

# Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

[Warren and Elizabeth Scott](#)

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

[Proposed Timaru District Plan](#)

[State the name of proposed or existing plan and (where applicable) change or variation].

I could/**could not**\* gain an advantage in trade competition through this submission.

[\*Select one.]

\*I am/am not† directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

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

[\*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[†Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

[Refer to attached submission.](#)

**My submission is:** [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]

[Refer to attached submission.](#)

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**I seek the following decision from the local authority:** *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

[Refer to attached submission](#)

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**I wish (or do not wish) † to be heard in support of my submission.**

*[\*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*  
*[†Select one.]*

**\*If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[\*Delete if you would not consider presenting a joint case.]*

[Penelope Gallagher](#)

**Signature of submitter (or person authorised to sign on behalf of submitter)**

*[A signature is not required if you make your submission by electronic means]*

Date [15 December 2022](#)

Electronic address for service of submitter: [penny.g@do.nz](mailto:penny.g@do.nz) [lizwarren@xtra.co.nz](mailto:lizwarren@xtra.co.nz)

Telephone: [0278403199](tel:0278403199) (Penny)

Postal address (or alternative method of service under s352 of the Act): [PO Box 359 Timaru](#)

Contact person: *[name and designation, if applicable]* [Penny Gallagher, Davis Ogilvie \(Aoraki\) Ltd](#)

**Note to person making submission**

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - It is frivolous or vexatious:
  - It discloses no reasonable or relevant case:
  - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - It contains offensive language:
  - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

## SUBMISSION ON THE PROPOSED TIMARU DISTRICT PLAN

(Clause 6 First Schedule Resource Management Act 1991)

This submission is made by Warren and Liz Scott.

### STATEMENT OF INTEREST AND BACKGROUND

1. Warren and Liz Scott own a site at 22 Templer Street, Geraldine. The site is 10.46ha and is legally described as Lot 1 - 6 DP 16535, Part Lot 22 DP 2717 and Part Lot 70 DP 3285, held in Record of Title CB566/6.
2. The Scott's reside in the dwelling on the site and the balance of the land, beyond the dwelling curtilage, is leased for grazing.
3. The site is located in north-east Geraldine on relatively flat land. It adjoins the current Residential 1 Zone along its western boundary. It has good access to the roading network and the ability to connect to reticulated services (and Lancaster Street) due to foresight in the design, layout and capacity of these services when the neighbouring MacKenzie Lifestyle Village was developed. Easements are in place to secure these connections.
4. The Proposed Timaru District Plan (PTDP) identifies the site as predominantly General Rural Zone (GRUZ), with a narrow strip of General Residential Zone (GRZ) west of Raukapuka Stream. The site has a Future Development Area Overlay noted as 'FDA3 – Scott's Farm Future Development Area – Residential'. The PTDP also identifies that the site is subject to the following overlays:
  - Flood Assessment Area (whole site)
  - Versatile Soils (most of the site – GRUZ)
  - Drinking Water Protection Areas (including one associated with the onsite bore)
  - Esplanade – Raukapuka Stream
5. Timaru District Council's Growth Management Strategy 2045 (adopted 2018) identified the land as 'Templer Street Rural Residential Deferred'. The Planz review of the GMS (2022) recommends the site be zoned GRZ as part of the PTDP, based on site location, access to existing infrastructure connections and landowner willingness to develop (Image 1 below).

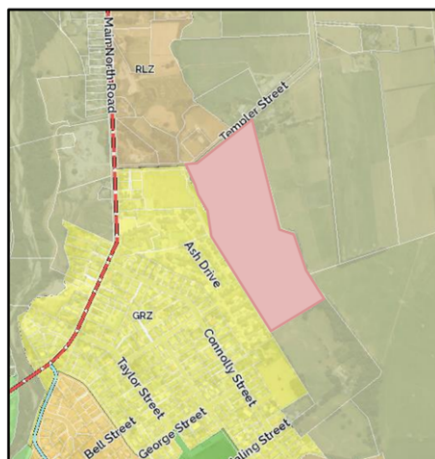


Figure 4: Amend zoning of shaded area to GRZ

Image 1 – Planz Review of GMS 2022

## **SUBMISSION**

### Decision Sought

- 6 Warren and Liz Scott's submission is in support of the Proposed Timaru District Plan (PTDP), as it relates to their site, subject to the relief set out below and in the attached submission table.
- 7 The primary decision sought is the retention of FDA3. FDA3 recognises that the site is suitable for urban development.
- 8 This submission also seeks greater clarity on the timing of the preparation of the Development Area Plan and initiation of the associated plan change, and which party will initiate the plan change process.

### Alternate Relief

- 9 The alternate relief sought is to rezone the site GRZ as part of the PTDP process, if Council is of a mind to support this approach.
- 10 While the retention of FDA3 is supported, it is noted that the Planz review of the GMS (2022) recommends the site be zoned GRZ as part of the PTDP based on site location, access to existing infrastructure connections and landowner willingness to develop.
- 11 It appears that Timaru District Council opted for a Future Development Area Overlay approach, rather than the GRZ zoning, as a Development Area Plan has not yet been prepared. However, given the relatively small size of the area and its known characteristics, it is considered that development of the site in accordance with the GRZ zoning could be undertaken with appropriate safeguards in accordance with standard subdivision practices.
- 12 It is also considered there would be administrative, time and cost efficiencies in including the GRZ zoning as part of the PTDP review, rather than a standalone plan change process.

### Consequential Relief

- 13 Consequential relief may be necessary if Council accept the relief sought.

**SUBMISSION TABLE – W & E SCOTT, 22 TEMPLER STREET, GERALDINE**

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
<b>PLANNING MAPS</b>			
<p>Future Development Area Overlay and General Rural Zone</p> <p>OR</p> <p>General Residential Zone</p>	Support	<p><b>Primary relief:</b> The spatial extent of the FDA3 overlay is supported and it signals urban development of the site is appropriate.</p> <p><b>Alternate relief:</b> The alternate relief sought is to rezone the site GRZ, if Council is of a mind to support this approach.</p> <p>While the retention of FDA3 is supported, it is noted that the Planz review of the GMS (2022) recommends the site be zoned GRZ as part of the PTDP based on site location, access to existing infrastructure connections and landowner willingness to develop.</p> <p>It appears that Council opted for an FDA approach, rather than GRZ zoning, as a Development Area Plan has not yet been prepared. Given the relatively small size of the area and its known characteristics, development of the site in accordance with the GRZ zoning could be undertaken with appropriate safeguards in accordance with standard subdivision practices.</p> <p>It is also considered there would be administrative, time and cost efficiencies in including the GRZ zoning as part of the PTDP review, rather than a standalone plan change process.</p>	<p><b>Primary relief: Retain</b> as notified.</p> <p><b>Alternate relief: Amend</b> Planning Maps to rezone the site from GRUZ to GRZ, and remove FDA3 overlay.</p>
<b>FUTURE DEVELOPMENT AREA</b>			
Introduction	Support in part	Policy FDA-P3 states that Council is responsible for preparing Development Area Plans. It is recommended that this is be made clear in the introductory text.	<p><b>Amend</b> paragraph 3 as follows:</p> <p><i>Timaru District Council will prepare a Development Area Plan for each Future Development Area to meet the timeframes set out in SCHED15 – Schedule of Future Development Areas Development Area Plans will be required for each Future Development Area to ensure areas within the overlay are developed sustainably and that all the effects of development are assessed and addressed in advance of development occurring....</i></p>

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
Objective FDA-O1	Support in part	Objective FDA-O1 is considered appropriate, however the reference to "urban development" should be used to align with the definition in the PTDP.	<b>Amend</b> as follows:  <i>Land in the Future Development Area Overlay remains available for future urban <u>development</u> or rural lifestyle development.</i>
Objective FDA-O2	Support in part	Objective FDA-O2 is considered appropriate, however: <ul style="list-style-type: none"> <li>- the reference to "urban development" should be used to align with the definition in the PTDP; and</li> <li>- the reference to 'anticipated zone' should be used to align with SCHED15.</li> </ul>	<b>Amend as follows:</b>  <i>Urban <u>development</u> growth or rural lifestyle development does not occur within the Future Development Area Overlay until <u>the land</u> it is rezoned for the <u>anticipated zone</u> identified future land use and a <u>comprehensive</u> Development Area Plan is approved as part of <del>that</del> <u>the plan change</u> process.</i>
Objective FDA-O3	Support	Objective FDA-O3 is considered appropriate.	<b>Retain</b> as notified.
Policy FDA-P1	Support in part	Policy FDA-P1 is considered appropriate, however the reference to "urban development" should be used to align with the definition in the PTDP.	<b>Amend</b> as follows:  <i>In the Future Development Area Overlay:</i> <ol style="list-style-type: none"> <li>1. <i>Enable primary production activities that:</i> <ol style="list-style-type: none"> <li>a. <i>will not compromise the ability to develop the area for urban <u>development</u> growth or rural lifestyle purposes; and</i></li> <li>b. <i>will be compatible with those activities once that development occurs.</i></li> </ol> </li> <li>2. <i>Only allow other activities that are unlikely to compromise the ability to develop the area for urban <u>development</u> or rural lifestyle purposes; and</i></li> <li>3. <i>Avoid activities that will likely compromise the ability to develop the area for urban <u>development</u> or rural lifestyle purposes unless:</i> <ol style="list-style-type: none"> <li>a. <i>the activities will not constrain, limit or compromise the ability to comprehensively develop the area; and</i></li> <li>b. <i>the activities are compatible once that development occurs; or</i></li> <li>c. <i>the activities are cost effective and practical to remove or relocate.</i></li> </ol> </li> </ol>
Policy FDA-P2	Support in part	Policy FDA-P2 is considered appropriate, however the reference to "urban development" should be used to align with the definition in the PTDP.	<b>Amend</b> as follows:  <i>Urban <u>development</u> and rural lifestyle development within the</i>

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
			<p>Future Development Area overlay is required to:</p> <ol style="list-style-type: none"> <li>1. be undertaken in accordance with <u>the</u> sequence set out in SCHED15 - Schedule of Future Development Areas in order to avoid adverse effects on urban consolidation; and</li> <li>2. be developed in accordance with the anticipated <u>zone land-use</u> set out in SCHED15 - Schedule of Future Development Areas; and</li> <li>3. <u>be undertaken in accordance with</u> submit a plan change that includes a Development Area Plan prepared and implemented in accordance with FDA-P4.</li> </ol>
Policy FDA-P3	Support in part	<p>Policy FDA-P3 should provide greater direction and clarity on which party will initiate the plan change required to incorporate the Development Area Plan and anticipated zone into the PTDP.</p>	<p><b>Amend</b> as follows:</p> <p><i>Timaru District Council will prepare <u>the</u> Development Area Plans for the future development areas <u>listed</u> indicated as priority areas in SCHED15 - Future Development Area and identified on the Planning Maps.</i></p> <p><b>Amend</b> to specify which party will initiate the plan change to incorporate the Development Area Plan and anticipated zone into the PTDP.</p>
Policy FDA-P4	Support in part	<p>Policy FDA-P4 should recognise that in some cases, the natural hazard risk associated with flooding is caused or exacerbated by inadequate or insufficient infrastructure beyond the site. In the case of FDA3, flooding is known to be exacerbated on site due to undersized culverts upstream and lack of stormwater infrastructure associated with the State Highway.</p> <p>Clause 4 of Policy FDA-P4 should be amended to recognise and provide for this and to ensure these matters are given consideration in the development of the Development Area Plan.</p> <p>Policy FDA-P4 does not recognise the need for consultation with landowners whose sites are affected by the Development Area Plan.</p> <p>A new clause 14 should be added to Policy FDA-P4 to ensure that the development of the Development Area Plan considers the outcomes arising from consultation with the landowners of the site.</p>	<p><b>Amend</b> as follows:</p> <p><i>4. the topography and natural and physical constraints of the <u>site</u>, and those constraints which lie beyond the site but which may affect the site, including <u>natural hazards</u> and areas of contamination;</i></p> <p><i>14. The outcomes arising from consultation with the landowners of the site.</i></p>
Policy FDA-P5	Support	Policy FDA-P5 is considered appropriate.	<b>Retain</b> as notified.

PROVISION	POSITION	SUBMISSION	DECISION SOUGHT
Rule FDA-R1	Support	Rule FDA-R1 is considered appropriate.	<b>Retain</b> as notified.
Rule FDA-R2	Support	Rule FDA-R2 is considered appropriate.	<b>Retain</b> as notified.
SCHED15 – Schedule of Future Development Areas	Support in part	<p>SCHED15 sets out the “timeframe for DAP”. It is not clear:</p> <ul style="list-style-type: none"> <li>- whether the timeframe listed is the timeframe in which the DAP will have been developed, notified or operative; and</li> <li>- whether the timeframe applies from the date of notification of the PTDP, or the date of SCHED15 becoming operative.</li> </ul> <p>The heading of SCHEDU15 should be amended to provide clarity on what stage the DAP will be at on the specified date, and when the specified date applies from.</p> <p>SCHED15 should provide greater direction and clarity on the timeframe in which the plan change required to incorporate the Development Area Plan and anticipated zone into the PTDP is to be notified.</p>	<p><b>Amend</b> heading of SCHED15:</p> <p><i><u>“Timeframe: <del>of The</del> DAP shall be prepared within the timeframe specified. The timeframe begins on 22 September 2022”</u></i></p> <p><b>Amend</b> SCHED15 to include a timeframe for the notification of the plan change to incorporate the Development Area Plan and anticipated zone into the PTDP.</p>
SCHED15 – Schedule of Future Development Areas	Support in part	If the alternate relief is supported by Council, FDA3 can subsequently be removed from SCHED15.	If the alternate relief is supported by Council, FDA3 can subsequently be removed from SCHED15.