the DEV chapters. Whether a development 'complies' is not normally included in policy, as compliance is a matter for rules. I agree with the submitters that Development Area Plan (DAP) are broad and may be further refined in terms of the subdivision plan submitted at the at the time

of subdivision consent application. Whilst it is appropriate that rules require compliance with DAP, in recognition that changes often occur, I consider that reference to being 'in general accordance with' is appropriate at the policy level. I also agree with the submitter that achieving the objectives of the applicable DEV Area is all that should be required, and the 'better' threshold exceeds what would otherwise be considered appropriate when development is undertaken in accordance with the DAP. I therefore consider the relief sought to be appropriate and recommend that the BGDL submission [167.13] is accepted.

7.3.60 SFF [172.76] and Alliance [173.76] seek that additional reference to reverse sensitivity effects is included in **SUB-P14**. Similarly, Fonterra [165.86] seek reference to reverse sensitivity in **SUB-P15** ' Rural Lifestyle Zone'. In my view this is not required as any such development would also be considered against **SUB-P5** and **SUB-O3.4**, which already specifically address the matter of reverse sensitivity. Furthermore, changes have been recommended to these provisions in accordance with the relief sought by the submitters. Whilst it could be argued the proposed changes are a "belt and braces" approach, in my view the PDP (including those recommendations above) already includes sufficient recognition of reverse sensitivity. Therefore, I recommend that these particular submissions are rejected.

7.3.61 I consider that the use of the term 'avoid' is appropriate in the context of **SUB-P14**, noting that this is not a blanket avoid, but that development should be avoided unless the matters set out therein (in clauses 1 to 4) apply. It is noted that these clauses use both 'and' and 'or'. From my reading it appears they describe independent situations as opposed to listing criteria that must be met in each situation. I therefore recommend that Clause 16(2), Schedule 1 of the RMA is used to ensure that "and" in **SUB-P14.2** is replaced with "or". Otherwise I recommend that the submissions from RHL [174.51], Rooney, GJH [191.51], RGL [249.51], RFL [250.51], REL [251.51] and TDL [252.51] are rejected.

***Conclusions and Recommendations***

7.3.62 I recommend, for the reasons given above, that **SUB-P1, SUB-P2, SUB-P7, SUB-P8, SUB-P9, SUB-P10, SUB-P11, SUB-P12 and SUB-P15** are retained as notified.

7.3.63 I recommend, for the reasons given above, that **SUB-P3** is amended as follows:

*Avoid subdivisions that ~~are intended to~~ prevent, hinder or limit the development of adjoining or adjacent land, unless it is done to comply with a Council approved Development Area Plan.*

7.3.64 I recommend, for the reasons given above, that **SUB-P4.1** is amended as follows:

*responds positively to <u>the associational,</u> natural and physical features such as underlying landscape, topography and established trees and vegetation that provide amenity, contribute to local character and sense of place; and…*

7.3.65 I recommend, for the reasons given above, that **SUB-P5** is amended as follows:

*Only allow subdivision that does not result in reverse sensitivity effects that would compromise the safe and efficient operation of regionally significant infrastructure/facilities ~~and~~, lifeline utilities, ~~legally~~ lawfully established ~~intensive~~ primary production, or industrial activities.*

7.3.66 I recommend, for the reasons given above, that **SUB-P6** is amended to include a new clause 10 as follows:

*10. infrastructure to maintain or enhance Kāti Huirapa values onsite and downstream.*

7.3.67 I recommend, pursuant to Clause 16(2), Schedule 1 of the RMA, that **SUB-P6.9** is amended to delete 'requiring' (as it is a repeated word).

7.3.68 I recommend, for the reasons given above, that **SUB-P13** 'Development Area Plans' is amended as follows:

*Require subdivisions to be in general accordance ~~comply~~ with the relevant Development Area Plan, unless it can be demonstrated that an alternative proposal can ~~better~~ achieve the objectives of the Development Area ~~Plan~~.*

7.3.69 I recommend, pursuant to Clause 16(2), Schedule 1 of the RMA, that **SUB-P14.3** is amended as follows:

*2. the non-compliance is minor and the subdivision maintains the dwelling density anticipated for the zone; ~~and~~ or*

7.3.70 The recommended amendments are set out in **Appendix 1**.

7.3.71 I consider the scale of the changes do not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore the original section 32 evaluation still applies.

## 7.4 SUB – Rules

7.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| Kainga Ora | 229.50, 229.52, 229.53 |
| MFL | 60.26, |
| Speirs, B | 66.56, 66.57 |
| NZTA | 143.98, 143.99, 143.100 |
| RHL | 174.52, |
| Rooney, GJH | 191.52 |

| | |
|---|---|
| RGL | 249.52 |
| RFL | 250.52 |
| REL | 251.52 |
| TDL | 252.52 |
| Fed Farmers | 182.158, 182.59, 182.60 |
| KiwiRail | 187.65,187.66 |
| TRoNT | 185.62 |
| Transpower | 159.83 |
| Connexa | 176.81 |
| Spark | 208.81 |
| Chorus | 209.81 |
| Vodafone | 210.81 |
| FENZ | 131.10 |
| Hughes, C | 147.1 |
| RNZ | 152.49 |
| ECan | 183.104 |
| Harvey Norman | 192.13 |
| Hort NZ | 245.70 |

***Submissions***

7.4.2 Fed Farmers [182.158, 182.59, 182.60] supports **SUB-R1, SUB-R2** and **SUB-R3** and seeks they be retained as notified, or amended to retain like effect and provide for any consequential amendments.

7.4.3 TRoNT [185.62] supports **SUB-R1, SUB-R2** and **SUB-R3** on the basis that measures to avoid, remedy or mitigate adverse effects on sensitive environments, which would include SASM, are included as a 'matter of control' (9(b) in each case).

7.4.4 MFL [60.26] opposes **SUB-R1** as it relates to the GRUZ requiring a 40ha minimum allotment size, with any smaller allotments being a non-complying activity. MFL seeks that **SUB-R1** 'Boundary Adjustment' and **SUB-S1** 'Allotment sizes and dimensions' are amended so that Boundary adjustment in the GRUZ is a Discretionary Activity with no minimum allotment size applying.

7.4.5 Speirs, B [66.56, 66.57] opposes **SUB-R1** and **SUB-R3** and in particular the non-complying activity status that results from non-compliance with **SUB-S1**. The submitter seeks that this be amended so that non-compliance with **SUB-S1** results in discretionary activity status.

7.4.6 NZTA [143.98, 143.100] supports **SUB-R1** and **SUB-R3**, and specifically the inclusion of matters of control relating to:

- roading, accessways and right of ways, vehicle crossings and the associated connectivity,
- the provision, location, design, specification, construction, connection and timing of infrastructure, transport links,
- infrastructure capacity,
- legal and physical access arrangements; and,
- measures to manage effects.

7.4.7 NZTA seeks that these provisions be retained as notified.

7.4.8 RHL [174.52], Rooney, GJH [191.52], RGL [249.52], RFL [250.52], REL [251.52] and TDL [252.52] oppose **SUB-R1** and consider that boundary adjustments should be a permitted activity.

7.4.9 KiwiRail [187.65, 187.66] supports **SUB-R1** and **SUB-R3** in part, seeking amendment to the matters of control to clearly outline what adverse effects are to be managed, and in particular *"reverse sensitivity effects on existing land uses"* as part of sub-clause 13.

7.4.10 Connexa [176.81], Spark [208.81], Chorus [209.81] and Vodafone [210.81] support the controlled activity status for new network utility allotments under **SUB-R2**. Similarly, NZTA [143.99] supports **SUB-R2** and the controlled activity status for new allotments created for the purpose of roading. Each of the submitters seeks that this provision is retained as notified.

7.4.11 Transpower [159.83] supports **SUB-R2** in that subdivision for network utilities is recognised and that it differs to subdivision for other purposes. However, Transpower considers that the activity status for such subdivision is more stringent than is necessary. The submitter does not consider it is necessary for Council to retain the ability to decline consent for subdivision relating to a network utility. Transpower seeks that the activity status for a subdivision that complies with standards to be changed from controlled to permitted; and where compliance is not achieved to result in controlled as opposed to restricted discretionary activity status, with the matters of control being amended to:

*Matters of control ~~discretion~~ are restricted to:*

1. *~~the matters of control relevant to CON-1~~The location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and*
2. *the ability to accommodate permitted and/or intended land uses; and*

*3. the compatibility with the purpose, character and qualities of the zone; and*
*4. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and*
*5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and*
*6. the extent to which infrastructure has capacity to service the subdivision; and*
*7. legal and physical access arrangements; and*
*8. the requirement for any consent notices, covenants, easements, esplanades or public access; and*
*9. measures to avoid, remedy or mitigate adverse effects:*
*a. of any natural hazards or other risks; and*
*b. on any sensitive environments, waterbodies, ecosystems or notable trees; and*
*c. on infrastructure; and*
*d. on existing or permitted adjoining or adjacent land uses; and*
*10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and*
*11. the suitability of any future development that would be enabled as a result of the subdivision; and*
*12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land,*
*13. measures to manage adverse effects; and*
*14~~2~~. the matters of discretion of any infringed standard.*

7.4.12 FENZ [131.10], RNZ [152.49], Harvey Norman [192.13] and Hort NZ [245.70] support **SUB-R3** and seek that it be retained as notified.

7.4.13 Hughes, C [147.1] opposes the non-complying activity status resulting from subdivision that does not meet the minimum lot size under **SUB-R3**. The submitter requests that the activity status be changed to discretionary activity, which is appropriate for an activity that is not suitable in all locations and is consistent with how non-compliance with the GRZ minimum lot size is addressed.

7.4.14 ECan [183.104] supports that consideration of wastewater disposal and servicing can be undertaken at the time of subdivision in rural zones. However, ECan notes that sometimes land adjacent to flood protection or drainage works is subdivided, which can limit access or ability to continue to provide public flood protection and drainage works. The submitter acknowledges that the Regional Council's FPD Bylaw provides some protection, but considers this issue should be identified and addressed earlier as part of the subdivision process. On that basis ECan seeks that a new matter of discretion is added to SUB-R3 so Council is able to consider *"the impact of the subdivision on the on-going delivery of existing public flood or erosion protection or drainage works"* when assessing an application.

7.4.15 Kainga Ora [229.50] opposes **SUB-R3** as the drafting of the rule is unclear. As drafted, the rule reads that subdivision in accordance with **SUB-S2** to **SUB-S7** is RDIS, however if **SUB-S2** to **SUB-S7** are not complied with, the activity remains RDIS. If the intent is that only non-compliance with **SUB-S1** is non- complying then the submitter considers that **RDIS-1** can be deleted.

7.4.16 Kainga Ora [229.52, 229.53] also seeks that two new permitted activity rules be included within the SUB chapter. The first relates to subdivision in accordance with an existing land use consent, as follows:

> ***SUB-R(XX)***
> ***Subdivision in the Residential Zones in Accordance with an Approved Land Use Consent***
> *All Zones*
> ***Activity status: Restricted Discretionary***
> *Where:*
> *RDIS-1*
> *Any subdivision relating to an approved land use consent must comply with that resource consent.*
> ***Matters for discretion:***
> 1. *the effect of the design and layout of the proposed sites created in relation to the approved land use consent.*
>
> ***Notification:***
> *Any application arising from SUB-R (XX) shall not be subject to public or limited notification and shall be processed on a non-notified basis.*

7.4.17 The second new rule sought by Kainga Ora is a "permitted" activity rule for vacant lot subdivision where it can be demonstrated that the proposed lots are able to accommodate a residential unit that is of the size, scale and location that is anticipated for the zone. The proposed wording for the new rules is as follows:

> ***SUB-R(XX)***
> ***Subdivision around an approved development***
> *General Residential Zone, Medium Density Residential Zone*
> ***Activity status: Controlled***
> *Where:*
> *CON-1*
> *Vacant lot subdivision where it can be demonstrated that the proposed lots are able to accommodate a residential unit that is of the size, scale and location that is anticipated for the zone.*
> ***Matters of control are restricted to:***
> 1. *The location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and*
> 2. *the ability to accommodate permitted and/or intended land uses; and*
> 3. *the compatibility with the purpose, character and qualities of the zone; and*
> 4. *the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and*
> 5. *the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and*
> 6. *the extent to which infrastructure has capacity to service the subdivision; and*
> 7. *legal and physical access arrangements; and*
> 8. *the requirement for any consent notices, covenants, easements, esplanades or public access; and*
> 9. *measures to avoid, remedy or mitigate adverse effects:*
>    a. *of any natural hazards or other risks; and*
>    b. *on any sensitive environments, waterbodies, ecosystems or notable trees; and*
>    c. *on infrastructure; and*
>    d. *on existing or permitted adjoining or adjacent land uses; and*
> 10. *the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and*

11. *the suitability of any future development that would be enabled as a result of the subdivision; and*
12. *whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land,*
13. *measures to manage adverse effects.*

***Notification:***

*Any application arising from SUB-R (XX) shall not be subject to public or limited notification and shall be processed on a non-notified basis.*

***Analysis***

7.4.1 The various submissions supporting the subdivision chapter rules are noted, as set out in the table below:

| | |
|---|---|
| SUB-R1 | NZTA [143.98], Fed Farmers [182.158], TRoNT [185.62] |
| SUB-R2 | NZTA [143.99], Connexa [176.81], Fed Farmers [182.159], Spark [208.81], Chorus [209.81], Vodafone [210.81], TRoNT [185.62] |
| SUB-R3 | FENZ [131.10], NZTA [143.100], RNZ [152.49], Fed Farmers [182.160], Harvey Norman [192.13], Hort NZ [245.70], TRoNT [185.62] |

7.4.2 These submissions are either recommended to be accepted or accepted in part depending on the recommended changes made to those provisions as set out in the analysis below (and as noted in **Appendix 2**).

7.4.3 The PDP includes that boundary adjustments are subject to the same minimum allotment standards as a typical subdivision (being set out in **SUB-S1**). A boundary adjustment is a form of subdivision involving the reconfiguration of lot boundaries, rather than the creation of additional allotments. A subdivision for this purpose can have minor effects when compared to the existing situation, depending on the density standards that apply and whether the boundary adjustment facilitates a change in potential residential density. I have often seen district plan standards applying to boundary adjustment that require that no new allotment be smaller than that which existed prior to the boundary adjustment, or does not otherwise result in any increase in the potential residential density.

7.4.4 Submissions have raised concerns with the resultant NC activity status when the minimum allotments sizes set out in **SUB-S1** are not met. The relief sought put forward two options, either a permitted or a discretionary activity status. Although it is noted that one of the submitters (MFL) seeks a discretionary activity status for rural boundary adjustments only.

7.4.5 Subdivision is not typically a permitted activity, as the subsequent approval of the survey plan (section 223 of the RMA) and conditions completion certificate (section 224 of the RMA) typically require a subdivision consent to be held. Whilst boundary adjustments are recognised as having less potential for adverse effects than a traditional subdivision, there is still potential for adverse effects to arise, particularly where the smallest existing allotment was being made smaller and less than the minimum allotment size set out for the zone. On that basis I consider that a permitted activity status for boundary

adjustment is not appropriate, and I recommend that the submissions from RHL [174.52], Rooney, GJH [191.52], RGL [249.52], RFL [250.52], REL [251.52] and TDL [252.52] are rejected.

7.4.6 Given the differences between a boundary adjustment and a traditional subdivision outlined above, namely that no new Record of Title/allotment is created; I consider that a less onerous activity status is appropriate for this form of subdivision where the minimum allotments size set out in **SUB-S1** are not complied with. The submission from Speirs, B [66.56] suggests a DIS activity status and I consider this is appropriate and recommend this submission is accepted. As noted above, the submission from MFL [60.26] seeks DIS activity status in relation to boundary adjustments within the GRUZ only, with no minimum allotment size applying. I prefer the relief sought by the Speirs submission, with the activity status of any non-compliance with **SUB-R1** simply being amended so that any non-compliance with the minimum allotments sizes set out in **SUB-S1** becomes a DIS activity (as opposed to NC). On that basis the MFL submission is accepted in part.

7.4.7 KiwiRail [187.65, 187.66] seeks specific reference to reverse sensitivity effects be added to **SUB-R1** and **SUB-R3** matters of control number 13, which currently reads *"measures to manage adverse effects"*. Clearly such adverse effects would include reverse sensitivity, and I note that matter of control 9.d. already refers to *"measures to avoid, remedy or mitigate adverse effects…on existing or permitted adjoining or adjacent land uses…"*. On that basis I consider that sufficient ability to address reverse sensitivity effects is already included within the matters of control, and the additional reference sought by the submitter is unnecessary. Therefore, I recommend that the submissions from KiwiRail [187.65, 187.66] are rejected.

7.4.8 There was general support expressed for **SUB-R2** as notified from various utility providers. However, Transpower sought PER activity status for such subdivision, with any subdivision not complying with **SUB-S2, SUB-S7** and **SUB-S8** becoming a CON activity (as opposed to RDIS). As outlined above, there are practical difficulties with making subdivision a permitted activity. As notified, the CON activity status provides certainty to the applicant that consent will be approved, and the standards required to be complied with notably exclude the minimum allotment sizes and dimensions set out in **SUB-S1**. I recommend that the framework remain as notified and the submission from Transpower [159.83] be rejected.

7.4.9 **SUB-R3** applies to any other subdivision not otherwise captured by the preceding two rules, which means that it applies to the majority of subdivisions that are not otherwise boundary adjustments, or that creates new allotments solely for the purpose of network utilities, the national grid or roads. Under **SUB-R3** as notified, any subdivision proposal that does not comply with the minimum allotment size or dimensions set out in **SUB-S1** become NC. Submissions request that this activity status is changed to DIS. As set out above, I consider a DIS activity status is appropriate for boundary adjustments,

recognising that form of subdivision does not create new allotments. In my view this differentiates boundary adjustments from typical subdivision activity.

7.4.10 In my experience typical subdivision can be difficult to manage as it is not the act of subdivision, but rather the resultant land use that results in adverse effects. In that context minimum allotment sizes need to be strictly upheld, otherwise it is often difficult to differentiate one subdivision from another, which can create a precedent that ultimately undermines the integrity of the subdivision provisions. For that reason, I consider that a NC activity status for undersized allotments is appropriate and sends a clear signal that such development is not anticipated. On that basis, I recommend that the activity status remain NC and the submissions from Speirs, B [66.57] and Hughes, C [147.1] are rejected.

7.4.11 ECan seeks that a new matter of discretion is added so Council is able to consider *"the impact of the subdivision on the on-going delivery of existing public flood or erosion protection or drainage works"* when assessing an application. This outcome accords with CRPS Objective 11.2.1, which is to avoid new subdivision, use and development of land that increases risks associated with natural hazards. On that basis, I recommend that this additional text is added is added to the matters of discretion and the ECan submission 183.104] is accepted accordingly.

7.4.12 Kainga Ora considers that **SUB-R3** is unclear and seeks that it be redrafted. However, the relief sought by the submitter would mean that any subdivision that does not comply with **SUB-S2** to **SUB-S7**, would not be subject to the matters of discretion set out in that particular standard. So whilst I agree that there is an element of repetition in terms of the resulting activity status, the reference to **RDIS-1** does serve a function of ensuring that the matters of discretion associated with any standard are applied, regardless of the fact that it does not alter the activity status. On that basis I recommend that the submission from Kainga Ora [229.50] is rejected.

7.4.13 Two new 'permitted' activity subdivision rules are sought by Kainga Ora, although the resulting activity status set out in the relief sought is either RDIS (where subdivision is undertaken in accordance with an existing land use consent) and CON (where it can be demonstrated that the proposed lots are able to accommodate a residential unit that is of the size, scale and location that is anticipated for the zone).

7.4.14 Neither of these proposed new rules are supported. Should a land use consent be obtained for a comprehensive housing development; it would not be a difficult process to undertake any subsequent subdivision to change the tenure of the underlying land. As alluded to above, subdivision in itself is simply a line on a plan, it is the land use that results in the potential for adverse environmental effects. If such effects have already been considered and approved through a land use consent, then obtaining subdivision approval should in my view be relatively straightforward. I note that the proposed rule results in RDIS activity status, so is not that different to the status quo in any case.

Furthermore, in terms of the MRZ, **SUB-S1** already includes an exception where no minimum net site area or dimension applies to allotments created in relation to a proposed residential unit that is part of a combined land use and subdivision consent application (**SUB-S1.2.4.b.**).

7.4.15 In terms of the second proposed rule (where it can be demonstrated that the proposed lots are able to accommodate a residential unit that is of the size, scale and location that is anticipated for the zone); I see no fundamental difference between that scenario and the standards already set out in **SUB-S1**. Overall, I do not consider that either of the new proposed rules are required and recommend that the submissions from Kainga Ora [229.52, 229.53] are rejected.

***Conclusions and Recommendations***

7.4.1 I recommend, for the reasons given above, that **SUB-R1** Boundary adjustment is amended as follows:

***Activity status: Controlled***
***Where:***
***CON-1***
*SUB-S1 is complied with; and […]*
***Activity status when compliance not achieved with CON-1: ~~Non-complying~~ Discretionary***

7.4.2 I recommend, for the reasons given above, that the matters of discretion listed in relation to **SUB-R3** are amended by adding the following clause:

*the impact of the subdivision on the on-going delivery of existing public flood or erosion protection or drainage works.*

7.4.3 The recommended amendments are set out in **Appendix 1**.

7.4.4 In terms of s32AA, it is my view that the change in activity status for boundary adjustments set out in **SUB-R1** is a more efficient approach, as it recognises the difference between boundary adjustments and subdivisions (which create additional allotments). I consider that the changes to the matters of discretion in **SUB-R3** are minor, and better align with the policy direction in the PDP and also the higher order CRPS.

## 7.5 SUB – Standards

7.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| Hort NZ | 245.71, 245.72 |
| Earl, DG & ML | 13.2 |
| Amies, O | 22.2 |

| | |
|---|---|
| Maze Pastures | 41.2 |
| MFL | 60.27, |
| Speirs, B | 66.28 |
| Shirtcliff, JL & RJ | 81.2, 81.3 |
| Fonterra | 165.87 |
| BGDL | 167.17 |
| SFF | 172.77 |
| Alliance | 173.77 |
| RHL | 174.53, 174.54, 174.55, 174.56, 174.57, 174.58 |
| Rooney, GJH | 191.53, 191.54, 191.55, 191.56, 191.57, 191.58 |
| RGL | 249.53, 249.54, 249.55, 249.56, 249.57, 249.58 |
| RFL | 250.53, 250.54, 250.55, 250.56, 250.57, 250.58 |
| REL | 251.53, 251.54, 251.55, 251.56, 251.57, 251.58 |
| TDL | 252.53, 252.54, 252.55, 252.56, 252.57, 252.58 |
| Fed Farmers | 182.161, 182.162, 182.163, 182.164, 182.165, 182.166, 182.167, 182.168 |
| Harvey Norman | 192.14, 192.15 |
| Kainga Ora | 229.51 |
| TRoNT | 185.63, 185.64 |
| TDC | 42.38, 42.39, 42.40 |
| NZTA | 143.101, 143.102 |
| Waipopo Huts | 189.46, 189.47, 189.50 |
| FENZ | 131.11, 131.12 |
| Connexa | 176.82 |
| Spark | 208.82 |
| Chorus | 209.82 |
| Vodafone | 210.82 |
| KiwiRail | 187.67 |

| | |
|---|---|
| H B | 74.4 |
| Bonifacio, P | 36.8 |
| PrimePort | 175.42 |

***Submissions***

7.5.2 Hort NZ [245.71] considers that a building platform requirement provides a mechanism for achieving setbacks and also a method to assist in managing reverse sensitivity effects. The submitter seeks to add a new standard to require a 30m setback for a building platform from internal boundary in the GRZ and RLZ zones.

7.5.3 Earl, DG & ML [13.2] have made a request to rezone 42 Burdon Road (3.5ha) to Rural Lifestyle and note that the minimum allotment size for the site would be 2ha under **SUB-S1.4.4** (where there is no sewer connection and no development area plan in place). To enable further development on the site, the submitters request their site is added to **SUB-S1.4.1** to enable the land to be subdivided down to 5000m$^2$, as follows:

***SUB-S1 Allotment sizes and dimensions***
*4. Rural Lifestyle Zone*
*If no development area plan is required, allotments must have a net site area no less than:*
1. *5000sqm for Lots 1 and 2 DP 444786, Lot 3 DP 415886;*
2. *2ha in the 2ha lot size specific control area;*
3. *10ha in the 10ha lot size specific control area; and*
4. *in any other areas, 5000m2 if there is a sewer connection to each residential lot, otherwise 2ha.*

7.5.4 Amies, O [22.2] considers that allowing smaller allotment size in RLZ FDA10 would enable more cost effective development. Therefore, the submitter seeks that **SUB-S1.4** be amended to reduce the minimum allotment size in the RLZ from 5000m$^2$ to 2000m$^2$ within the FDA10 Overlay.

7.5.5 Maze Pastures [41.2] is concerned that the notified PDP did not sufficiently consider existing subdivision consent (101.2021.131) issued for the submitter's rural property in 2021. The relief sought is to add the following clause to **SUB-S1**:

***3 General Rural Zone***
1. *Allotments must have a minimum net site area of 40ha in area; and*
2. *Allotments in the GRUZ with subdivision consent issued prior to the date the new District Plan became fully operative, is subject to the allotment areas and boundary setbacks applicable at the time of lodgement of that subdivision consent.*

7.5.6 MFL [60.27] opposes **SUB-S1.1** applying to the GRZ where sites unable to accommodate a 15m diameter circle are classified as a non-complying activity. The submitter considers this should be reduced to 13m and the resulting activity status be discretionary. The submitter is also opposed to the following aspects of **SUB-S1.3** applying to the GRUZ:

- that the minimum 40ha allotment size should not apply to boundary adjustment in the GRUZ;

- there should be a new Rule and associated performance standard to permit subdivision of existing household units in the GRUZ established prior to 22 September 2022.
- there should be a new Rule to exempt allotments in the GRUZ being subject to a 40ha allotment size if subdivision consent was obtained prior to the proposed plan being fully Operative. The relief sought being a new clause to enable allotments in the GRUZ with subdivision consent issued prior to the date the PDP becomes operative to be subject to the allotment areas and boundary setbacks applicable at the time of lodgement of that subdivision consent.
- the 2ha minimum allotment size for lots in the RLZ that do not have a sewer connect does not align with Settlement Zone provisions where this is no minimum allotment size without sewer connection. Therefore, the submitter considers that the 2ha restriction for the RLZ should be removed.

7.5.7 Speirs, B [66.28] considers the 40ha site rule for the GRUZ is not consistent with the NPSHPL, and a new rule (allotment size) consistent with the NPSHPL needs to be developed. The submission does not put forward the appropriate allotment size for HPL. The submitter also considers that the identification of the Rural Lifestyle Zone is inconsistent with the NPSHPL; it is probable such zones will be located away from the residential zones of the district, which are currently surrounded by highly productive soils. In such situations, the submitter considers a 2ha minimum area should allow for ECan compliant effluent disposal systems to be installed, while avoiding un-necessary expansion of residential activity onto general agricultural land. Speirs, B seeks the following relief in terms of changes to **SUB-S1**:

***3 General Rural Zone***
*~~1. Allotments must have a minimum net site area of 40ha in area.~~*
*1 Highly Production Soils*
*[insert appropriate allotment size]*
*2 Other Soils*
*[insert appropriate allotment size] […]*
***4 Rural Lifestyle Zone***
*If no development area plan is required, allotments must have a net site area no less than:*
*~~1. 5000sqm for Lots 1 and 2 DP 444786~~*
*~~2. 2ha in the 2ha lot size specific control area;~~*
*~~3. 10ha in the 10ha lot size specific control area; and~~*
*~~4. in any other areas, 5000m2 if there is a sewer connection to each residential lot, otherwise 2ha.~~ 5,000 m2 in areas where there is a community sewer connection to an allotment intended for residential use, otherwise 2 ha.*

7.5.8 The submission from Shirtcliff, JL & RJ [81.2] opposes **SUB-S1.4** requiring a minimum area of 2ha in the RLZ in the absence of connection to a sewer reticulation network. The submitters consider this is an "unnecessary impost" upon the available RLZ land. The submitters also consider there to be a contradiction between the PDP and the requirements set out in the CLWRP. This conflict creates uncertainty for the submitter. The submission states the submitters hold 6 existing ECan wastewater consents in anticipation of a subdivision to create allotments that may be less than 2ha, which would

be a non-complying activity under the PDP. The submitters seek that **SUB-S1** be amended to:

1. *Declare 584 Orari Station Road will be provided connection to the Geraldine water reticulation network; and*
2. *Make allotment sizes below 2 hectares a restricted discretionary activity (where water network connections are not available or are reliant upon an alternative wastewater disposal site) subject to achievement of satisfactory separation between water abstraction and wastewater disposal sites in compliance with ECan's Canterbury Land and Water Regional Plan Rule 5.8 and the Restricted Discretion provisions of Rule 5.9.*

7.5.9 BGDL [167.17] submits that the minimum lot size exemption provided **SUB- S1.2.4** should also be extended to include a maximum allotment size to provide for multi-unit developments (as an example). BGDL also considers that there may be instances where a proposed dwelling does not require a land use consent, however this scenario is not provided for under exemption 4.b. BGDL seeks the following relief:

***SUB-S1 Allotment sizes and dimensions […]***
***2 Medium Density Residential Zone***
1. *Allotments must have a minimum net site area of 300m2 in area; and*
2. *no more than one allotment that is more than 500m2 in net site area; and*
3. *allotments must have dimensions that can accommodate a circle with a minimum 13m diameter, clear of any vehicle access, surface water body or boundary setback.*

*Except that*

4. *no minimum or maximum net site area or dimension applies to allotments created:*
   a. *around existing residential unit; or*
   b. *a proposed residential unit is part of a combined land use and subdivision consent application, or does not require a land use consent.*

7.5.10 Fed Farmers [182.161] considers the 40ha minimum area requirement is overly limiting and would require farmers to sacrifice more productive land for subdivision. This will leave less productive farmland on the working farm and more productive land on a smaller lifestyle property. Fed Farmers seeks the following relief:

1. *Amend SUB-S1 Allotment sizes and dimensions from a minimum allotment size for rural production land from 40ha to 20ha.*

*AND*

2. *Any consequential amendments required as a result of the relief sought.*

7.5.11 Kainga Ora [229.51] considers that a minimum shape factor in the MRZ is more appropriate than a minimum allotment size. The submitter seeks a new clause be added to (1) General Residential Zone, as follows:

***1. General Residential Zone***
1. *Allotments must have a minimum net site area of 450m2 in area; and*
2. *allotments must have a minimum dimension that can accommodate a circle with a 15m diameter, clear of any vehicle access, surface water body or boundary setback; and*
3. *within the Gleniti Low Density Residential Specific Control Area, allotments must have a minimum net site area of 700m2 in area; and*
4. *within PREC1 - Old North General Residential Precinct, allotments must have a minimum net site area of 1,500m2 in area.*

*Except that:*

5. *clauses 1 and 2 above do not apply to*

*a. allotments created around an existing residential unit, in which case there is no minimum net site area or dimensions requirement.*

*b. a proposed residential unit is part of a combined land use and subdivision consent application.*

***2. Medium Density Residential Zone***

*1. Allotments must have a ~~minimum net site area of 300m² in area~~ shape factor of 8m x 15m; and*

*2. no more than one allotment that is more than 500 $m^2$ in net site area; and*

*[…]*

7.5.12 RHL [174.54], Rooney, GJH [191.54], RGL [249.54], RFL [250.54], REL [251.54] and TDL [252.54] all submit that **SUB-S1.6** applying to the GIZ should be amended to allow for legal access to road frontage. The specific relief sought is as follows:

***General Industrial Zone***

*Allotments must have legal access to a minimum road frontage width of 7m. […]*

7.5.13 Fonterra [165.87], SFF [172.77], Alliance [173.77], and Hort NZ [245.72] all consider that a 40ha minimum lot size in the GRUZ is appropriate and support the retention of **SUB-S1.3** as notified. Harvey Norman [192.14] supports all the allotment sizes and dimensions set out in **SUB-S1** and seeks the standard is retained as notified in the PDP.

7.5.14 RHL [174.53], Rooney, GJH [191.53], RGL [249.53], RFL [250.53], REL [251.53] and TDL [252.53] all take a neutral position on proposed allotment sizes within all zones set out in **SUB-S1** as the overarching effects of the proposed sizes are *"still being assessed"*. No particular relief is specified by the submitters.

7.5.15 TDC [42.39], Fed Farmers [182.162] and NZTA [143.101] support **SUB-S2** 'Stormwater treatment, catchment and disposal'. Each seek that it be retained as notified, with the TDC submission stating this being subject to the relief sought in relation to their submission on **SUB-S3.1.b**.

7.5.16 TDC [42.38] is concerned that **SUB-S3.1.b** requires evidence of an alternative water supply capable of providing a minimum of 56 litres per hectare per day. However, the submitter notes that TDC's rural schemes have moved to an allocation of 65 litres per hectare per day; and therefore considers that **SUB-S3.1.b** should be amended to ensure consistency with that requirement.

7.5.17 The submission of TRoNT [185.63] notes that the discharge of untreated stormwater or wastewater to water is culturally inappropriate; and seeks a new matter of discretion to be considered for new subdivision infrastructure. TRoNT seeks a new matter of discretion in relation to **SUB-S2** as follows:

*effects of the discharge on the values of Kāti Huirapa.*

7.5.18 Waipopo Huts [189.46, 189.147, 189.150] opposes **SUB-S2, SUB-S3** and **SUB-S4** and seeks the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient Māori community on Māori Trust land. The relief sought is to amend **SUB-S2** Stormwater treatment, catchment and

disposal, **SUB-S2** 'Water supply' and **SUB-S4** 'Wastewater disposal' to recognise the special case of the submitter's 36 properties at Waipopo Huts and allow for subdivision of their lands as a controlled activity.

7.5.19 Fed Farmers [182.163, 182.164, 182.165, 182.166, 182.167, 182.168] supports **SUB-S3** 'Water supply', **SUB-S4** 'Wastewater disposal', **SUB-S5** 'Electricity supply and telecommunications' and **SUB-S6** 'Vehicular Access' and **SUB-S7** 'Roads, cycleways and pedestrian access' and **SUB-S8** 'Esplanade reserves and strips' and seeks that they be retained as notified.

7.5.20 FENZ [131.11] supports **SUB-S3** as it requires all new allotments to connect to a public reticulated water supply, or when a public reticulated water supply is not available, the subdivider to demonstrate how an alternative and satisfactory water supply can be provided. However, FENZ requests inclusion of explanatory text to encourage engagement with FENZ to determine how best to achieve the Firefighting Water Supplies Code of Practice. This is important for new lots that are unable to connect to the public reticulated water supply or require additional water supply. Engagement will provide the appropriate flexibility in achieving the servicing of lots. The relief sought is as follows:

***SUB-S3 Water supply***
***1. General Rural Zone***
*1. All allotments within a rural water supply scheme must have either:*
*[…]*
*c. evidence the future use of the allotment does not require water supply, and a consent notice is proposed alerting future purposes.;*
*d. If the future use of the allotment requires water supply for firefighting purposes, evidence of how onsite firefighting water supply storage will be achieved in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*
*2. All allotments outside of rural water supply scheme that are connected to a water supply must demonstrate how a firefighting water supply is provided in accordance New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*
***2 Rural Lifestyle Zone***
*Each allotment must:*
*[…]*
*4. Be provided with firefighting water supply in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*
***3. All other zones***
*[…]*
*3 If the future use of the allotment requires water supply for firefighting purposes, evidence of how onsite firefighting water supply storage will be achieved in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*

7.5.21 Shirtcliff, JL & RJ [81.3] oppose **SUB-S3.2** for the same reasons as set out above in relation to SUB-S1. The submitters seek that **SUB-S3.2** be amended to:

1. *Declare the submitters site will be provided with a connection to the Geraldine reticulated sewer network; and*
2. *Make allotment sizes below 2 hectares a restricted discretionary activity (where water network connections are not available or are reliant upon an alternative wastewater disposal site) subject to achievement of satisfactory separation between water abstraction and wastewater disposal sites in compliance with ECan's Canterbury Land and Water Regional Plan Rule 5.8 and the Restricted Discretion provisions of Rule 5.9.*

7.5.22 RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TDL [252.55] all oppose **SUB-S3.1** using a consent notice to "alert" future owners that the allotment does not require a water supply. The relief sought being to delete this particular requirement applying to the GRUZ:

***SUB-S3 Water supply***
*1. General Rural Zone*
*1. All allotments within a rural water supply scheme must have either:*
*a. Approval for the allotment to connect to a rural water supply scheme…. b.[...]*
*c. Evidence the future use of the allotment does not require water supply~~, and a consent notice is proposed alerting future purchasers~~.*
*[…]*

7.5.23 TDC [42.40] supports **SUB-S4**, and seeks it be retained as notified, subject to the relief sought in relation to **SUB-S3.1.b** as referred to above.

7.5.24 RHL [174.56], Rooney, GJH [191.56], RGL [249.56], RFL [250.56], REL [251.56] and TDL [252.56] all oppose the requirement for all allotments within the GIZ to be connected to a reticulated wastewater network when there is currently limited ability to provide a reticulated connection in this zone due to location and Council infrastructure capacity. The standard should provide a minimum distance to the allotment boundary before a connection is required. The relief sought is to amend **SUB-S4** to only require a connection within the GIZ where a conveyance structure of the reticulated sewer network passes within 50 metres of the allotment boundary and where Council can provide that service.

7.5.25 Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82] consider all new subdivisions, regardless of zoning, should be required to provide a telecommunications connection; with all new subdivisions within the Rural Lifestyle and urban zones requiring a connection to an open access fibre network. The submitters seek the following changes to **SUB-S5**:

***SUB-S5 Electricity supply and telecommunications***
***All zones except General Rural Zone***
*All allotments, other than allotments for access, roads, utilities or reserves, must be provided with connections at the boundary of the net area of the allotment to an electricity supply and telecommunication <u>service</u> ~~system networks~~, unless evidence is provided that a suitable alternative supply can be provided, and a consent notice is proposed alerting future purchasers. <u>In all zones except General Rural, the connection to a telecommunication service must be through an open access fibre network. In the general rural zone the applicant shall provide written confirmation from a telecommunication network operator confirming that a telecommunications connection (fibre, mobile or wireless including satellite) can be provided to all new allotments and describing how this can be achieved.</u>*

*In all zones, at the time of subdivision, sufficient land for telecommunications, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with telecommunications network utility operators will be required.*
*All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved.*
*This standard does not apply to allotments for a utility, road, reserve or for access purposes.*

7.5.26 FENZ [131.12] supports **SUB-S6** as it specifically mentions where fire appliances cannot reach a residential unit or a water supply source that access must be provided to in accordance with SNZ PAS 4509:2008. It is noted that at subdivision stage, location of buildings are not always known therefore it is considered appropriate to have sufficient access as set out in clause 4. FENZ seeks that this standard be retained as notified.

7.5.27 NZTA [143.102] also supports **SUB-S6** and in particular that it does not provide for vehicular access to a state highway without consultation with NZTA/Waka Kotahi. NZTA considers this will ensure that appropriate consideration is given to achieve safe access to the state highway network and therefore seeks that this standard is retained as notified.

7.5.28 KiwiRail [187.67] similarly supports **SUB-S6** and in particular the requirements therein to comply with the Transport Chapter Standards, and that vehicular access must not be across a railway line. KiwiRail seeks that this standard is retained as notified.

7.5.29 RHL [174.57], Rooney, GJH [191.57], RGL [249.57], RFL [250.57], REL [251.57] and TDL [252.57] all oppose **SUB-S6.2** on the basis that it should not alter the activity status of an application where there is an existing lawful access to either a state highway or crossing a railway line. The submitters seek that the clause is amended to make it clear that it does not apply to existing vehicular crossings, with only *"additional"* or *"new"* crossings subject to the requirements set out therein.

7.5.30 H B [74.4] supports **SUB-S7** 'Roads, cycleways and pedestrian access' in part only. The submitter notes that whilst the PDP encourages cycling within settlements, it does not do the same for cycling between settlements. Therefore the submitter seeks that a new clause be added to **SUB-S7** to provide for the provision of a cycleway adjoining State Highway 1 (SH1) throughout the district, as follows:

***SUB-S7 Roads, cycleways and pedestrian access the following:***
*1. All Zones*
*[…]*
*2. Geraldine Downs - Walking and Cycling tracks specific control areas*
*[…]*
***3. Land adjoining State Highway 1 from the Ashburton District Council boundary to the Waimate District Council boundary***
*A 5m wide access lot is vested to Waka Kotahi or Timaru District Council for the provision of a cycle lane as a result of any subdivision of land adjoining SH1 from the Ashburton District Council boundary in the north to the Waimate District Council boundary in the south.*

7.5.31 Bonifacio, P [36.8] opposes **SUB-S8** as there are significant health and safety, security, biodiversity and cost implications for the provision of esplanades around farming land.

The submitter notes that riparian margins that were fenced off many years ago have almost fully regenerated, so disturbing them to create an esplanade would be contrary to the biodiversity values being protected. Bonifacio, P seeks that the Council reconsider the practicalities of creating esplanade strips and/or reserves around functioning farming operations and through high biodiversity value areas. Should they go ahead, the submitter considers the Council should provide compensation to the land owner/s for the provision of land to support these areas.

7.5.32 TRoNT [185.64] supports access to natural watercourses, except where access will impact the cultural value of an area. Therefore, a matter of discretion for taking the esplanade should be the impact on Kāti Huirapa values as outlined in **SCHED12** and **SUB-P7**. TRoNT therefore seeks an additional matter of discretion is added to **SUB-S8** as follows:

***Matters of discretion restricted to:***
*[…]*
*6. The impact of taking the esplanade provision on Kāti Huirapa values*

7.5.33 RHL [174.58], Rooney, GJH [191.58], RGL [249.58], RFL [250.58], REL [251.58] and TDL [252.58] all oppose **SUB-S8** on the basis that this standard should not apply to boundary adjustments. The standard should also recognise that in accordance with section 230 RMA esplanade provisions are only required where the average bed width of a river through or adjoining an allotment is 3m or more. The standard should also outline that Council should be paying compensation for all esplanade provisions. The submitters seek relief to ensure that **SUB-S8** *"recognise Section 230 of the Resource Management Act; to provide for a minimum width of 5 metres regardless of lot size; and that compensation is to be paid where any strip is taken"*.

7.5.34 PrimePort [175.42] supports **SUB-S8** noting that there are significant health and safety and security issues, as well as operational efficiency issues, with requiring esplanade reserves and strips within the Port area. Exclusion of the Port from Rule **SUB-S8** is appropriate and the submitter seeks that this be retained as notified.

7.5.35 Harvey Norman [192.15] supports **SUB-S8** and the reasoning set out in the Section 32 Report assessment and seeks that this standard is retained as notified.

***Analysis***

7.5.36 The various submissions supporting the subdivision chapter standards are noted, as set out in the table below:

| | |
|---|---|
| SUB-S1 | Fonterra [165.87], SFF [172.77], Alliance [173.77], Harvey Norman [192.14], Hort NZ [245.72], |
| SUB-S2 | TDC [42.39], NZTA [143.101], Fed Farmers [182.162], |
| SUB-S3 | Fed Farmers [182.163], |
| SUB-S4 | TDC [42.40], Fed Farmers [182.164], |
| SUB-S5 | Fed Farmers [182.165], |
| SUB-S6 | FENZ [131.12], NZTA [143.102], Fed Farmers [182.166], KiwiRail [187.67], |
| SUB-S7 | Fed Farmers [182.167], |
| SUB-S8 | PrimePort [175.42], Fed Farmers [182.168], Harvey Norman [192.15], |

7.5.37 These submissions are either accepted or accepted in part depending on the recommended changes made to those provisions as set out in the analysis below (and as noted in **Appendix 2**).

7.5.38 RHL [174.53], Rooney, GJH [191.53], RGL [249.53], RFL [250.53], REL [251.53] and TDL [252.53] all take a neutral position on the minimum allotment sizes included in the PDP. On that basis I recommend that these submissions be accepted noting that no changes or specific decision is otherwise required.

7.5.39 Hort NZ seeks an additional standard applying to the GRZ and RLZ requiring a 30m setback. In my view this additional regulation is not necessary and overlooks that fact that the nature of adjoining land use and the potential for reverse sensitivity effects would have been considered at the time the decision was made to re-zone the land for that purpose. Otherwise, and in addition to that assessment, the requirement for a 30m setback would most likely render GRZ sites unbuildable without having to first obtain resource consent against such a standard. In my view this is contrary to the outcomes anticipated in the GRZ (and to a lesser extent the RLZ). I therefore recommend that such a standard not be included and that the submission from Hort NZ [245.71] is rejected.

7.5.40 A number of submitters effectively seek site specific exemptions from the subdivision minimum allotment size standards. In my view this is not appropriate, and the same rules should apply to all sites, with resource consent being obtained if those standards are not met. I note that one of those submitters (Maze Pastures) refers to holding an existing subdivision consent. On that basis there is no need to include any such dispensation in the PDP as (on the basis that such consent has not lapsed) that subdivision can be completed regardless of the rules contained therein. The Shirtcliff submission seeks that allotments in the RLZ not meeting the 2ha minimum standard become a RDIS activity. As noted above, I consider a non-complying activity status is appropriate for all subdivision development not meeting the minimum allotment sizes, noting that the PDP as notified already identifies three different minimum areas for different parts of the RLZ. I recommend that no changes are made and the submissions by Earl, DG & ML [13.2], Maze Pastures [41.2] and Shirtcliff, JL & RJ [81.2, 81.3] be rejected.

7.5.41 The submission from Amies, O [22.2] seeks a 2000m$^2$ minimum area within the RLZ FDA10 overlay. My understanding is that land within FDA10 retains a GRUZ zoning until such time until it is rezoned to enable rural lifestyle development to occur, which is identified as having a 5 year timeframe in **SCHED15** of the PDP. The Future Development Area (FDA) chapter addresses how future growth will be managed in the Future Development Area Overlay and how activities that could compromise future growth in the overlay will be addressed. The RLZ minimum allotment size only applies "if no development area plan is required". In my view it is important that land identified for future growth is not fragmented prior to rezoning, as that would make it more difficult to efficiently and effectively redevelop the land for more intensive urban use in the future. On that basis I recommend that this submission is rejected.

7.5.42 The submission from MFL refers to various aspects relating to **SUB-S1**. The first of which relates to the reducing the minimum size dimension for allotments in the GRZ from 15m to 13m, with any resulting non-compliance having a DIS activity status. No reasoning is given for the changes sought. In my view the 15m dimension is appropriate considering the 450m$^2$ minimum net site area and other land use standards applying to development within the GRZ; such as **GRZ-S2** 'Height in relation to boundary', **GRZ-S3** 'Road setback', **GRZ-S5** 'Coverage', **GRZ-S8** 'Outdoor living space', and **GRZ-S9** 'Landscaping'. In my view any further reduction of the dimension would enable long narrow sections that are not likely to promote good urban design outcomes, and likely lead to other non-compliances in relation to the standards listed above. For that reason I support the retention of a non-complying status for any non-compliance, and note that the relief sought would require this particular standard to be removed from **SUB-S1** and made its own standard (noting that all other standards result in RDIS activity status). In my view the existing provision is appropriate and such a change to the PDP framework is not required. MFL also seek that rural boundary adjustments are exempt from the GRUZ 40ha minimum standard. As already discussed above, in my view the more appropriate change is to make boundary adjustments not meeting the minimum allotments sizes set out in **SUB-S1** a DIS (rather than NC) activity.

7.5.43 MFL seek two new clauses relating to subdivision involving existing dwellings at the time of PDP notification being exempt from minimum area requirement; and for GRUZ subdivision consents issued prior to the date the district plan becomes fully operative to be subject to the allotment areas and setbacks applicable at the time of lodgement of that subdivision consent. In relation to the first matter I do not consider that the presence of an existing dwelling should enable subdivision without any minimum allotment size. This would effectively enable residential sized allotments for each existing residential unit in the GRUZ, which could potentially also include minor residential units. This would inevitably lead to fragmentation of the rural land resource and further construction of new replacement residential units on the resultant bare land balance allotment. This situation would lead to adverse effects on rural character and amenity contrary to the outcomes sought by the policy framework.

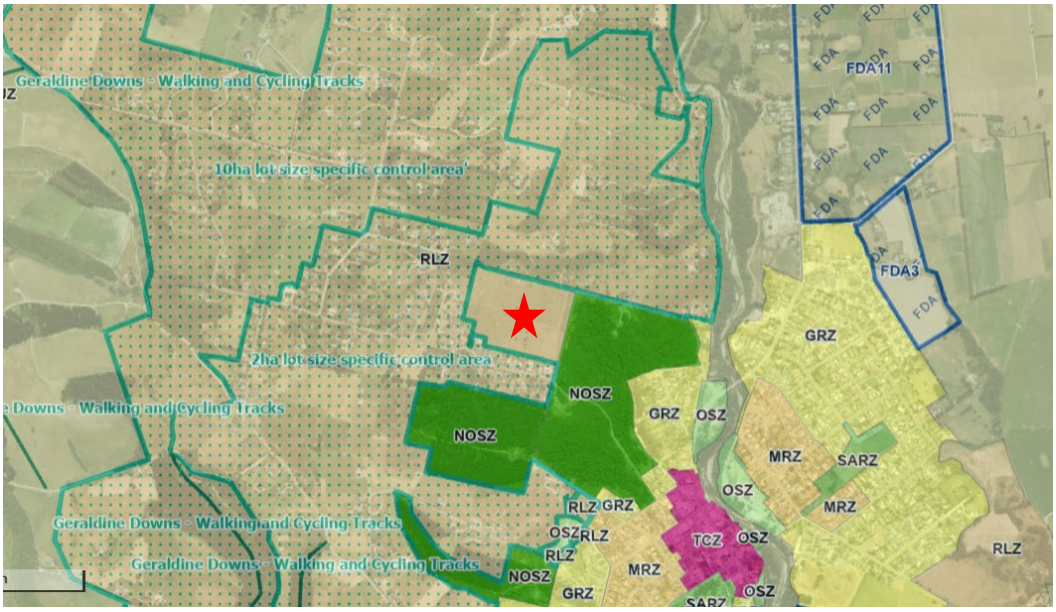
7.5.44 The second aspect of the submitters request is not clearly worded and can be interpreted as applying to either subdivision or land use activity. Clearly any subdivision consent obtained prior to the date the PDP becomes operative is legally able to be completed regardless of the PDP subsequently becoming operative. Otherwise, the submission might be inferring that any subdivision consent lodged (as opposed to 'issued' as stated in the submission) be subject to the standards at the time of lodgement. This scenario is already provided for in the RMA in terms of section 88A (activity status to remain the same), and the relevant matters set out in section 104; noting also that the subdivision standards do not have immediate legal effect, but will have legal effect from the date of decision.

7.5.45 If the submission is referring to consequent land use, particularly where the PDP land use density and/or bulk and location rules mean that resource consent would then be required, then in my view such changes would more appropriately relate to the land use provisions contained in the GRUZ chapter, not the SUB chapter. I note that the submitter has requested such changes to the GRUZ chapter. Regardless of the merits and decision made in relation to that submission point, I do not consider that any changes are required to the SUB chapter to facilitate such an outcome.

7.5.46 The final aspect of the MFL submission seeks to compare the fact that the SETZ does not require a minimum allotment size to justify the removal of a minimum allotment size in relation to the RLZ. I do not follow that logic. The SETZ is clearly stated as recognising a number of small settlements of dispersed throughout the rural area (Acacia Drive, Cave, Ōrāri, Pareora, Winchester, Peel Forest, Blandswood and Woodbury). In contrast the RLZ is intended to facilitate new rural development, and as such it is appropriate that such development have an underlying allotment size consistent with the level of servicing available. RLZ having reticulated sewer are for the most part located much closer to existing urban centres and therefore the character of the receiving rural/urban interface environment is such that a smaller allotment size can likely be absorbed without being adversely affected. In contrast, the RLZ not having reticulated sewer available are generally located further from main urban areas where a 5,000m$^2$ allotment size would be incongruous with the receiving rural character. Overall, I recommend that the submission from MFL [60.27] is accepted in part due only to the change recommended above in relation to boundary adjustments being a discretionary activity. Otherwise I consider that the matters raised do not require any changes to the SUB chapter.

7.5.47 Relying on the matters set out in the NPSHPL, Speirs, B considers that the 40ha minimum allotment size in the GRUZ should be deleted and new standard developed. The submitter does not state what that size should be. In my view a 40ha rural allotment is of sufficient size to protect HPL from inappropriate use and development (as set out in NPSHPL, Policy 8). This has also been the finding for other district plans developed under the NPSHPL, where the minimum allotment size within GRUZ zoned land is less than 40ha.

7.5.48 The submitter also seeks removal of any RLZ development standards anticipating subdivision less than 2ha unless reticulated sewer is available. In practice this only affects **SUB-S1.4** relating to Lots 1 and 2 DP444786, which can be subdivided to a minimum net site area of no less than 5,000m$^2$. I understand that SUB-S1.4 reflects development rights for these allotments carried over from PC17 to the OTDP. I am not otherwise able to find any specific mention of these allotments within the Section 32 Report for the Subdivision Chapter (June, 2022). These allotments relate to 5,100m$^2$ and 9.87ha parcels of land on Pye Road, Geraldine, being immediately adjoined by land within the 2ha lot size specific control area, as indicated by the red star in the Figure below. I am not otherwise aware of any ability to create RLZ allotments less than 2ha without a sewer connection. On that basis I recommend that the submission from Speirs, B [66.28] is rejected.




7.5.49 The submission from Fed Farmers seeks that the minimum allotment size for the GRUZ be reduced to 20ha. Rural land within the Timaru District not otherwise identified as SETZ or RLZ is included in a single GRUZ, i.e., it is not otherwise subject to further Specific Control Areas requiring different minimum allotment standards (although noting that various Overlays are subject to different standards, which have been recommended to be moved to the SUB Chapter). The GRUZ therefore extends from rural land adjoining the coastline and up into the hill and high country. In that context I do not consider that a 20ha minimum allotment size to be appropriate. In some circumstances such a size would be approaching that considered inappropriate under the NPSHPL; and may fail to achieve the policy framework seeking to avoid reverse sensitivity on existing primary production and avoid the fragmentation of productive land. Furthermore, I note that the submission from Hort NZ supports the 40ha minimum allotment size. On the basis of the above assessment I recommend that the GRUZ 40ha minimum area is retained and the submission from Fed Farmers [182.161] is rejected.

7.5.50 **SUB-S1.2** includes exceptions for MRZ zoned land where no minimum net site area or dimension applies. BGDL seeks that the exemption also make reference to there being no maximum net site area. The maximum area requirement applies to MRZ and MRZ only, with no more than one allotment that is greater than 500m$^2$ being allowed (**SUB-S1.2.2**). I understand that this was included so as to discourage MRZ being developed to a similar density as GRZ, which would fail to achieve the anticipated intensification sought within the MRZ.

7.5.51 BGDL also seeks that **SUB-S1.2.4.b** make reference to the situation where no land use consent is required. This change would recognise that combined comprehensive developments might not always require land use consent. On that basis the change is considered appropriate and I recommend that the BGDL submission [167.17] is accepted in part.

7.5.52 **SUB-S1.6** relates to the GIZ and requires all allotments to have a minimum road frontage width of 7m. The submissions from RHL [174.54], Rooney, GJH [191.54], RGL [249.54], RFL [250.54], REL [251.54] and TDL [252.54] seek that this be amended to require *"legal access"* to the minimum width. This change would facilitate the situation where a rear allotment enjoyed a right-of-way easement as opposed to an access leg of 7m in width. In my view this situation is no different in terms of meeting the intent of the standard, it is only the tenure of the land that would be different. On that basis, I recommend that the standard is amended as per the relief sought and the above submissions are accepted.

7.5.53 In terms of the changes sought by Kainga Ora, the retention of a minimum allotment size is preferred over the 8m x 15m shape factor put forward by the submitter, noting that would (in of itself) require a site of only 120m$^2$ (as opposed to the 300m$^2$ minimum allotment size). Otherwise, I note that **SUB-S1.2.3** contains a dimension requirement, which is to accommodate a circle with a minimum diameter of 13m, and excluding vehicle access, boundary setbacks and any surface water body present on the site.

7.5.54 I also do not support a new clause sought by Kainga Ora exempting any proposed residential unit in the GRZ that is part of a combined land use and subdivision consent application from the minimum allotment standards. Whilst it is acknowledged that such a clause applies within the MRZ, that reflects the much higher density anticipated therein. Having reviewed the GRZ density provisions, the only control under **GRZ-R2** is that there are no more than two residential units per site. On that basis any such exemption would likely encourage land use development that is not otherwise anticipated. Therefore, whilst a RDIS activity status might be appropriate within the MRZ, I am of the view it is more appropriate to retain a NC activity status within the GRZ. I recommend that the submission from Kainga Ora [229.51] is rejected.

7.5.55 TRoNT seeks that reference to the effect of the discharge on the values of Kāti Huirapa be added to the matters of discretion elating to **SUB-S2** and **SUB-S4**. I consider that such inclusions are appropriate, reflecting the partnership outlined in strategic direction **SD-O5**. I recommend that this submission TRoNT [185.63] is accepted.

7.5.56 The change requested to the minimum capability of an alternative rural water supply by TDC from 56 to 65 litres per day reflects the change made to the operational requirements of the TDC's rural water schemes. I consider it is appropriate that there is a level of consistency between those operational requirements and the PDP, and therefore recommend that the TDC submission [42.38] is accepted.

7.5.57 Waipopo Huts sought changes to **SUB-S2**, **SUB-S3** and **SUB-S4** the recognition of mana whenua interests in the occupation of ancestral land and formation of a thriving, sustainable and self-sufficient community on Māori Trust land. It is noted that the submitter has made other submissions regarding the zoning of the land in question that have been deferred to this Hearing as set out in Minute 17 of the Hearing Panel. Ms

White is recommending that the Waipopo Huts settlement is re-zoned to MPZ. In my view the re-zoning of that land addresses the matters raised and the specific changes sought to the subdivision standards are in that case not required. Furthermore, should the re-zoning not proceed, I do not consider the requested changes to the standards within the SUB chapter are otherwise appropriate or required. On that basis I recommend that these submissions [189.46, 189.47, 189.50] are rejected.

7.5.58 FENZ seeks additional explanatory text around the provision of an alternative water supply for firefighting *"if the future use of the allotment requires water supply for firefighting purposes…"*. I do not consider that this additional text is required to be included in the SUB Chapter, as it is more appropriately considered as part of a land use consent standard applying to development within the GRUZ. I note that FENZ have submitted seeking such a new standard be included within the GRUZ Chapter. In that context I do not support the proposed changes and recommend that the supporting submission by FENZ [131.11] is accepted in part only.

7.5.59 **SUB-S3** currently makes reference to the use of a consent notice to alert future purchasers that an allotment does not have a rural water supply. Submitters have requested that this be deleted as that is not the purpose of a consent notice. The statutory requirements around the use of a consent notice are set out in section 221(1) of the RMA, as follows:

> *Where a subdivision consent is granted subject to a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a bond is required to be entered into by the subdividing owner, or a completion certificate is capable of being or has been issued), the territorial authority shall, for the purposes of section 224, issue a consent notice specifying any such condition.*

7.5.60 In my view alerting a future owner to the fact that there is no water supply is not the purpose of a consent notice. It does not relate to a condition imposed on a subdivision consent that requires compliance on an on-going basis (i.e., beyond the issue of any conditions completion certificate in accordance with section 224). I therefore agree with the submitters that this reference should be deleted and recommend that the submissions from RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TDL [252.55] all be accepted in part given that another more appropriate mechanism should be used, such as a notice on the Land Information Memorandum (LIM). It is noted that reference to a consent notice is also included in the corresponding matter of discretion included in **SUB-S3** and within **SUB-S5**. In my view these should also be changed to remove reference to a consent notice. If the Hearing Panel consider it appropriate, I recommend that these be changed as a consequential amendment relying on Clause 10(2)(b) of the RMA. In my view this might not strictly be as a consequence of the other submissions, but retains consistency across the PDP and does not result in any fairness or natural justice issues.

7.5.61 The same submitters seek amendment to **SUB-S4** on the basis that connection to a reticulated wastewater system within the GIZ should only be required where it is within 50m of the site and where Council can provide that service. In my view such a change would be inconsistent with **SUB-O1.7, SUB-O2** and **SUB-P6**. The GIZ provides for "wet industry" and it is imperative that appropriate reticulated services are provided within the GIZ at the time of subdivision. I recommend that these submissions from RHL [174.56], Rooney, GJH [191.56], RGL [249.56], RFL [250.56], REL [251.56] and TDL [252.56] are rejected.

7.5.62 Various telecommunication providers have lodged submissions seeking greater provision of telecommunication services at the time of subdivision, particularly within the GRUZ, which is currently exempted from the requirements set out in **SUB-S5**. The relief sought in the submissions is to remove the exception for the GRUZ from having to comply with **SUB-S5**, which I note means that allotments created in the GRUZ would be required to be provided with both electrical and telecommunication connections. Notwithstanding, the focus of the submission is on telecommunication services.

7.5.63 As noted above, **SUB-O1.7** and **SUB-P6** state the following:

> *New subdivisions will…have infrastructure and facilities appropriate for the intended use; and…*
> *Ensure subdivision is serviced sustainably with infrastructure by requiring:…infrastructure to be installed at the time of subdivision, except for on-site infrastructure that cannot be constructed until the buildings are designed; and…*

7.5.64 Consistent with such outcomes, I am of the view that allotments created in the GRUZ should, as a general principle, be provided with services to the net area of the allotment at the time of subdivision. Subdivision, including that in rural areas, creates an expectation that the allotment can be built on, and persons buying such allotments have a reasonable expectation that services are available and provided at the time of purchase.

7.5.65 I understand that the GRUZ was excluded from the standards due to the high cost to services some of the GRUZ areas, and that allotments may remain vacant and therefore not need power and telecommunication supply. In my view such allotments would be the exception, and note that **SUB-S5** already includes the ability for the applicant to provide evidence that a *"suitable alternative supply can be provided"*. Otherwise any allotments that do not provide such services will be assessed as a RDIS activity.

7.5.66 I recommend that **SUB-S5** is amended to require services to be provided at the time of subdivision, and the submissions from Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82] are accepted in part given the alternate relief recommended. I recommend that the standard be split into two parts, one for all zones other than GRUZ and a separate standard for the GRUZ. Furthermore, in my view some of the inclusions sought by the submitters are more appropriately included as matters of discretion as opposed to standards in their own right.

7.5.67 **SUB-S6.2** sets out that *"Vehicular access must not be to a state highway, or across a railway line"*. The submissions from RHL [174.57], Rooney, GJH [191.57], RGL [249.57], RFL [250.57], REL [251.57] and TDL [252.57] seek that this standard is amended so that it only applies to any new or additional vehicular access. I consider that such a change is appropriate noting that any existing crossing subject to an increase in *"character, intensity, and scale"* of use (i.e., not having existing use rights), would otherwise have to be upgraded to meet **SUB-S6.3**. This clause requires that *"…vehicular access shall be designed and constructed in accordance with the requirements in the Transport chapter"* if it were not already. Accordingly, I recommend that the above submissions are accepted.

7.5.68 In terms of the matters raised in the submission from H B regarding the vesting of land to provide for a cycleway adjacent to SH1, I note that in most cases such cycleways are provided within the road reserve itself, as opposed to being taken at the time of adjoining subdivision. Furthermore, should additional land beyond the existing road reserve be required to facilitate any such cycleway, then in my view this should be a matter of negotiation with the land owner, as opposed to a requirement to be vested at the time of subdivision. On that basis I do not support the proposed change to **SUB-S7** and recommend that this submission H B [74.4] is rejected.

7.5.69 **SUB-S8** sets out the standards applying to the create of esplanade reserves and strips. Submissions from RHL [174.58], Rooney, GJH [191.58], RGL [249.58], RFL [250.58], REL [251.58] and TDL [252.58] seek that standard does not apply to boundary adjustments, noting that is the case for the Waitaki District Plan. Boundary adjustments are considered to be a form of subdivision, and treated as such under the RMA. On that basis I consider the Council has the ability to apply esplanade requirements to boundary adjustments. The primary purpose of esplanades is to facilitate public access and create a linear access provision along the entire length of the applicable waterbody. In my view excluding boundary adjustments is likely to have a detrimental impact in terms of ultimately realising this continuous public access. The submitters also note that the requirement for a minimum width of 10m for a lot of less than 4ha compared to 5m for a lot greater than 4ha appears to be linked to the requirement for Council to pay compensation when an allotment is greater than 4ha. However, this somewhat overlooks the default RMA requirement of a 20m width when allotments are less than 4ha (section 230), as opposed to the reduced 10m requirement included in the PDP. In any case it is my understanding that the Council would be required to compensate the landowners for any esplanade taken in relation to the creation of allotments larger than 4ha (section 237F of the RMA).

7.5.70 In my experience district plans will include a reduced width for larger allotments, noting that these will more often be located in more remote areas as opposed to allotments less than 4ha being closer to urban areas where the opportunity for public access and recreation within the esplanade is greater. The submitters also raise that esplanades are only required where the average bed width of a river through or adjoining an allotment is 3m or more. It is for that reason that **SUB-S8** only applies to subdivision of land

adjoining the coastline, or any river listed in **SCHED12**. A prerequisite for inclusion within this schedule was meeting the esplanade criteria. On that basis no further reference to this requirement is otherwise required within **SUB-S8** itself. Overall, I do not recommend any changes to **SUB-S8** and that these submissions from RHL [174.58], Rooney, GJH [191.58], RGL [249.58], RFL [250.58], REL [251.58] and TDL [252.58] are rejected.

7.5.71 The submission from Bonifacio, P notes the potential health and safety, security, biodiversity and cost implications for the provision of esplanades around farming land; and that there should be a requirement for compensation. As noted above, compensation is only payable where an esplanade is taken when the allotments created are greater than 4ha in accordance with section 237F of the RMA. The matters of discretion in relation to any non-compliance with **SUB-S8**, as well as the matters set out in **SUB-P7** provide adequate guidance for the exercise of Council's discretion when applicants seek to waive or reduce esplanade requirements. On that basis I do not consider that any changes are required to **SUB-S8** and recommend that the submission from Bonifacio, P [36.8] is rejected.

7.5.72 TRoNT [185.64] seeks that a matter of discretion relating to the impact of taking the esplanade provision on Kāti Huirapa values is added to **SUB-S8**. This would enable an esplanade requirement to be waived or reduced where that was an appropriate outcome in terms of protecting the cultural values of an area. I consider this outcome appropriate and recommend that the additional matter of discretion is included as put forward and the submission be accepted.

***Conclusions and Recommendations***

7.5.1 I recommend, for the reasons given above, that **SUB-S1** is amended as follows:

***2 Medium Density Residential Zone***

*4. no minimum net site area or dimension applies to allotments created:*

*a. …*

*b. a proposed residential unit is part of a combined land use and subdivision consent application<u>, or does not require a land use consent</u>.*

***6 General Industrial Zone***

*1. Allotments must have <u>legal access to</u> a minimum road frontage width of 7m.*

7.5.2 I recommend, for the reasons given above, that **SUB-S2** is amended to add a new Matter of discretion, as follows:

*<u>5. effects of the discharge on the values of Kāti Huirapa.</u>*

7.5.3 I recommend, for the reasons given above, that **SUB-S3** is amended as follows:

***1 General Rural Zone***

*1.b. evidence of an alternative water supply capable of providing a minimum of ~~56~~ <u>65</u> litres per hectare per day; or*

*1.c. evidence the future use of the allotment does not require water supply, and a ~~consent notice is proposed~~ <u>mechanism</u> alerting future purchasers.*

***Matters of discretion restricted to:***

1. *the need for a ~~consent notice~~ mechanism stating the provision of water to the site is the owner's responsibility on a continuing basis.*

7.5.4 I recommend, that the other references to consent notices within subdivision standard **SUB-S5** (including the associated matters of discretion) are similarly amended in accordance with Clause 10(2)(b) of the First Schedule.

7.5.5 I recommend, for the reasons given above, that **SUB-S4** is amended to add a new Matter of discretion, as follows:

*effects of the discharge on the values of Kāti Huirapa.*

7.5.6 I recommend, for the reasons given above, that **SUB-S5** is amended to require provision for the connection to an electricity supply and telecommunication service at the time of subdivision. The standard has been split to have different requirements for the GRUZ. Additional Matters of discretion have also been added to address the matters raised in submissions.

7.5.1 I recommend, for the reasons given above, that **SUB-S6** is amended as follows:

***All zones***

2. *Any new vehicular ~~Vehicular~~ access must not be to a state highway, or across a railway line.*

7.5.2 I recommend, for the reasons given above, that **SUB-S8** is amended to insert an additional matter of discretion as follows:

*6. The impact of taking the esplanade provision on Kāti Huirapa values.*

7.5.3 The recommended amendments are set out in **Appendix 1**.

7.5.4 I consider the majority of the above recommended changes do not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore the original section 32 evaluation still applies. In terms of the s32AA relating to the changes to **SUB-S5**, it is my view that the change is a more efficient approach and better aligns with the policy direction in the PDP (**SUB-O1.7** and **SUB-P6**).

## 7.6 SUB – Schedules and Definitions

7.6.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| Wallwork, C | 2.2 |
| Hart, JR | 149.4 |

| | |
|---|---|
| Connelly, S | 136.3 |
| DOC | 166.84 |
| PrimePort | 175.4, 175.96 |
| MFL | 60.2 |

***Submissions***

7.6.2 Wallwork, C [2.2] considers the esplanade provision indicated on the planning maps for 1986 Te Moana Road does not recognise land topography and the mapped area is not accessible from Te Moana Road. The submitter suggests that the map be redrawn to be located within the existing Four Peaks Esplanade Reserve on the south side of the Hae Hae Te Moana River administered by the Timaru District Council as shown by the blue line in the Figure below.

7.6.3 Hart, JR [149.4] considers the proposed esplanade reserve/strip indicated on Papaka Stream, which would require the provision of esplanade at time of subdivision, will pose difficulties on farm access, and results in the south-east corner of 403 Pleasant Point Highway becoming 'land locked'. In addition, the submitter considers the Papaka Stream is not suitable for a reserve or walkway as it floods frequently and flood water traverses through intensive farmland. The submitter seeks that Papaka Stream is deleted from **SCHED12** – Schedule of Esplanade Provisions.

7.6.4 Connelly, S [136.3] submits that an *"explanation is required for a line on the map"* specifically in relation to the esplanade provision mapping relating to Orakipaua [sic.] Creek. The relief sought as stated in the submission is *"clarification on esplanade provision"*.

7.6.5 DOC [166.894] supports **SCHED12: Schedule of Esplanade Provisions** as it (along with accompanying **SUB-P7**) is consistent with the requirements of the CRPS and NZCPS Policy 18. DOC seeks that these provisions are retained as notified.

7.6.6 PrimePort [175.4, 175.96] submits that the Port zoned area of land north of Talbot Street contained within Lot 2 DP 326718 forms part of the working Port area and may on occasion require closure for health and safety reasons, or may be further developed for Port purposes. PrimePort considers that provision for an esplanade reserve is inconsistent with those uses, nor is an esplanade reserve required in that location given public access can be gained to the coast from Talbot Street, the adjoining Open Space Zone, and along the coast itself. The submitter seeks that **SCHED12** be amended to delete Lot 2 DP 326718; and otherwise retain within **SCHED12** the exclusion for Timaru Port, including that land between Charman Street and Talbot Street.

7.6.7 MFL [60.2] submits that the definition of 'boundary adjustment' requires amendment as boundary adjustment may alter the number of allotments. MFL seeks that the PDP definition be amended as follows:

> *means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments <u>of two or more contiguous sites where the site boundaries are amended, altering the size and/or shape of the existing sites</u>.*

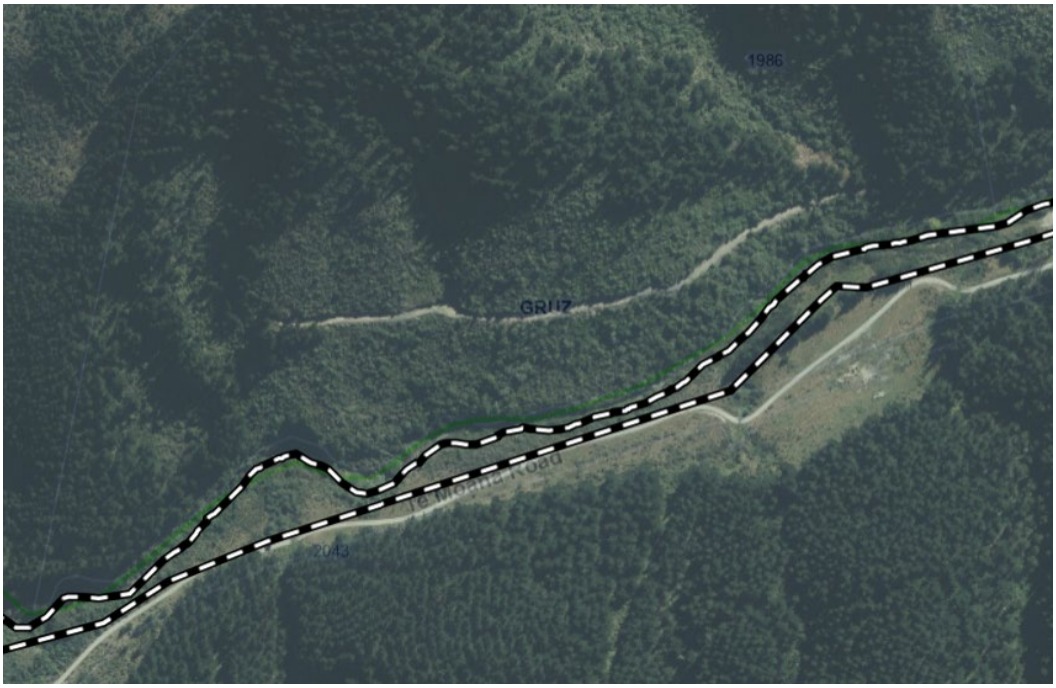
***Analysis***

7.6.8 The lines included on the planning maps simply indicate the location of the natural watercourse or areas within the Coastal Environment listed within **SCHED12** where an esplanade is likely to be sought at the time of any future subdivision. On that basis the lines themselves do not indicate any particular width or the area of any future esplanade reserve/strip provision.

7.6.9 Wallwork, C [2.2] considers the esplanade line shown on the planning maps does not recognise land topography and the mapped area is not accessible from Te Moana Road. I note those matters are taken into account at the subdivision stage, with the matters of discretion including:

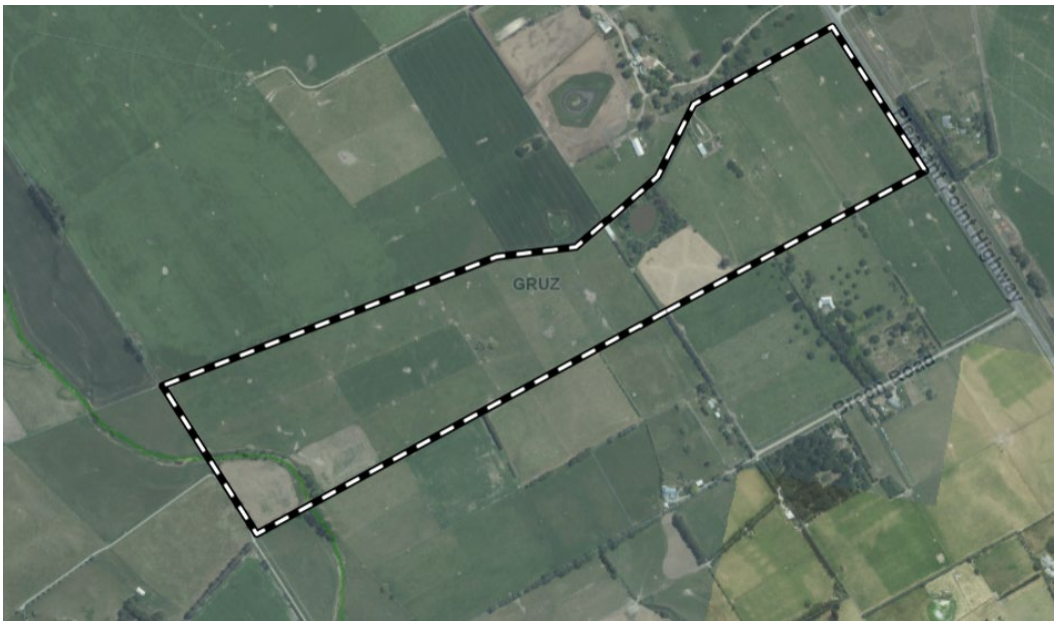
> *the extent to which the ability to provide the required esplanade reserve or strip is constrained by the site's physical characteristics or constraints; and […]*

7.6.10 An esplanade already exists on the south side of the Hae Hae Te Moana River as shown in the Figure below. The presence of the existing esplanade is also a matter for consideration at the time of any future subdivision; and in particular whether the opportunity would be taken to take any additional esplanade on the north side of Hae Hae Te Moana River. I note there are other instances where esplanades have already been taken along waterbodies listed in **SCHED12**, in those cases the line still appears on the planning maps. In my view this is appropriate as one of the key matters for the provision for esplanades is continuity along the length of the waterbody. On that basis I recommend that the submission from Wallwork, C [2.2] be rejected.




7.6.11 The property at 403 Pleasant Point Highway is shown on the Figure below. Papaka Stream cuts across the SW corner of the property. In my view farm access to this small area of land is a matter that would form part of any future esplanade provision at the time of future subdivision. In that case it might be that an esplanade strip with an easement for access is appropriate in order to ensure that access is maintained and the balance land is continued to be farmed in accordance with the underlying zone purpose.

7.6.12 In my view whether an area is subject to flooding is largely irrelevant to whether an esplanade is taken. By their very nature, the riparian areas making up esplanade reserves/strips are inundated during flood events. I recommend that Papaka Stream is retained in **SCHED12** and that the submission from Hart, JR [149.4] is rejected.



7.6.13 The explanation for esplanade provisions is set out in the RMA and more particularly the Section 32 Report and assessment undertaken prior to the notification of the PDP. I note that the Section 32 states that:

> *A targeted approach to acquiring esplanade reserves and strips will be taken to secure: public access to waterways with high values; areas of important recreational value; and protecting recognised conservation values in an effective and efficient manner…*

7.6.14 **SCHED12** notes that the entire length of Ōrakipaoa Creek is subject to esplanade provision, but particularly notes the area from the coast to Milford Lagoon Road. No other landowners adjoining Ōrakipaoa Creek are seeking the esplanade provision be removed. I recommend that the esplanade provision on Ōrakipaoa Creek remain in **SCHED12** and that the submission from Connelly, S [136.3] is rejected.

7.6.15 The Section 32 Report is clear in the requirement for esplanade reserves and strips to be provided along specified waterways and parts of the coastline, but excluding Timaru Port. Exclusion of esplanade provision requirements from Timaru Port is appropriate, given health, safety and security concerns within the Port area. On that basis, **SUB-S8** applies to all Zones (except the Port Zone). The land north of Talbot Street contained within Lot 2 DP 326718 is within the PORTZ, as indicated in red on the Figure below. On that basis that land is not subject to any esplanade provision in any case, regardless of **SCHED12** and what is indicated on the planning maps.

7.6.16 As also shown on the Figure below, the land immediately south of Lot 2 DP 326718 is within the OSZ. The ability to take an esplanade on Lot 2 DP 326718 would provide the ability to further extent this area of open space further north. However, the PDP rule structure prevents this. Therefore, I recommend that the submissions from PrimePort [175.4, 175.96] are accepted and the planning maps be updated to remove the esplanade provision from the PORTZ within Lot 2 DP 326718. It is noted that submission 175.96 refers to **SCHED12** being updated to remove Lot 2 DP 326718, in my view no such change is required as this legal description is not otherwise included therein.


7.6.17 The submission from MFL refers to the definition of boundary adjustment, and notes that boundary adjustment may alter the number of allotments. I agree with this, and consider the key aspect of a boundary adjustment is that it does not increase the number of allotments. In my view the relief sought by MFL (outlined above) does not address the matter raised, or otherwise serve any particular purpose. More effective relief would be to simply replace 'altering' with 'increasing', as follows:

> *means a subdivision that alters the existing boundaries between adjoining allotments, without ~~altering~~ increasing the number of allotments.*

7.6.18 Notwithstanding, the definition of the term boundary adjustment included within the PDP as notified accords with that set out in the NP Standards. The Definition Standard set out in Clause 14 states:

> *Where terms defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List.*

7.6.19 There are exceptions to this, being where:

a. *terms that are a subcategory of, or have a narrower application than, a defined term in the Definitions List. Any such definitions must be consistent with the higher level definition in the Definitions List.*
b. *additional terms that do not have the same or equivalent meaning as a term defined in the Definitions List.*

7.6.20 None of those apply to this particular definition. Therefore, I recommend that the definition remain consistent with that included in the NP Standards and the submission from MFL [60.2] is rejected.

7.6.21 The support for **SCHED12**: Schedule of Esplanade Provisions from DOC [166.894] is noted. On the basis of the change recommended in response to the submission from PrimePort, it is recommended that this submission is accepted in part.

***Conclusions and Recommendations***

7.6.22 I recommend, for the reasons given above, that the planning maps are amended to remove the Esplanade Provision from Lot 2 DP 326718 as noted in the Figure above.

7.6.23 I consider the scale of the change does not require a section 32AA evaluation because it ensures the planning maps remain consistent with **SUB-S8** and does not alter the general intent and therefore the original section 32 evaluation still applies.

# 8. Development Areas Submissions

8.1.1 There were some 143 submissions lodged in relation to the four development areas contained in the PDP, made up of 95 original submissions and 48 further submissions.

8.1.2 The basic structure of the notified PDP provisions applying to each of the four different development areas is identical. However, submissions lodged in relation to each development area sought different relief in relation to the same issue, or otherwise made contradictory submissions on what are effectively similar provisions applying to each of the development areas.

8.1.3 This creates some tension when considering the scope of the relief sought whilst retaining consistency across the four development areas as was intended at the time of notification of the PDP. To address that issue, where the relief sought on a generic provision across all DEV Areas is recommended to be accepted, it is further recommended to make that same change/s to the remaining DEV Areas as a consequential amendment pursuant to Clause 10(2)(b), Schedule 1 of the RMA. It is understood that further legal submissions on this matter will be provided to the Hearing Panel prior to the hearing.

8.1.4 Such changes are recommended for consistency across the PDP and no issues of natural justice have been identified, i.e., I have not identified any obvious disadvantage to anyone, including people who might have otherwise submitted. Any such consequential changes recommended under Clause 10 in the assessment below are footnoted as such in **Appendix 1**, and make specific reference to such changes being made to retain consistency across the four DEV Area chapters.

8.1.5 In other instances submitters effectively made the same submission on all four Development Areas (DEV). Where that is the case, the nature of the submission and relief

sought is discussed in more detail in terms of DEV Area 1, with the assessment of the same submissions relating to the other subsequent DEV including only a brief summary.

# 9. DEV - Development Areas (General Submissions)

## 9.1 Introduction

9.1.1 This section of the report addresses submission points that relate to all four Development Areas at a broader general level, rather than commenting on any specific development area provisions.

9.1.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| TDC | 42.6 |
| Hort NZ | 245.85 |

***Submissions***

9.1.3 TDC [42.6] seeks a new definition of the term 'Development Area' be included in the PDP. The submitter sets out that whilst the PDP includes a description of Development Areas under the heading 'Relationships between Spatial Layers' within 'How the Plan Works'; Development Areas are not otherwise clearly described within the chapters applying to each development area or the Financial Contributions chapter. As a result the submitter is of the view that persons using the PDP would have to rely on the planning maps to determine whether a development area applies (or not). The relief sought is to include a new definition as follows:

*Development Areas spatially identify and manage an area where Development Area Plans are used to determine future land uses, development, infrastructure provision, and open space. Activities that are in accordance with the Development Area Plan are permitted within the development area, while activities which do not comply with the plan require consent.*

9.1.4 The only other general submission point relating to all development areas was received from Hort NZ [245.85]. This submission refers to the status of the underlying land identified as development areas in terms of Land Use Capability. In summary, the submitter:

- Opposes development in the Brough's Gully Development Area (DEV1) due to including land being Class 1, 2 or 3 under the Land Use Capability (LUC) as mapped by the New Zealand Land Resource Inventory;
- Notes the Gleniti Residential Development Area (DEV2) is on Class 3 land;

- Notes the Washdyke Industrial Development Area (DEV3) is on LUC 2 - 3 and does capture a rural area being potentially horticultural land;
- Notes the Temuka North West Residential Development Area (DEV4) is on LUC class 2 land and appears to include some rural properties.

9.1.5 For all development areas the submitter seeks to ensure adequate mitigation of reverse sensitivity is in place; and suggests a 30m setback and any other provisions necessary to ensure primary production can occur on adjoining land.

***Analysis***

9.1.6 The definition of 'Development Area' sought to be included in the PDP simply repeats the text already included in Part 1 of the PDP 'How the Plan Works – Relationships between spatial layers'. In that regard the PDP already includes a description of what a 'Development Area' is and what the expectations are from a planning perspective.

9.1.7 Development areas are also described in the NP Standards (Section 12: District Spatial Layers Standard), as follows:

> *A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.*

9.1.8 I note that the PDP does not otherwise include definitions of the other spatial layers set out in the NP Standards (such as Zones, Overlays, Precincts, Specific Control Areas, Designations or Heritage Orders). On that basis including a definition of Development Area would create something of an inconsistency. In terms of the comment that persons using the PDP would rely on the planning maps to determine whether a Development Area applies, I note that this is the same situation as to any other zoning or overlay, and is typically the first step for plan users to identify and navigate the various planning provisions that apply to a site.

9.1.9 Overall, I consider that a specific definition is not required in the PDP and therefore recommend that the TDC submission [42.6] is rejected. However, should the Hearing Panel wish to include a definition, then I am of the view that the description included in the NP Standards should be adopted in preference to the wording included in the relief sought in the TDC submission.

9.1.10 The submission from Hort NZ specifically opposes DEV1 and otherwise notes the presence of Classes 1, 2 or 3 land within the other DEV Areas identified in the PDP. I note that the submitter refers to these areas as either 'Future Development Zones' or 'Future Growth Zones'. In this regard it should be noted that the PDP differentiates between Development Areas and Future Development Areas, the latter being considered under Hearing G.

9.1.11 As identified Development Areas, the areas of land subject of this Hearing have been previously been identified by the Council as being appropriate for urban development, and the PDP is seeking to effectively 'roll-over' the planning framework otherwise included in the OTDP.

9.1.12 It is assumed that the concern being raised by Hort NZ is that the identified development areas contain 'Highly Productive Land' (HPL) as defined by the NPSHPL. In my opinion the NPSHPL does not apply to the land identified as DEV in the PDP. Clause 3.5(7) of the NPSHPL states that until such time as HPL is mapped in a regional policy statement, the relevant consent authority must apply the NPSHPL references to HPL to land, but that land should exclude that *"identified for future urban development"*. I consider that the identification as a DEV within the PDP satisfies that requirement, and therefore the land contained within DEV1 to DEV4 is not considered to be HPL for the purposes of the NPSHPL.

9.1.13 The other aspect raised in the submission is the potential for reverse sensitivity effects arising from continued intensive forms of primary production. In my view that matter would form part of the consideration of the density and layout of future development at the time of subdivision consent. I also note that no individual land owners within, or adjoining, the development areas have raised reverse sensitivity effects. In summary, I do not consider there to be a need for a specific setback requirement to be included in the PDP at this time. The submitter specifically opposes DEV1. I note that DEV1 has no immediate boundary with HPL, there being a legal road reserve between the boundary of the DEV1 area and adjacent GRUZ land. This will provide a minimum 20m setback in any case (noting that 30m is sought). Overall, I recommend that the Hort NZ [245.85] submission is rejected.

***Conclusions and Recommendations***

9.1.1 I recommend, for the reasons given above, that no changes are made to the development area provisions in response to the general submissions above and they are retained as notified apart from as recommended in response to other more specific submission points as set out below.

# 10. Development Area 1 – Broughs Gully Residential Development Area

## 10.1 Introduction

10.1.1 The Broughs Gully Residential Development Area (DEV1) comprises some 27ha of land situated in north Timaru bordered by Jellicoe Street, Old North Road and Mahoneys Hill Road. The land is zoned General Residential Zone (GRZ). The Broughs Gully Residential Development Area Plan (Figure 21 in the PDP) guides the general pattern of development for new growth. It provides for the integration of future urban development with roads,

sewer and water infrastructure, stormwater basins and linkages to the surrounding area. It also restricts access from DEV1 onto Old North Road.

10.1.2 It is anticipated that development within DEV1 will be in general accordance with the DEV1 – Development Area Plan (DAP). However, the introduction section contained within the PDP also recognises that through subdivision consent application(s) or asset design, there is potential for alternative solutions to be developed.

10.1.3 There were 32 submissions lodged in relation to DEV1, with 25 original submissions and 7 further submissions.

## 10.2 DEV1 – General/Introduction

10.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| BGDL | 167.5, 167.6 |
| RHL | 174.90 |
| Rooney, GJH | 191.90 |
| RGL | 249.90 |
| RFL | 250.90 |
| REL | 251.90 |
| TDL | 252.90 |

***Submissions***

10.2.2 The submission of BGDL [167.5], notes that the chapter refers to the 'Broughs Gully Residential Development Area' and the 'Broughs Gully Development Area'. The submitter requests that a single consistent reference is adopted. The other general submission point [167.6] requests amendments to the 'Introduction' to:

- Refer to the MRZ to reflect the rezoning request.
- To refer to 'urban development' rather than 'new growth area' to be consistent with the definition of the PDP.
- To ensure that development not in accordance with DEV1 doesn't necessarily have to be 'better' to achieve the outcomes of the DEV1.

10.2.3 The specific wording of the relief sought is set out in **Appendix 1**.

10.2.4 Each of the submissions from RHL [174.90], Rooney, GJH [191.90], RGL [249.90], RFL [250.90], REL [251.90] and TDL [252.90] take a neutral position on DEV1 and do not otherwise state any particular relief sought.

***Analysis***

10.2.5 The neutral submissions from RHL [174.90], Rooney, GJH [191.90], RGL [249.90], RFL [250.90], REL [251.90] and TDL [252.90] are noted and do not otherwise require further assessment. I recommend that these submissions are accepted.

10.2.6 I agree with the submission from BGDL that the DEV1 chapter as notified is not consistent, referring to both 'Broughs Gully Residential Development Area' and the 'Broughs Gully Development Area'. The main chapter heading refers to 'Broughs Gully Residential Development Area', and I note the use of this term would be consistent with the other DEV Areas, which all include reference to either 'residential' or 'industrial' reflecting the nature of anticipated development. On that basis I consider that consistent reference to 'Broughs Gully Residential Development Area' is appropriate and recommend that the BGDL submission [167.5] is accepted.

10.2.7 The remaining BGDL submission points relating to the 'Introduction' seek various wording changes. These range from semantic to more substantive that would otherwise influence the nature of the resulting development. The assessment below focuses on the latter.

10.2.8 In my view any additional reference to Medium Density Residential Zoning (MRZ) should only be included depending on the Hearing Panel's decision on that particular submission point. I note that in the PDP as notified the entire land area within DEV1 is zoned GRZ; and on that basis the wording as notified is appropriate until such time as there is a decision that changes that situation. On that basis I recommend that this aspect of the BGDL submission [167.6] be deferred to the Hearing G author as the change to the DAP depends on the outcome of the re-zoning request; as a consequence I make no further recommendation on this submission point.

10.2.9 The other most substantive change sought is to the Introduction such that any development not in accordance with the Development Area Plan need not 'better' achieve the outcomes set out in **DEV1-O1**, but simply meet them. I agree with the submitter insofar as the 'Introduction' is not the most appropriate place to include such wording, which is otherwise more appropriately included in the provisions applying to development within DEV1.

10.2.10 I recommend that this submission point be accepted in part on the basis that the suggested changes do not exactly align with the relief sought in the submission, but nevertheless result in the same outcome; and otherwise I note again the recommended deferral of the MRZ re-zoning aspect.

***Conclusions and Recommendations***

10.2.11 I recommend, for the reasons given above, that:

- The DEV1 Chapter be updated to consistently refer to 'Broughs Gully Residential Development Area' where currently sometimes referred to as 'Broughs Gully Development Area'.
- The introduction be amended to refer to urban development rather than new growth area; and to remove the requirement for any alternative development to be 'better' that that set out on the DEV1 DAP.
- To defer the matter of the proposed MRZ re-zoning to Hearing G.

10.2.12 The recommended amendments are set out in **Appendix 1**.

10.2.13 I consider the scale of the recommended changes above do not require a section 32AA evaluation because it ensures the DEV1 Chapter is internally consistent and otherwise consistent with the balance of the PDP. The other changes proposed are to the 'Introduction' and do not otherwise impact the provisions themselves and are minor changes to improve drafting and does not alter the general intent and therefore the original section 32 evaluation still applies.

## 10.3 DEV1 – Objective and Policies

10.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| NZTA | 143.178 |
| Transpower | 159.103 |
| BGDL | 167.7, 167.8, 167.9, |

***Submissions***

10.3.2 NZTA [143.178] supports **DEV1-O1** and seeks it be retained on the basis that it seeks to ensure development is established in a comprehensive manner, particularly as it recognises that residential development is integrated and coordinated with infrastructure and the road and pedestrian network is efficient, connected and safe.

10.3.3 Transpower [159.103] considers the PDP should provide the same level of protection for the National Grid as Plan Change 21 to the Operative District Plan. Transpower considers that **DEV1-O1** as notified does not achieve this, and otherwise does not give effect to Policy 10 and Policy 11 of the NPSET. Transpower seeks that **DEV1-O1.11** is amended as follows:

*11. ~~there is minimal~~ adverse effects, including reverse sensitivity effects, on the N~~n~~ational G~~g~~rid are avoided.*

10.3.4 BGDL [167.7, 167.8, 167.9] requests changes to **DEV1-O1**, **DEV1-P1** and **DEV1-P2** similar to those requested in the 'Introduction' assessed above, being references to the proposed MRZ re-zoning and to 'urban' development.

10.3.5 BGDL also requests replacing 'complies' in both **DEV1-P1** and **DEV1-P2** with 'in general accordance with' given the DAP is at such a broader level where strict compliance may be difficult to determine. Amendments are also sought to delete 'associated requirements' as the use of that term is considered unclear.

***Analysis***

10.3.6 The supporting submission from NZTA [143.178] on **DEV1-O1** is noted and does not require further assessment. I recommend that this submission point is accepted in part on the basis of the changes recommended in response to other submissions.

10.3.7 In terms of the changes sought to **DEV-O1.11** by Transpower, in my view the proposed amendment from ensuring 'minimal' effects on the National Grid to 'avoiding' effects altogether goes beyond what is set out in the NPSET. Policy 10 of the NPSET is as follows:

> *In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*

10.3.8 In my view the wording used in the PDP as notified, requiring minimal adverse effects, is more consistent with Policy 10 above than the avoid requirement sought by Transpower. I agree with the other matters raised in the submission of Transpower [159.103] in terms of making specific reference to reverse sensitivity effects and the capitalisation of National Grid. Therefore, I recommend that this submission is accepted in part.

10.3.9 As above, I recommend that the inclusion of any reference to MRZ be deferred to the Hearing G author as the change to **DEV1-O1** depends on the outcome of the re-zoning request; as a consequence I make no further recommendation on this submission point (BGDL [167.7]).

10.3.10 Inclusion of the term 'urban' is not opposed as it simply reflects the nature of the development anticipated within DEV1. Therefore, I recommend that aspect of BGDL [167.7] is accepted.

10.3.11 I agree with the submitter that a DAP by its nature is a broad precis of the form of future development, which makes assessing compliance difficult given the relative lack of specific detail provided. On that basis I recommend that compliance be replaced with the concept of 'being in general accordance with' at this policy level (please note that a similar change in terms of the rule framework is assessed further below).

10.3.12 I agree that reference to "associated requirements" within **DEV1-P1** and **DEV1-P2** is uncertain, and recommend that wording not be used. I understand that the reference to "associated requirements" is more particularly referencing the other provisions contained within the DEV1 Chapter, and any other relevant provisions within other District Plan chapters. In my view those other provisions are referred to already in the *Note* at the commencement of the Rules section and otherwise the guidance set out in Part 1 – How the Plan Works. Notwithstanding, I recommend that the phrase "associated requirements" in **DEV1-P1** is replaced with the more accurate reference to "*any other applicable District Plan requirements"*. In terms of **DEV1-P2**, I do not consider that this policy requires this reference, as it focusses on achieving the outcomes sought in **DEV1-O1**. Overall, I recommend that the submissions from BGDL [167.8, 167.9] are accepted in part on the basis that the recommended wording is different to that set out in the relief sought.

***Conclusions and Recommendations***

10.3.1 I recommend, for the reasons given above, that **DEV1-O1** is amended to make reference to urban development where appropriate, and that Clause **DEV1-O1.11** is amended as follows:

*11. there are ~~is~~ minimal adverse effects, including reverse sensitivity effects, on the N~~n~~ational G~~g~~rid.*

10.3.2 I recommend, for the reasons given above, that **DEV1-P1** and **DEV1-P2** amended so as to not require a 'better' outcome, but rather refer to the 'key outcomes' described in **DEV1-O1.**

10.3.3 I recommend, for the reasons given above, that **DEV1-P1** is amended as follows:

*Enable land use, subdivision and development ~~that complies~~ in general accordance with the Broughs Gully Residential Development Area Plan and any ~~associated~~ other applicable District Plan requirements.*

10.3.4 I recommend, for the reasons given above, that **DEV1-P2** is amended as follows:

*Only allow land use, subdivision and development that is not in general accordance ~~activities that do not comply~~ with Broughs Gully Residential Development Area Plan ~~and associated requirements~~ if an alternative design ~~provides a better~~ solution ~~to meeting~~ achieves the outcomes set out in DEV1-O1.*

10.3.5 The recommended amendments are set out in **Appendix 1**.

10.3.6 I consider the scale of the changes does not require a section 32AA evaluation because they are minor to either improve drafting. The recommended changes do not alter the general intent of the provisions and therefore in my view the original section 32 evaluation still applies.

## 10.4 DEV1 – Rules, Standards and Area Development Plan

10.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| TDC | 42.60 |
| MFL | 60.49, 60.50 |
| NZTA | 143.179 |
| Transpower | 159.104 |
| BGDL | 167.4, 167.10, 167.11, 167.12, 167.13, 167.14, 167.15 |

***Submissions***

10.4.1 Like their submissions assessed above, BGDL [167.10] seeks that reference to compliance within **DEV1-R1** is replaced with 'in general accordance with', given the DAP is such that compliance may otherwise be difficult to determine.

10.4.2 TDC [42.60] considers **DEV1-S2** could be improved to ensure the intention of these standards is clear and can be understood by plan users. The relief sought is as follows:

*At the time of land use, subdivision or development and prior to any new buildings being occupied, ~~any~~ stormwater, water and sewerage infrastructure required to service the land use, subdivision or development shall be designed and constructed by the developer as reticulated systems that are located within ~~their site~~ land owned by the developer.*
*~~Include and stormwater, water and sewerage systems required to service the lands through reticulation systems.~~*

10.4.3 MFL [60.49,60.50] oppose both **DEV1-S1** and **DEV1-S2** as roading and engineering design plans are currently being signed by not only engineers, but also surveyors. The submitter request this status quo situation remains and that appropriate wording is added to the provisions to allow for this outcome. Similarly, BGDL [167.11, 167.12] seek that the reference to 'chartered' engineer is deleted from **DEV1-S1** and **DEV1-S2**.

10.4.4 BGDL [167.4] requests the removal of the stormwater management area to the west of Road 1 on Figure 21 of the PDP (being the DEV-1 DAP) on the basis that engineering design and Council has now confirmed that this is not necessary. The area in question is shown in the Figure below:

DEV1 - BROUGHS GULLY DEVELOPMENT AREA PLAN


10.4.5 BGDL [167.13] is of the view that the requirement of the developer to construct walkways/cycleways in **DEV1-S1** should be limited to within 'their land' and seeks that such wording be added.

10.4.6 BGDL [167.14] supports **DEV1-S4** and seeks it be retained as notified in the PDP, but notes that the DEV1 DAP does not otherwise indicate the location of parks, but the submitter understands these may be incorporated in stormwater management areas in the future. The support of BGDL is noted and I recommend that this submission is accepted on the basis that no other changes are recommended to this provision.

10.4.7 In terms of **DEV1-S5**, BGDL [167.15] requests the replacement of 'public utility' with 'network utility' to align with the definition in the PDP.

10.4.8 NZTA [143.179] supports **DEV1-S1** and seeks it be retained as notified as it requires developers to establish new roads to be constructed in general accordance with the DAP prior to land use, subdivision or development; and in any case prior to any new buildings being occupied. The support of NZTA is noted and I recommend that this submission is accepted in part due to the changes recommended as a result of other submissions.

10.4.9 Similarly, Transpower [159.104] supports the clear direction included in the Note referring to which rules contained in the district wide chapters apply and seeks that the Note be retained as notified. The support of Transpower is acknowledged and I recommend that this submission is accepted.

***Analysis***

10.4.1 A change to Policy **DEV1-P1** discussed above referred to whether development should 'comply' or be in 'general accordance' with the applicable DAP. For the reasons discussed I recommended that the phrase *"in general accordance with"* be used at the policy level. However, in the context of a rule, a greater degree of certainty is required and use of 'in

general accordance with' is likely to be problematic for a permitted activity rule in terms of certainty and potentially lead to argument/litigation. Compliance is typically required within rules and unfortunately this is a downside of using a DAP in a district plan, as often resource consent is required as developers seek to provide the development in a slightly different manner to what is set out therein. I therefore recommend **DEV1-R1** retain compliance with the DAP and that BGDL [167.10] is accepted in part.

10.4.2 The minor changes sought by the TDC to amend **DEV1-S2** are supported on the basis that they improve clarity without otherwise changing compliance requirements. Therefore, I recommend that this submission TDC [42.60] is accepted.

10.4.3 Changes are requested to **DEV1-S1** and **DEV1-S2** around the qualifications of those persons that are able to complete/prepare roading design and engineering plans. The submissions from BGDL seek that the requirement for these plans to be prepared by a suitably qualified, but that the requirement they be a chartered engineer be deleted. In my view the key issue is that the plans are reviewed and signed-off by a suitably qualified engineer rather than who completes or prepares the plans. An engineering review and sign-off review will better ensure that the design is appropriate to meet engineering standards. Furthermore, the plans submitted are otherwise subject to the approval of the Timaru District Council in any case. On that basis I recommend that these submissions (MFL [60.49,60.50], BGDL [167.11, 167.12]) and the relief sought therein are accepted in part.

10.4.4 On the basis that the Council's Stormwater Team Leader (Kevin Kemp) has confirmed that the stormwater management area west of Road 1 shown on the DAP is no longer required, I recommend that this be removed and the BGDL submission [167.4] is accepted.

10.4.5 BGDL submission [167.13] relates to the walkway/cycleways shown on the DAP and amendment of **DEV1-S3** that it refers to such infrastructure within "their land". I initially do not consider such wording was required as the DEV1 DAP clearly only shows such walkway/cycleways within the DAP area itself. However, the issue relates to the fact that the fragmented nature of land ownership within the DEV1 DAP means that development may progress in a piecemeal fashion and in that circumstance it is unreasonable to require "all" such walkway/cycleways to be provided as is currently stated therein. This can be addressed by making minor changes to remove the term *"all"* and instead referencing within the land area subject to the consent application, thereby making it clear that the standard does not require all walkway/cycleways shown on the DAP. Therefore, I recommend that **DEV1-S3** is amended as described and the BGDL submission [167.13] accepted in part.

10.4.6 I support the relief sought in terms of **DEV1-S5** by replacing the term 'public utility' with 'network utility', this outcome better to align with the terminology and definitions contained in the PDP. Therefore I recommend that the submission from BGDL [167.15]

is accepted. Furthermore, it is recommended that this change is made to the other DEV Area chapters as a consequential amendment to retain consistency of the provisions.

***Conclusions and Recommendations***

10.4.7 I recommend, for the reasons given above, that **DEV1-R1** is amended as follows:

*It complies with Broughs Gully Residential Development Area Plan; and […]*

10.4.8 I recommend, for the reasons given above, that the Note accompanying **DEV1-S1** is amended as follows:

1. *The Council will require specific designs for roads in accordance with Council's infrastructure Standards. This is to be ~~completed~~ reviewed and signed-off by a suitably qualified ~~chartered~~ professional engineer and these engineering plans and specifications will require Timaru District Council approval prior to the commencement of any work.*

10.4.9 I recommend, for the reasons given above, that **DEV1-S2** is amended as follows:

*At the time of land use, subdivision or development and prior to any new buildings being occupied, ~~any~~ stormwater, water and sewerage infrastructure required to service the land use, subdivision or development shall be designed and constructed by the developer as reticulated systems that are located within land owned by the developer ~~their site~~. ~~Include any stormwater, water and sewerage systems required to service the lands through reticulated systems.~~*

10.4.10 I recommend, for the reasons given above, that the Note accompanying **DEV1-S2** is amended as follows:

1. *The Council will require specific designs for stormwater, water and sewerage infrastructure in accordance with Council's infrastructure Standards. This is to be ~~completed~~ reviewed and signed-off by a suitably qualified ~~chartered~~ professional engineer and these engineering plans and specifications will require Timaru District Council approval prior to the commencement of any work.*

10.4.11 I recommend, for the reasons given above, that **DEV1-S3** is amended as follows:

*At the time of land use, subdivision or development and prior to any new buildings being occupied, the developer shall design and construct ~~all~~ walkway/cycleways within the land area subject to the consent application as indicated on the Broughs Gully Residential Development Area Plan to include: […]*

10.4.12 I recommend, for the reasons given above, that **DEV1-S5** is amended as follows:

*At the time of land use, subdivision or development and prior to any new buildings being occupied, all required roads, ~~public~~ network utility ~~services~~, parks, walkway/cycleways and stormwater swales indicated on the Broughs Gully Residential Development Area Plan and within the site shall be vested into Timaru District Council's ownership.*

*Note:*

1. *The actual cost of road, network utility ~~services~~ and walkway/cycleway construction will be apportioned between the developer and Council, with that apportionment to be determined on the basis of the percentage of public versus private benefit.*

10.4.13 I recommend, for the reasons given above, that **DEV1 DAP** is amended to remove the stormwater management area to the west of Road 1 on Figure 21 of the PDP as circled in pink on the Figure below.

DEV1 - BROUGHS GULLY DEVELOPMENT AREA PLAN


10.4.14 Otherwise I recommend that amendments are made relying on Clause 10(2)(b) of the RMA to retain consistency across the various DEV Area chapters relying on consequential amendments as sought by other submissions on other Chapters.

10.4.15 The recommended amendments to text are set out in **Appendix 1**.

10.4.16 The scale of the changes above does not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore the original s32 evaluation still applies.

# 11. Development Area 2 – Gleniti Residential Development Area

## 11.1 Introduction

11.1.1 The Gleniti Residential Development Area comprises approximately 98 ha of GRZ land located in the western part of Timaru. It includes areas of existing suburban development and areas for new low density suburban development, stormwater swales and dams, roads, neighbourhood parks, waterways, walking/cycling routes and a neighbourhood centre.

11.1.2 The Gleniti Residential DAP (Figure 22 in the PDP) guides the general pattern of development for new growth in the area. It provides for the integration of future suburban development with roads, sewer and water infrastructure, stormwater basins and linkages to the surrounding area.

11.1.3 It is anticipated that development within DEV2 will be in general accordance with the DEV2 DAP. However, the introduction section contained within the PDP also recognises that through subdivision consent application(s) or asset design, there is potential for alternative solutions to be developed.

11.1.4 There were 29 submissions lodged in relation to the DEV2, with 17 original submissions and 12 further submissions.

## 11.2 DEV2 – NZTA

11.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| NZTA | 143.180, 143.181 |

***Submissions***

11.2.1 The submission of NZTA [143.180], supports **DEV2-O1**, which seeks to ensure development is established in a comprehensive manner, particularly as it recognises that residential development is integrated and coordinated with infrastructure and the road and pedestrian network is efficient, connected and safe. Similarly, NZTA [143.181] supports **DEV4-S1**, which requires developers to establish new roads to be constructed in general accordance with the DAP prior to the land use, subdivision or development and prior to any new buildings being occupied. NZTA seeks that both these provisions be retained as notified.

***Analysis***

11.2.1 The supporting submissions from NZTA [143.180, 143.181] on **DEV2-O1** and **DEV2-S1** are noted and do not otherwise require further assessment. I recommend that submission [143.180] is accepted and [143.181] accepted in part on the basis of the changes recommended to **DEV2-S1** based on the assessment of the relief sought in other submissions.

***Conclusions and Recommendations***

11.2.1 I recommend, for the reasons given above, that no changes are made to the **DEV2-O1** or **DEV2-S1** arising from the NZTA submissions.

## 11.3 DEV2–R1: Land Use, Subdivision and Development

11.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| RHL | 174.91 |
| Rooney, GJH | 191.91 |
| RGL | 249.91 |
| RFL | 250.91 |
| REL | 251.91 |
| TDL | 252.91 |

***Submissions***

11.3.2 Each of the above submissions are identical in that they oppose **DEV2-R1** as they consider that the rule should not apply to land use and development. It is unclear to the submitters what difference is intended between the terms 'land use' and 'development'. The submitter also considers that the standards of DEV2 should only apply to subdivision (apart from **DEV2-S1.3**) as all five standards relate to infrastructure that will vest to Council through subdivision. The submitters consider it unnecessarily onerous and unfair for an owner to trigger the performance standards when constructing a new residential dwelling on an existing site not involving any subdivision of land.

11.3.3 The submissions each seek identical relief, being that the rules and standards of the DEV2 chapter are amended so as:

- To include a new residential unit as a permitted activity;
- **DEV2-S1** to **DEV2-S5** do not apply to land use activities apart from **DEV2-S1.3**; and
- Define the relationship between land use and development, or alternatively delete the term 'development'.

***Analysis***

11.3.4 The title of **DEV2-R1** being 'Land use, subdivision and development' is consistent with each of the other development areas identified in the PDP. No other submitters have raised a concern with the wording used. I note that the terms used, being subdivision, use and development are used extensively throughout the RMA to describe the various forms of activity subject to the statutory requirements set out therein. On that basis I do not see any need or benefit in defining the relationship between land use and development. I note the term 'development' is not defined in either the RMA or the PDP, but that does not otherwise prevent it being used extensively in both.

11.3.5 In my view the key issue raised is whether a single residential unit on an existing vacant site within the DEV2 DAP should be permitted under **DEV2-R1**. I note that currently the rule provides for

1. *an alteration, addition to an existing residential unit or visitors accommodation; or*
2. *a new accessary building to a residential activity.*

11.3.6 Reviewing the DEV2 DAP there appears to be a number of larger sites that currently do not have a residential unit established on them. I agree with the submitters that it does not seem reasonable for a single residential unit to otherwise trigger the requirement to meet all standards, which I note would include the design and construction of roads and other infrastructure.

11.3.7 Therefore, I recommend that **DEV2-R1 PER-2** is amended to also provide for a single residential unit to be established on an existing vacant site. It is noted that **DEV2-R1** is clear that any activity listed therein is not subject to the standards, so the change recommended will not otherwise trigger those standards as was the concern of the submitters. On that basis I recommend that the submissions from RHL [174.91], Rooney, GJH [191.91], RGL [249.91], RFL [250.91], REL [251.91], TDL [252.91] are accepted in part. As this rule is otherwise identical across all DEV Areas, I also recommend that this change is made to the remaining DEV Area chapters to retain consistency.

***Conclusions and Recommendations***

11.3.8 I recommend, for the reasons given above, that **DEV2-R1 PER-2** is amended as follows:

***PER-2***
*All the Standards of this chapter are complied with except the standards do not apply if the development is for:*

1. *an alteration, addition to an existing residential unit or visitors accommodation; or*
2. *a new residential unit on an existing site that does not already contain a residential unit; or*
3. *a new accessary building to a residential activity.*

11.3.9 Otherwise I recommend that amendments are made relying on Clause 10(2)(b) of the RMA to retain consistency across the various DEV Area chapters relying on consequential amendments as sought by other submissions on other Chapters.

11.3.10 The recommended amendments are set out in **Appendix 1**.

11.3.11 In terms of section 32AA, I consider that the additional clause is more effective than the notified provision as it allows an existing site to be used in accordance with the underlying zone in a matter that does not otherwise trigger roading and other infrastructure upgrades required by the DEV2 standards in anticipation of more intensive urban development within the DAP.

## 11.4 DEV2 –Standards

11.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| TDC | 42.61 |
| MFL | 60.51, 60.52 |
| RHL | 174.92 |
| Rooney, GJH | 191.92 |
| RGL | 249.92 |
| RFL | 250.92 |
| REL | 251.92 |
| TDL | 252.92 |

***Submissions***

11.4.2 As discussed in relation to **DEV1**, TDC [42.61] considers **DEV2-S2** could be improved to ensure the intention of these standards is clear and can be understood by plan users. The relief sought is as follows:

*At the time of land use, subdivision or development and prior to any new buildings being occupied, ~~any~~ stormwater, water and sewerage infrastructure required to service the land use, subdivision or development shall be designed and constructed by the developer as reticulated systems that are located within ~~their site~~ land owned by the developer.*
*~~Include and stormwater, water and sewerage systems required to service the lands through reticulation systems.~~*

11.4.3 MFL [60.51,60.52] oppose both **DEV2-S1** and **DEV2-S2** as engineering roading and design plans are currently being signed by not only engineers, but also surveyors. The submitter requests the status quo remain and that appropriate wording is added to the provisions to allow for this outcome.

11.4.4 The submissions from RHL [174.92], Rooney, GJH [191.92], RGL [249.92], RFL [250.92], REL [251.92], TDL [252.92] oppose this standard as it triggers a developer to design and construct all cycleways/walkways indicated on the Gleniti Residential Development Area Development Plan. The submitter considers this "absurd" and not practically possible as the developer will not own all the sites within **DEV2**.

11.4.5 The submitters seek that **DEV2-S3** is amended to achieve the following relief:

- to only provide for the land required and delete requirements for the developer to design and form the walkways/cycleways;
- to provide for walkway/cycleway land to be provided as land in lieu of cash to offset any reserve contribution payable; and
- to only apply to subdivision.

***Analysis***

11.4.6 The minor changes sought by the TDC to amend **DEV2-S2** are supported on the basis that they improve clarity without otherwise changing compliance requirements. Therefore, I recommend that this submission TDC [42.61] is accepted.

11.4.7 The changes requested to **DEV2-S1** and **DEV2-S2** around the qualifications of those persons that are able to complete engineering roading and design plans are considered to be appropriate. As discussed above the changes relate only to those persons that are able to complete/prepare the plans, and noting that all such plans are otherwise subject to the approval of the Timaru District Council in any case. On that basis that all such plans are subject to Council approval I recommend that these MFL submissions [60.51,60.52] and the relief sought therein are accepted in part, with the standards being amended to be consistent with those applying across all DEV Areas as a consequential amendment under Clause 10(2) as discussed more generally above.

11.4.8 In terms of the matters raised by the various submitters regarding the provision of walkways/cycleways within the DAP, the key matter being raised is the same as that raised by BGDL [167.13] already assessed above. The issue relates to the fact that the fragmented nature of land ownership within the DEV2 DAP means that development may progress in a piecemeal fashion and in that circumstance it is unreasonable to require "all" such walkway/cycleways to be provided as is currently stated therein. This can be addressed by making minor changes already recommended in regard to DEV1 above so that a developer is only required to provide walkways/cycleways in accordance with the DAP within the land area subject to their consent application. Again, I recommend that the consistency across the various DEV chapters in place at the time of notification is retained and Clause 10(2) relied upon to do so where required.

11.4.9 In regard to the other matters raised regarding that only the land be set aside, or otherwise that the developer is not responsible for their design and construction, in my view those are matters to be worked through at the time of subdivision consent application and do not need to be otherwise specifically set out within the PDP itself.

11.4.10 The submitters also seek that any such requirement only apply to subdivision. I do not agree with this, and note that there remains the potential that land within the DAP may be comprehensively developed without triggering the need for subdivision that would otherwise not provide the walkway/cycleway linkages shown on the DAP. Such an outcome would compromise the outcomes sought for the overall Gleniti Residential Development Area. On that basis I do not recommend such a change is made.

11.4.11 Overall, based on the assessment above, I recommend that the submissions from RHL [174.92], Rooney, GJH [191.92], RGL [249.92], RFL [250.92], REL [251.92], TDL [252.92] be accepted in part.

***Conclusions and Recommendations***

11.4.12 I recommend, for the reasons given above, that **DEV2-S1** and **DEV2-S2** are amended to be consistent with that recommended above in terms of DEV1, allow roading and engineering design plans to also be completed by others (including licensed cadastral surveyors or registered professional surveyors), but reviewed and signed-off by a suitably qualified engineer.

11.4.13 I recommend, for the reasons given above, that **DEV2-S2** is amended as set out in the submission from the TDC, as follows:

> *At the time of land use, subdivision or development and prior to any new buildings being occupied, ~~any~~ stormwater, water and sewerage infrastructure required to service the land use, subdivision or development shall be designed and constructed by the developer as reticulated systems that are located within land owned by the developer ~~their site~~. ~~Include any stormwater, water and sewerage systems required to service the lands through reticulated systems.~~*

11.4.14 I recommend, for the reasons given above, that **DEV2-S3** is amended as follows:

> *At the time of land use, subdivision or development and prior to any new buildings being occupied, the developer shall design and construct ~~all~~ walkway/cycleways within the land area subject of the consent application as indicated on the Gleniti Residential Development Area Plan to include: […]*

11.4.15 Otherwise I recommend that amendments are made relying on Clause 10(2)(b) of the RMA to retain consistency across the various DEV Area chapters relying on consequential amendments as sought by other submissions on other Chapters.

11.4.16 The recommended amendments are set out in **Appendix 1**.

11.4.17 The scale of the changes above do not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore the original s32 evaluation still applies.

# 12. Development Area 3 – Washdyke Industrial Development Area

## 12.1 Introduction

12.1.1 The Washdyke Industrial Development Area comprises 130ha of General Industrial Zone (GIZ) land some of which has been developed in an industrial capacity and other parts that remain vacant. The Washdyke Industrial DAP (Figure 23 in the PDP) guides the general pattern of development for new growth in the area. It provides for the integration of future industrial development with existing and new roads, indicative cycle/pedestrian paths (including connection to Washdyke/Waitarakao lagoon) and stormwater management areas.

12.1.2 It is anticipated that development within DEV3 will be in general accordance with the DEV3 Development Area Plan. However, the introduction section contained within the PDP also recognises that through subdivision consent application(s) or asset design, there is potential for alternative solutions to be developed that might better achieve the specific outcomes sought.

12.1.3 There were 69 submissions lodged in relation to DEV3, with 47 original submissions and 22 further submissions.

## 12.2 DEV3 – General/Introduction

12.2.1 This section of the report addresses submission points that relate to DEV3 at a broad level, rather than commenting on specific provisions.

12.2.2 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| HHPL | 168.27 |
| NMTE | 190.26 |
| VT | 212.4 |

***Submissions***

12.2.3 The submissions of HHPL [168.27] and NMTE [190.26], note the inconsistent reference to the chapter name, and seek that only the term "Washdyke Industrial Development Area" be used consistently throughout.

12.2.4 The submission from VT [212.4] considers it important to have 'shovel ready industrial land' and encourages the Council to enable the proactive development of a Washdyke Industrial Park within the area identified as DEV3 - Washdyke Industrial Development Plan. The submitter refers to this area as a "sweet spot" for growth/consolidation of existing and new food processors and manufacturers, given its access to key infrastructure. The submitter goes onto state that a large portion of this land is owned by Council, whom they consider to not be the right entity to proactively develop the landholding. The submitter is of the view that such land should be sold to a developer with a proven track record of delivering an industrial park.

***Analysis***

12.2.1 I agree with the submissions from HHPL and NMTE that the DEV3 chapter as notified is not consistent, referring variously to 'Washdyke Development Area', 'Washdyke Industrial Development Area', and 'Washdyke Expansion Development Area'. The main

chapter heading refers to 'Washdyke Industrial Development Area', and this reference would be consistent with the other DEV Areas. On that basis I consider that consistent reference to that term is appropriate and recommend that the submissions from HHPL [168.27] and NMTE [190.26] be accepted.

12.2.2 The general support from VT for the identification and development of an industrial development at Washdyke is noted. However, beyond that general support, the matters included in the submission go beyond the jurisdiction of a district plan, which does not otherwise control land tenure and certainly does not otherwise compel a landowner whom the submitter considers is "not the right entity" to sell their landholding. Therefore I recommend that this submission VT [212.4] is accepted in part only.

***Conclusions and Recommendations***

12.2.3 I recommend, for the reasons given above, that the DEV3 Chapter be updated to consistently refer to the 'Washdyke Industrial Development Area'.

12.2.4 Otherwise I recommend that amendments are made relying on Clause 10(2)(b) of the RMA to retain consistency across the various DEV Area chapters relying on consequential amendments as sought by other submissions on other Chapters.

12.2.5 The recommended amendments are set out in **Appendix 1**.

12.2.6 I consider the scale of the recommended changes above do not require a section 32AA evaluation because it ensures the DEV3 Chapter is internally consistent and otherwise consistent with the balance of the PDP. The changes proposed do not otherwise impact the provisions themselves and are minor changes to improve drafting and does not alter the general intent and therefore the original section 32 evaluation still applies.

## 12.3 DEV3 – Objective and Policies

12.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| NZTA | 143.182 |
| Transpower | 159.105 |
| HHLP | 168.29, 168.30 |
| SPL | 140.28, 140.29 |
| NMTE | 190.27 |

***Submissions***

12.3.2 NZTA [143.182] supports **DEV3-O1** and seeks it be retained on the basis that it seeks to ensure development is established in a comprehensive manner, particularly as it recognises that development is integrated and coordinated with infrastructure and the road and pedestrian network is efficient, connected and safe. The submission from HHPL [168.29] similarly supports **DEV3-O1** and seeks it be retained as notified.

12.3.3 Transpower [159.105] notes that the National Grid transmission lines traverse the Development Area and therefore seeks that the outcomes for DEV3 reflect the outcomes set out in the Objective of the NPSET. The Submitter considers that **DEV3-O1** as notified, does not achieve the objective of the NPSET and seeks that it be amended to avoid adverse effects on the national grid, including those as a result of reverse sensitivity.

12.3.4 Three submissions seek identical amendment to **DEV3-P1**; being SPL [140.28], HHPL [168.30], and NMTE [190.27]. These submissions consider that **DEV3-P1** is generally appropriate, however the reference to "development" should include a reference to "land use and subdivision" to be consistent with the terminology used elsewhere. Furthermore, the submitters are not clear what the term "associated requirements" means, consider this term is unnecessary and seek it be deleted.

***Analysis***

12.3.5 The supporting submissions from NZTA [143.182] and HHPL [168.29] on **DEV3-O1** are noted and do not otherwise require further assessment. Based on the changes being recommended to this provision as a result of other submissions, I recommend that these submissions is accepted in part.

12.3.6 As discussed above, in my view the wording used in **DEV3-O1** the PDP as notified, requiring minimal adverse effects, better reflects Policy 10 of the NPSET than the avoid requirement sought by Transpower. However, I agree with the other matters raised in the submission of Transpower [159.105] in terms of making specific reference to reverse sensitivity effects and the capitalisation of National Grid. Therefore, I recommend that this submission is accepted in part.

12.3.7 In terms of the changes sought to **DEV3-P1**, the addition of the reference to 'land use' and 'subdivision' within the policy would be consistent with the terminology used in the resulting rule framework, namely **DEV3-R1**, and the chapters applying to the other development areas. Whilst the submission was specific to **DEV3-P1**, it is recommended that this change is also made to **DEV3-P2** and the remaining DEV Area chapters to retain consistency.

12.3.8 **DEV3-P1** currently refers to *"any associated requirements"*. I agree with the submitters that the use of such a phrase is uncertain and not best practice. As discussed above I recommend that this phrase is replaced with reference to *"any other applicable District*

*Plan requirements"*. On that basis I largely agree with the relief sought and recommend that the submissions from SPL [140.28], HHPL [168.30], and NMTE [190.27] be accepted in part.

***Conclusions and Recommendations***

12.3.9 I recommend, for the reasons given above, that **DEV3-O1** is amended as follows:

*11. there are ~~is~~ minimal adverse effects, including reverse sensitivity effects, on the ~~national grid~~ National Grid.*

12.3.10 I recommend, for the reasons given above, that **DEV3-P1** is amended as follows:

*Enable land use, subdivision and development that complies with the Washdyke Industrial Development Area and any ~~associated~~ other applicable District Plan requirements.*

12.3.11 Otherwise I recommend that amendments are made relying on Clause 10(2)(b) of the RMA to retain consistency across the various DEV Area chapters relying on consequential amendments as sought by other submissions on other Chapters.

12.3.12 The recommended amendments are set out in **Appendix 1**.

12.3.13 I consider the scale of the changes does not require a section 32AA evaluation because they are minor to either improve drafting, do not alter the general intent of the provisions and therefore in my view the original section 32 evaluation still applies.

## 12.4 DEV3 – Rules, Standards and Area Development Plan

12.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| Transpower | 159.106 |
| HHPL | 168.28, 168.31, 168.32, 168.33, 168.34, 168.35, 168.36 |
| RHL | 174.93, 174.94, 174.96, 174.97 |
| Rooney, GJH | 191.93, 191.94, 191.96, 191.97 |
| RGL | 249.93, 249.94, 249.96, 249.97 |
| RFL | 250.93, 250.94, 250.96, 250.97 |
| REL | 251.93, 251.94, 251.96, 251.97 |
| TDL | 252.93, 252.94, 252.96, 252.97 |
| TDC | 42.62 |

| | |
|---|---|
| MFL | 60.53, 60.54 |
| NZTA | 143.183 |
| SPL | 140.29 |
| NMTE | 190.28 |

***Submissions***

12.4.2 The submissions from HHPL [168.31, 168.32, 168.33, 168.35, 168.36] supports **DEV3-R1**, **DEV3-S1**, **DEV3-S2**, **DEV3-S4** and **DEV3-S5** respectively and seeks that they be retained as notified.

12.4.3 Transpower [159.106] considers the note accompanying the Rules does not direct that the rules in the district wide chapters apply. This would mean that the provisions that protect the National Grid and do not give effect to the "National Grid". It is assumed this is an error and the submitter means to refer to the NPSET. The relief sought is to make reference to the "district wide chapters" within the note.

12.4.4 As with the submissions lodged in relation to DEV2 considered above, the submissions from RHL, Rooney, GJH, RGL, RFL, REL and TDL are identical in relation to each of the four individual submission points made.

12.4.5 The first of those, RHL [174.93], Rooney, GJH [191.93], RGL [249.93], RFL [250.93], REL [251.93] and TDL [252.93], relates to **DEV3-R1**, which considers this rule should not apply to 'land use and development'. The submitters are of the view that this should only apply to subdivision (apart from **DEV3-S1.3**), as all five standards relate to infrastructure that will vest to council through subdivision. The submissions each seek identical relief, being that the rules and standards of the DEV3 chapter are amended so as:

- To include a new residential unit as a permitted activity;
- **DEV3-S1** to **DEV3-S5** do not apply to land use activities apart from **DEV3-S1.3**; and
- Define the relationship between land use and development, or alternatively delete the term 'development'.

12.4.6 As with the submissions lodged in relation to the other development areas, MFL [60.53,60.54] oppose both **DEV3-S1** and **DEV3-S2** as engineering roading and design plans are currently being signed by not only engineers, but also surveyors. The submitter requests the status quo remain and that appropriate wording is added to the provisions to allow for this outcome.

12.4.7 NZTA [143.183] supports **DEV3-S1**, which requires developers to establish new roads to be constructed in general accordance with the Development Area Plan prior to the land use, subdivision or development and prior to any new buildings being occupied. NZTA seeks that this standard be retained as notified.

12.4.8 RHL [174.94], Rooney, GJH [191.94], RGL [249.94], RFL [250.94], REL [251.94] and TDL [252.94] all oppose **DEV3-S1** on the basis that it requires the formation of ROAD 5 shown on the DAP. The submitter considers that there is no benefit to the landowner from ROAD 5 as the road is facilitating Council's vision for development of the road network. The submitters are of the view that Council should be solely responsible for the design and construction of ROAD 5 and compensation should be paid to the landowner for the land taken (if ROAD 5 becomes a Principal Road). The submitters note that ROAD 5 is not listed in **SCHED1** - Schedule of Roading Hierarchy; however, as ROAD 5 is taking on the function of the Seadown Road to Meadows Road connection, it is anticipated ROAD 5 will become a Principal Road and Seadown Road between ROAD 5 and Meadows Road will revert to a Local Road.

12.4.9 The submitters seek the following relief:

- to only provide for the land to vest with Council at the time of subdivision;
- to provide for compensation to be paid to the landowner for the land surrendered for ROAD 5; and
- delete the requirements for the developer to design and construct ROAD 5.

12.4.10 TDC [42.62] considers **DEV3-S2** could be improved to ensure the intention of these standards is clear and can be understood by plan users. The relief sought is as follows:

> *At the time of land use, subdivision or development and prior to any new buildings being occupied, ~~any~~ stormwater, water and sewerage infrastructure required to service the land use, subdivision or development shall be designed and constructed by the developer as reticulated systems that are located within ~~their site~~ land owned by the developer.*
> *~~Include and stormwater, water and sewerage systems required to service the lands through reticulation systems.~~*

12.4.11 RHL [174.96], Rooney, GJH [191.96], RGL [249.96], RFL [250.96], REL [251.96] and TDL [252.96] all oppose **DEV3-S2** as they consider that the standard is unclear in its use of the term "required". The submitters consider that the standard should simply refer to where there is existing reticulated infrastructure within a minimum distance from the site boundary, and that infrastructure can be extended to the boundary. The relief sought is to amend **DEV3-S2** to require reticulated water and services to be provided to the boundary when the network is within a specified distance of the site and can be extended to the boundary.

12.4.12 HHLP [168.34] and RHL [174.97], Rooney, GJH [191.97], RGL [249.97], RFL [250.97], REL [251.97] and TDL [252.97] all oppose **DEV3-S3** on the basis that as written it requires the developer to construct "all" walkways/cycleways indicated on the DEV3 DAP. HHLP seeks minor amendment to the standard so that the developer is only responsible for walkways/cycleways on their land. The remaining [identical] submissions consider that any walkway/cycleways within DEV3 should be designed and constructed by Council and should be funded from Council's Reserves Contribution Fund. If land for walkway/cycleways is to be taken upon subdivision, then compensation should be paid

to the landowner. These remaining submissions (aside from HHLP) seek that **DEV3-S3** be deleted.

12.4.13 Three submissions were received in relation to the location of a walkway/cycleway shown on the DEV3 DAP included as Figure 23 of the PDP. The submitters (SPL [140.29], HHLP [168.28], NMTE [190.28]) all consider there to be public health and safety concerns, including those related to export food safety, associated with the use of a walkway/cycleway along and through 2, 4 and 6 Milward Street as shown on the DAP. The submitters request amendment to the walkway/cycleway location so that it extends within the current and future road corridor along Milward Street and Road 4 to Washdyke Lagoon, rather than along and through 2, 4 and 6 Milward Street.

***Analysis***

12.4.14 The support for **DEV3-R1, DEV3-S1, DEV3-S2, DEV3-S4,** and **DEV3-S5** from HHPL [168.31, 168.32, 168.33, 168.35, 168.36] is noted, and given the other changes recommended to this provisions as a result of other submissions and/or Clause 10(2)(b) amendments, it is recommended that these submission are accepted in part. Similarly, the support for **DEV3-S1** from NZTA [143.183] is acknowledged and I recommend that this submission is also accepted in part.

12.4.15 The submission from Transpower highlights that the Note at the commencement of the Rules section for DEV3 is different than that set out in the DEV1 chapter (which Transpower supported [159.104]. I recommend that the DEV3 Note be amended to be consistent with that wording supported by Transpower included in the DEV1 chapter and the submission from Transpower [159.106] is accepted. Notwithstanding, I note that Transpower has not submitted in relation to DEV2 and DEV4, which include the same wording as that included in DEV3. On that basis I recommend that Clause 10(2(b) is utilised to amend DEV2 and DEV4 also to retain consistency across the DEV Area chapters.

12.4.16 As already assessed above, the title of **DEV3-R1** 'Land use, subdivision and development' is consistent with each of the other development areas identified in the PDP. No other submitters have raised a concern with the wording used. The key issue raised is whether a single residential unit on an existing vacant site within the DEV3 DAP should be permitted under **DEV3-R1**. I note that currently the rule provides for

1. *an alteration, addition to an existing residential unit or visitors accommodation; or*
2. *a new accessary building to a residential activity.*

12.4.17 For the reasons set out above, I agree with the submitters that it does not seem reasonable for a single residential unit to otherwise trigger the requirement to meet all development standards. Therefore, I recommend that **DEV3-R1 PER-3** is amended to also provide for a single residential unit to be established on an existing vacant site. On that basis I recommend that the submissions from RHL [174.93], Rooney, GJH [191.93], RGL [249.93], RFL [250.93], REL [251.93], TDL [252.93] are accepted in part.

12.4.1 The changes requested to **DEV3-S1** and **DEV3-S2** around the qualifications of those persons that are able to complete engineering roading and design plans are considered to be appropriate for the reasons already set out above in terms of the other DEV Areas. On that basis I recommend that these MFL submissions [60.53,60.54] and the relief sought therein are accepted in part.

12.4.2 The submissions relating to Road 5 shown on DEV3 DAP in my view are no different to the other road upgrades shown on that DAP or any of the other DAPs applying to the other DEV Areas. The road upgrades shown thereon are required to facilitate the future development and on that basis it is appropriate that they are developer funded. I do not consider that compensation should be paid for the land required for Road 5, and in any case it is impractical to attempt to calculate that or and include such provision in the PDP at this time. Future development will otherwise require financial contributions which, will be a matter for consideration/negotiation at the time of subdivision consent. In my view that it the appropriate time at which to address these matters of detail, and I recommend that no changes are required to the PDP provisions at this time. On that basis I recommend that the submissions from RHL [174.94], Rooney, GJH [191.94], RGL [249.94], RFL [250.94], REL [251.94], TDL [252.94] are rejected.

12.4.3 The minor changes sought by the TDC to amend **DEV3-S2** are supported on the basis that they improve clarity without otherwise changing compliance requirements. Therefore, I recommend that this submission TDC [42.62] is accepted.

12.4.4 The submissions seeking amendment to **DEV3-S2** on the basis that connection to a reticulated wastewater and water should only be required where it is within a specified distance has already been addressed in relation to similar submissions lodged in relation to **SUB-S4** above. In my view such a change would be inconsistent with **SUB-O1.7, SUB-O2** and **SUB-P6**. The GIZ provides for "wet industry" and it is imperative that appropriate reticulated services are provided at the time of subdivision. Like those in relation to **SUB-S4**, I similarly recommend that these submission are rejected, being RHL [174.96], Rooney, GJH [191.96], RGL [249.96], RFL [250.96], REL [251.96] and TDL [252.96].

12.4.5 In terms of the matters raised by the various submitters regarding the provision of walkways/cycleways within the DAP, the key matter being raised is the same as that raised by other submitters in relation to DEV1 and DEV2. For those same reasons I recommend removal of the term "all", resulting in the developer only being required to provide walkways/cycleways in accordance with the DAP within the land area subject to their consent application.

12.4.6 Beyond that point, various submitters seek the deletion of **DEV3-S3** presumably on the basis that no walkways/cycleways should be provided. However, the submission does raise whether the intention is for the walkway/cycleways to be on legal road or be from adjacent land, that Council should be responsible for their design and construction and they should be funded from Council's Reserves Contribution Fund. Such matters have

been assessed above and in my view are matters of detail for any subsequent subdivision consent application not PDP provisions. Overall, based on the assessment above, I recommend that the submissions from RHL [174.97], Rooney, GJH [191.97], RGL [249.97], RFL [250.97], REL [251.97], TDL [252.97] be accepted in part; and the submission from HHPL [168.34] is accepted.

12.4.7 The remaining submissions refer to the walkway/cycleway shown on the DEV3 DAP in the vicinity of the submitters' properties at 2, 4 and 6 Milward Street. All consider there to be public health and safety concerns, including those related to export food safety, associated with the use of a walkway/cycleway shown on the DEV3 DAP. The area in question is shown in the Figure below. The submitters request amendment to the location so that it extends within the current and future road corridor rather than *"along and through"* the submitters properties. In my view the location shown is clearly within either the existing legal road reserve, or the drainage reserve running along the southern boundary of the sites. Otherwise, I note that the use of legal road for walkway/cycleway is in accordance with the vested purpose. On that basis the health and safety matters raised by submitters are secondary to the appropriate use of public road; and I recommend that the submissions from SPL [140.29], HHLP [168.28], NMTE [190.28] be rejected.

***Conclusions and Recommendations***

12.4.8 I recommend, for the reasons given above, that the Note at the commencement of the Rules for DEV3 is amended as follows:

*Note: The rules of this chapter apply in addition ~~of~~ to the underlying zone provisions and district wide chapters. For certain activities, consent may be required by rules in other chapters in the Plan.*

12.4.9 I recommend, for the reasons given above, that **DEV3-R1 PER-3** is amended as follows:

***PER-3***
*All the Standards of this chapter are complied with except the standards do not apply if the development is for:*
1. *an alteration, addition to an existing residential unit or visitors accommodation; or*
2. *a new residential unit on an existing site that does not already contain a residential unit; or*
3. *a new accessary building to a residential activity.*

12.4.10 I recommend, for the reasons given above, that **DEV3-S1** and **DEV3-S2** are amended to allow roading and engineering plans to also be completed by others (including suitably qualified licensed cadastral surveyor or registered professional surveyor), but must be reviewed and signed-off by an engineer.

12.4.1 I recommend, for the reasons given above, that **DEV3-S2** is amended as set out in the submission from the TDC, as follows:

*At the time of land use, subdivision or development and prior to any new buildings being occupied, ~~any~~ stormwater, water and sewerage infrastructure required to service the land use, subdivision or development shall be designed and constructed by the developer as reticulated systems that are located within land owned by the developer ~~their site~~. ~~Include any stormwater, water and sewerage systems required to service the lands through reticulated systems.~~*

12.4.2 I recommend, for the reasons given above, that **DEV3-S3** is amended as follows:

*At the time of land use, subdivision or development and prior to any new buildings being occupied, the developer shall design and construct ~~all~~ walkway/cycleways within the land area subject to the consent application as indicated on the Washdyke Industrial Development Area Plan to include: […]*

12.4.3 Otherwise I recommend that amendments are made relying on Clause 10(2)(b) of the RMA to retain consistency across the various DEV Area chapters relying on consequential amendments as sought by other submissions on other Chapters.

12.4.4 The recommended amendments are set out in **Appendix 1**.

12.4.5 In terms of section 32AA, I consider that the change to **DEV3-R1 PER-3** is more effective than the notified provision as it allows an existing site to be used in accordance with the underlying zone in a matter that does not otherwise trigger roading and other infrastructure upgrades required by the DEV3 standards in anticipation of more intensive urban development within the DAP. Otherwise, I consider the scale of the changes above

does not require further specific evaluation because they are minor to improve drafting and do not alter the general intent and therefore the original section 32 evaluation still applies.

# 13. Development Area 4 – Temuka North West Residential Development Area

## 13.1 Introduction

13.1.1 The Temuka North-West Residential Development Area comprises GRZ land located to the north-west of Temuka. The Temuka North-West Residential DAP guides the general pattern of development for new growth in the area. It provides for the integration of future suburban development with infrastructure, open space, connection to the Temuka River, high hazard setback areas and stop bank maintenance areas.

13.1.2 As with the other development areas, the PDP anticipates that development within DEV4 will be in general accordance with the DEV4 DAP (Figure 24 in the PDP). However, the introduction section contained within the PDP also recognises that through subdivision consent application(s) or asset design, there is potential for alternative solutions to be developed.

13.1.3 There were fewer submissions lodged in relation to the DEV4, with only 6 submissions and one further submission relating specifically to provisions contained in the **DEV4** chapter.

## 13.2 DEV4 – Provisions

13.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

| SUBMITTER NAME | SUBMISSION POINT NUMBER(S) |
|---|---|
| NZTA | 143.184, 143.185 |
| TDC | 42.63 |
| MFL | 60.55, 60.56 |

***Submissions***

13.2.2 The submission of NZTA [143.184], supports **DEV4-O1**, which seeks to ensure development is established in a comprehensive manner, particularly as it recognises that residential development is integrated and coordinated with infrastructure and the road and pedestrian network is efficient, connected and safe. Similarly, NZTA [143.185] supports **DEV4-S1**, which requires developers to establish new roads to be constructed in general accordance with the DAP prior to the land use, subdivision or development

and prior to any new buildings being occupied. NZTA seeks that both these provisions be retained as notified.

13.2.3 The submission from TDC [42.63], raises the same point as assessed above in terms of **DEV4-S2**, and considers the standard could be improved to ensure the intention of these standards is clear and can be understood by plan users.

13.2.4 MFL [60.55, 60.56] similarly raise matters already assessed above in terms of the qualifications of those persons that are able to complete engineering roading and design plans as set out in **DEV4-S1** and **DEV4-S2**.

***Analysis***

13.2.5 The supporting submissions from NZTA [143.184, 143.185] on **DEV4-O1** and **DEV4-S1** respectively are noted and do not otherwise require further assessment. I recommend that submission [143.184] is accepted and [143.185] accepted in part on the basis of the changes recommended to **DEV4-S1** based on the assessment of the relief sought in other submissions.

13.2.6 The minor changes sought by the TDC to amend **DEV4-S2** are supported on the basis that they improve clarity without otherwise changing compliance requirements. Therefore, I recommend that this submission TDC [42.63] is accepted.

13.2.7 The changes requested to **DEV4-S1** and **DEV4-S2** around the qualifications of those persons that are able to complete engineering roading and design plans have already been assessed above. The changes relate only to those persons that are able to complete/prepare the plans, noting that all such plans are otherwise subject to the approval of the Timaru District Council in any case. On that basis I recommend that these MFL submissions [60.55,60.56] are accepted in part.

***Conclusions and Recommendations***

13.2.8 I recommend, for the reasons given above, that **DEV4-O1** is retained as notified.

13.2.9 I recommend, for the reasons given above, that **DEV4-S1** and **DEV4-S2** are amended to allow roading and engineering plans to also be completed by others (including suitably qualified licensed cadastral surveyor or registered professional surveyor), but must be reviewed and signed-off by an engineer.

13.2.10 I recommend, for the reasons given above, that **DEV4-S2** is amended as set out in the submission from the TDC, as follows:

> *At the time of land use, subdivision or development and prior to any new buildings being occupied, ~~any~~ stormwater, water and sewerage infrastructure required to service the land use, subdivision or development shall be designed and constructed by the developer as reticulated systems that are located within land owned by the developer ~~their site~~. ~~Include any stormwater, water and sewerage systems required to service the lands through reticulated systems.~~*

13.2.11 Otherwise I recommend that amendments are made relying on Clause 10(2)(b) of the RMA to retain consistency across the various DEV Area chapters relying on consequential amendments as sought by other submissions on other Chapters.

13.2.12 The recommended amendments are set out in **Appendix 1**.

13.2.13 The scale of the changes above does not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore the original s32 evaluation still applies.