Clause 6 of the First Schedule of the Resource Management Act 1991

TO: Timaru District Council
Submitted by email: pdp@timdc.govt.nz

SUBMISSION BY: Gary James Herbert Rooney
PO Box 10
Waimate 7960

SUBMISSION ON: The Proposed Timaru District Plan

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

The specific provisions of the proposal that my submission relates to are:
Please see attached Appendix 1 – Submissions on Proposed Timaru District Plan which specifies the provisions of the Plan the submission relations to.

My submission is:
The detail of the submission is attached.

I seek the following decision from the local authority:
The relief sought is described and attached.

I wish to be heard in support of my submission.

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

Date: 16 December 2022
Electronic address for service: nathan.hole@rooneygroup.co.nz
Telephone: 027 243 2219

Postal Address: c/- Rooney Group Ltd
PO Box 10
Waimate 7960

Contact Person: Nathan Hole
Senior Advisor – Environmental Policy & Projects
Rooney Group Ltd

General Submission Points

As a general statement the Proposed Timaru District Plan (PTDP) has been drafted as a restrictive planning document that seeks micromanage the effects of many activities that have previously been permitted. It would have been preferable for the PTDP to be more enabling and then restricting where necessary to achieve statutory requirements. The approach where the PTDP consistently goes that extra step in terms of restrictiveness and micromanagement compared to other district plans is unnecessary and will result in additional costs and delays without adding any value in terms of environmental outcomes and sustainable management.

A key point to note is for the PTDP to be amended to avoid confusing and unnecessary overlap with consenting for Regional Council activities within the beds of rivers. The Canterbury Regional Policy Statement allows this, and the Draft Waitaki District Plan is an example where this overlap is avoided.

The PTDP has been drafted to require significant areas of private land to be surrendered when subdivision or development occurs. Minor activities such as boundary adjustments between rural properties will trigger esplanade and public access provisions, and the formation of cycle ways where these are identified as being required.

Significant Natural Areas (SNA) should not include section 13 RMA riverbed land and regionally there should be a consistent approach. At the very least where SNAs that are identified in riverbeds there should be no rules applying to these areas as the effects of the activity will be considered by the regional council (as is the approach currently).

The visual amenity landscape layer controls are unnecessarily restrictive and controlling. VAL-4 in particular applies to a large area of land at Taiko that is largely developed while containing many areas identified as SNA. This landscape has survived within the current pattern of development of the operative District Plan and need not be restricted further by introducing a visual amenity landscape as the areas of national importance have been identified separately. It is submitted that controlling afforestation within this zone but not restricting permanent carbon forestry is nonsensical.

The policy direction in the PTDP provides for Council to take significant areas of land without any provision for compensation. The minimum requirements to comply with performance standards are large, it would appear to be minimum standard plus more. Corner splays, land for legal road, land for public access, land for cycle ways and public access are all taken without any provision for compensation. Such requirements will deter development, rather than encourage it, and lead to more unconnected areas as landowners choose not to develop rather than develop. These requirements do not facilitate sustainable development. Council should be providing compensation to landowners where they are required/requested to provide land to provide for Council's future needs over and above the minimum requirements.

It is submitted that the proposed plan should introduce a gravel extraction overlay across land where existing land-based gravel extraction and clean fill deposition occurs. Such a layer should recognise and provide for this activity as well as protecting the sites from encroachment of sensitive activities in a way that the proposed plan has recognised and protected primary production. Land based gravel extraction is extremely important to continuity of supply and consistency of gravel quality.

The provisions for renewable energy in the PTDP should be more enabling in line with the NPS for Renewable Energy Generation 2011. Requiring a discretionary activity resource consent for large scale (non-domestic) renewable generation does not achieve the policy intention of the NPS.

Appendix 1: Submissions on Proposed Timaru District Plan

Specific Provision	Submission	Relief Sought
Definitions		
Earthworks	The submitter **supports in part** the definition of earthworks but **submits** that the definition be refined to exclude mining and quarrying as these activities have their own separate definitions and rules. Such an amendment avoids potential confusion, misalignment or misinterpretation when applying the relevant planning provisions to the relevant activities.	**Amend** the definition of earthworks to exclude mining and quarrying.
National Grid Subdivision Corridor	The submitter **opposes** the definition as it goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981.	**Amend** the definition to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.
National Grid Yard	The submitter **opposes** the definition as it goes beyond what is required by the relevant Code of Practice and Regulations providing an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981.	**Amend** the definition to refer to the clearance distances specified by the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.
Outdoor Lighting	The submitter **opposes** the definition including the refence to interior lighting that emits directly into the outdoor environment. The definition	**Amend** the definition to exclude the refence to interior lighting and to exclude light emitted from vehicles.

	should be refined to exclude artificial light from vehicles.	
Permanent Workers Accommodation	The submitter **opposes** the definition as it only provides for full-time workers accommodation.	**Amend** the definition to provide for the accommodation of part-time workers of a primary production activity, or a rural industrial activity.
Quarrying Activities	The submitter **supports in part**.	**Amend** the definition to include the removal of overburden, not just the deposition.
Riparian Margin	The submitter **opposes** the definition. Defining the riparian margin based on the width of the riverbed is too generic and, in many situations, will be well outside the transitional zone. The riparian margin should be defined by a lesser distance such as 5 metres, or the Riparian Zone, whichever is the greater.	**Amend** the definition to give effect to the submission.
Energy and Infrastructure EI-R26(2) – Construction of Water Instructure	The submitter **opposes** Rule EI-26(2). The rule requires a RDA land use consent for ALL plumbing and drainage work associated with a water supply, wastewater system, and stormwater infrastructure, whether above or below ground in all zones except Rural. This rule should be deleted as the requirement for resource consent is unnecessary. This rule in itself would make most subdivisions at least a RDA activity, and duplicate Subdivision Consent, Building Consent and Service Consent assessments.	**Delete** this rule in its entirety.

EI-R32(1) – Solar Array Electricity Generation	The submitter **opposes** Rule EI-R32. The rule is unnecessary as it does not provide for excess electricity to be supplied back into the National Grid in the Rural Lifestyle Zone as a permitted activity. This rule captures any property that supplements mains supply with renewable electricity generation such as solar panels and provides excess electricity to the National Grid. Therefore, discouraging not enabling renewable energy implementation and development.	**Delete** this rule in its entirety. Rule EI-R32(2) should apply to ALL zones.
EI-R53 – large scale renewable energy generation facilities	The submitter **opposes** EI-R53. It is submitted that a discretionary activity rule will not enable and facilitate large scale renewable energy generation facilities such as solar arrays on large buildings. The proposed plan should include an enabling policy and a permitted activity rule to provide for large scale solar arrays, especially on existing buildings within industrial or rural zones where electricity will be returned to the national grid on a commercial scale.	**Amend** EI-R53 to exclude solar arrays. **Add** a new permitted activity rule to permit large scale solar arrays on existing buildings in industrial and rural zones. **Add** a new enabling policy to encourage and promote large scale solar arrays to generate renewable electricity.
Birdstrike Management Area Overlay (BMAO)	The submitter **opposes** in part the BMAO. The overlay unnecessarily encroaches on Future Development Area (FDA) 14.	The BMAO should be amended to avoid FDA 14.
Stormwater Management SW-R3	**Support in part.** It is submitted that this rule requires clarification to enable it to be easily applied and understood.	**Amend** the rule to add "or is permitted" to read "…authorised by a resource consent from the Canterbury Regional Council **or is permitted** pursuant to the relevant Regional Plan"

SW-R7 (zincalume, copper etc)	The submitter has a **neutral** position SW-R7 as the effects of the rule are still being assessed.	
SW-S1	The submitter **opposes** this standard applying to DEV2 - Gleniti Residential Development Area as the Gleniti bund and swale network has been designed to capture additional post development stormwater flows from this area.	**Exclude** DEV2 - Gleniti Residential Development Area from SW-S1.
Transport		
TRAN-P1	The submitter **opposes** TRAN-P1(5) using the word "requiring". Council should be encouraging and promoting cycle parking not requiring it as it is not appropriate in all circumstances.	**Amend** rule TRAN-P1(5) – by deleting "~~require~~" and inserting "encourage"
TRAN-P8	The submitter **opposes** TRAN-P8(3) as the policy duplicates the requirements of the Building Act 2004.	**Delete** TRAN-P8(3) in its entirety.
TRAN-R11	There is no definition of a Private Road. Any combined private access appears to meet the definition of a Private Way.	**Add** a definition of "Private Way" to the definition section **or remove** the reference to Private Way.
TRAN-S1	The submitter **opposes** TRAN-S1. Limiting landscaping to indigenous species and requiring a 40mm minimum diameter (indigenous) tree, as well as being required to source the plantings from within the ecological district is unnecessarily onerous and expensive, let alone potentially difficult to source.	The standard should be **amended** to encourage but not mandate indigenous planting. The 40mm diameter requirement of TRAN-S1(5)(b) should be reduced for indigenous tree species.
TRAN-S10(2)	The submitter **opposes** TRAN-S10. TRAN-S10(2) requires sealing 20 metres back from the road	**Amend** by reducing the sealing requirement of TRAN-S10(2) to 5 metres from the existing seal

	boundary. Not only is this unnecessarily long, but most roads are not sealed to the road boundary.	formation regardless of the distance to the road boundary, and not require sealing where the road is unsealed.
TRAN-S10(3)	The submitter **opposes** TRAN-S10(3) should promote rather than require ("must" and "all") accesses to the secondary road. There are many examples where it is appropriate to have the primary or secondary access to the primary road without any adverse effects resulting.	**Amend** TRAN-S10(3) to promote the access to the secondary road as the principal consideration but provide for access to the primary road as an alternative where there are no resulting adverse effects.
TRAN-S10(4)	The submitter **opposes** the passing bay width of 5.5 metres as it seems excessively wide when a vehicle is less than 2.5 metres wide. It appears that 5.5 metres is intended to be the combined width of the carriageway and passing bay, but the drafting does not specify this.	**Amend** TRAN-S10(4) to specify a combined passing bay and carriage way width of 5.5 metres.
TRAN-S17(1)	The submitter is **neutral** on this rule as the Plan does not appear to specify Gate Setback Distances referred to in the standard.	**Amend** to specify Gate Setback Distances.
TRAN-S19	The submitter **opposes** TRAN-S19 referring to all zones. This standard conflicts with Light restrictions within Light Sensitive Areas as it is not clear what the standard means when it states "…that comply with the rules in the Light Chapter…"	The standard should be **amended** to provide an exemption within Light Sensitive Areas, and all activities that are not commercial or industrial. Many farms (Primary Production properties) will load and unload stock in darkness at certain times of the year and it is unnecessary to require lighting of these areas for when this activity occurs. Many rural or rural lifestyle residential properties will have more than 10 or more (unmarked) parking spaces.

Sites and Areas of Significance to Māori		
SASM-R1(1) PER-1	The submitter **opposes** SASM-R1(1) PER-1. The maximum area of 750m^2 is too restrictive for earthworks associated with primary production and should be increased to 2000m^2.	**Amend** SASM-R1(1) to a maximum area of 2000m^2.
SASM-R1(1) PER-2	The submitter **supports** accidental discovery protocol provisions but **oppose** the requirements of SASM-R1 PER-2 and the commitment required by the Accidental Discovery Protocol commitment form contained in APP4. Providing two weeks' notice in advance of the activity occurring in conjunction with the requirements of APP4 is too onerous and will make it very difficult for minor activities to be undertaken as a permitted activity as intended.	**Amend** PER-2 to remove the requirement to provide two weeks' notice.
SASM-R1(3) RDIS-1	The submitter **opposes** earthworks within SASM-8 being a restricted discretionary activity.	**Remove** SASM-R1(3) and **amend** permitted activity rule SASM-R1(1) to include wahi tapu and wahi tapu overlays.
SASM-R5(1) PER-1	The submitter **opposes** SASM-R5(1) PER-1 in relation to the inclusion of SASM-6. The upper Rangitata is back country land and the maximum area of 750m^2 is too restrictive for mining and quarrying in this area.	**Amend** SASM-R5(1) to exclude SASM-6.
Ecosystems and Indigenous Biodiversity		
Bat Protection Overlay	The submitter **opposes** the Bat Protection Overlay (BPO). It is submitted that the BPO is a SNA as it is for the protection of habitation of	**Amend** the Bat Protection Overlay to be named "Bat Habitat Identification Area".

	significant indigenous fauna and should be labelled as such if it is to remain. The submitter **supports** the identification of bat habitat and landowners being encouraged to protect bat habitat but **opposes** a regulatory approach that will create the same sentiment that SNAs have created and potentially do more harm than good.	
ECO-P1	The submitter **opposes** ECO-P1 to the extent that Council has identified and mapped SNAs within the beds of rivers and lakes (section 13 RMA land). The Canterbury Region Policy Statement does not require district councils to identify SNA on section 13 land, and many Canterbury district councils such as Waitaki District Council do not. The Canterbury Regional Council is the lead authority with regard to managing activities within the beds of rivers and lakes, including assessing any adverse effects associated with activities. Unnecessary duplication, over-regulation, misalignment, and confusion should be avoided.	ECO-P1 should be **amended** to specially exclude the identification of SNAs on section 13 RMA land.
ECO-R1(1)	The submitter **supports in part** the rule but submits that another provision should be added to provide for the clearance for indigenous vegetation within the SNA overlay where the clearance is supported by QEII National Trust or the Department of Conservation.	**Amend** ECO-R1 to add PER-6 to state "or the clearance is supported by the QEII National Trust or the Department of Conservation."
ECO-R4 Clearance of Vegetation in the Long-Tailed Bat Protection	The submitter **opposes** ECO-R4. The diameter of the trees in PER-2 are 10cm for a native tree, and 38cm for a willow. The willow diameter is not	**Amend** ECO-R4 to provide for any vegetation clearance to be a permitted activity where consultation with the Department of

	large. Minor clearance of some trees would not be a permitted activity. It is submitted that landowners should be encouraged to work with the Department of Conservation to protect existing bat habitat without the need for the additional regulatory requirement of needing a resource consent. An application for resource consent would require supporting information which is not something that could be easily obtained by a landowner without the support of the Department of Conservation or buying in what is very specialist advice.	Consultation has been undertaken in advance of the clearance.
ECO-R5 (Earthworks)	The submitter **opposes** ECO-R5. It is submitted that a permitted activity rule should be inserted at ECO-R5 to provide for earthworks within the SNA overlay where the earthworks is supported by QEII National Trust or the Department of Conservation. This would support the submitter's submission above in relation to ECO-R1(1) regarding indigenous vegetation clearance.	**Amend** ECO-R5 to a permitted activity rule in relation to earthworks within a SNA where the earthworks are supported by the QEII National Trust or the Department of Conservation. Amend the further rules consequentially as a result of the change.
ECO-R6	The submitter **opposes** ECO-R6 as subdivision of land containing a SNA should not be a discretionary activity simply because the site has a SNA within it. The SNA is unlikely to be affected by the subdivision unless the boundary change dissects the SNA.	**Amend** ECO-R6 to state "Subdivision of land containing a Significant Natural Area where a new boundary intersects a Significant Natural Area." A new policy should also be introduced to provide for this.
Natural Features and Landscapes NFL-R7 (Afforestation)	The submitter **opposes** NFL-R7 requiring a resource consent for afforestation within VAL-4. This VAL layer covers a significant area of land	**Delete** either VAL-4 or NFL-R7

	that is already subject to multiple SNAs.	
NFL-R8	The submitter **opposes** NFL-R9 applying to the VAL overlay. Including the VAL overlay is unduly restrictive and unnecessary.	**Remove** the VAL overlay from NFL-R8.
NFL-R9	The submitter **opposes** ALL subdivision being discretionary within an ONF, ONL or VAL overlay. This is unnecessarily restrictive. Boundary adjustment subdivisions, or subdivisions facilitating primary production activities should be excluded from the rule, and the VAL overlay removed in its entirety from the rule.	**Remove** the VAL overlay from NFL-R9. **Amend** to exclude boundary adjustment subdivisions and subdivision of land used for primary production from the NFL-R9.
NFL-S3(2)	The submitter **opposes** NFL-S3(2) as this level of control is unnecessary for a visual amenity landscape.	**Delete** NFL-S3(2).
NFL-S4(2)	The submitter **opposes** NFL-S4(2) as this level of control in unnecessary for a visual amenity landscape.	**Delete** NFL-S4(2).
NFL-S5(2)	The submitter **opposes** NFL-S5(2) as this level of control in unnecessary for a visual amenity landscape.	**Delete** NFL-S5(2).
NFL-S6(2)	The submitter **opposes** NFL-S6(2) as this level of control in unnecessary for a visual amenity landscape.	**Delete** NFL-S6(2).
Public Access		
PA-P1	The submitter **opposes** PA-P1 as the policy needs to recognise the negative impact public access	**Amend** PA-P1 to recognise the impacts of public access also.

	can have on landowners, in particular those involved in primary production. The current drafting only looks at public access through one sphere.	
PA-P2	The submitter **opposes** PA-P2 to "require" public access. The policy should be worded to "facilitate" public access. The policy should also recognise the reverse sensitivity effect that can arise from providing public access. This needs to be able to be balanced as public access may not be appropriate in all circumstances depending on the type of land use.	**Replace** the word "require" from PA-P2 to "facilitate" or "promote" public access. **Insert** an additional subclause recognising reverse sensitivity effects.
PA-P4	It is submitted that PA-P4 should recognise reverse sensitivity as a reason for limiting public access.	**Amend** PA-P4 to include a subclause identifying reverse sensitivity as a reason to limit public access.
SCHED11	The submitter **opposes** the inclusion of the "Unnamed tributary of the Pareora River". This tributary flows from a vegetated gully that has been identified as a SNA. There is no reason for this tributary to be included in SCHED11	**Delete** "Unnamed tributary of the Pareora River" from SCHED11.
Subdivision		
SUB-P7	The submitter **opposes** the directive to requiring esplanade provisions as described in SUB-P2(2). Esplanade provisions should be considered where appropriate, but not required. The policy should also consider that esplanade provisions may compromise the ability of the landowner to continue to use their land effectively due to reverse sensitivity. For example, people and	**Amend** SUB-P7 to remove the requirement for esplanade provisions. **Insert** a provision into SUB-P2 to recognise that esplanade provisions can have adverse effects through reverse sensitivity. **Provide** an additional policy to provide for consideration of waivers or a reduction. The draft Waitaki District Plan has such a consideration.

	dogs are not compatible with adjoining deer farming or other sensitive stock.	
SUB-P11	The submitter **generally supports** SUB-P11 but submits that SUB-P11(2) should also afford the same flexibility to the General Residential Zone.	**Amend** SUB-P11(2) to include General Residential Zone.
SUB-P14	The submitter **opposes** the use of the word "avoid" in SUB-P14. The policy should provide flexibility to work with natural boundaries and existing fence lines and occupation, rather than promoting a minimum lot size as a target.	**Amend** SUB-P14 by deleting the word "~~avoid~~" and replace with "discourage". **Add** to the policy to encourage where practicable for new boundaries to align with natural boundaries or existing fence lines.
SUB-R1 – Boundary Adjustments	The submitter **opposes** SUB-R1. Boundary adjustments should be a permitted activity. The Westland District Plan has had a permitted activity subdivision rule since 2002 and this is reflected in the proposed Tai Poutini combined West Coast District Plan. A section 223 and 224 RMA certificate is applied for as per a normal subdivision. The council certificate is then provided to LINZ for the issue of the new records of title.	**Amend** the activity status of SUB-R1 from "controlled" to "permitted".
SUB-S1 – Allotment Sizes and Dimensions	The submitter has a **neutral** position on proposed allotment sizes within ALL zones as the overarching effects of the proposed sizes is still being assessed.	
SUB-S1(6) – General Industrial Zone	It is submitted that SUB-S1(6) should be amended to allow for legal access to road frontage.	**Amend** SUB-S1(6) to state "Allotments must have **legal access to** a minimum road frontage width of 7m."

SUB-S3(1) – Rural Water Supply	The submitter **opposes** SUB-S3(1) using a consent notice to "alert" future owners that the allotment does not require a water supply. A consent notice is a condition that requires continuing compliance and should not be a notice board to advise future purchasers of information that would be ordinarily available if a LIM was sought.	**Delete** "…, and a consent notice is proposed alerting future purchasers" from SUB-S3(1)(1)(c).
SUB-S4(1) – Wastewater Disposal	The submitter **opposes** the requirement for all General Industrial Zone allotments to be connected to a reticulated wastewater network when a 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.	**Amend** SUB-S4(1) to only require a connection where a conveyance structure of the reticulated sewer network passes within 50 metres of the allotment boundary and where Council can provide that service.
SUB-S6 – Vehicular Access	The submitter **opposes** SUB-S6. The standard should refer to no "additional" access with regard to a state highway or railway line. The standard 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.	**Amend** SUB-S6(2) to only capture additional accesses or crossings.
SUB-S8 – Esplanade Reserves and Strips	The submitter **opposes** SUB-S8. This standard should not apply to boundary adjustments. The draft Waitaki District Plan has such a provision. The requirement for a minimum width of 10m for a lot of less than 4ha compared to 5m for a lot greater than 4ha would appear to be linked to	**Amend** SUB-S8 to recognise section 230 RMA. To provide for a minimum width of 5m regardless of lot size, and for compensation to be paid where any esplanade reserve or strip is taken.

	the requirement for Council to pay compensation only when an allotment is greater than 4ha. It is submitted that Council should be paying compensation for all esplanade provisions taken and regardless of the lot size, the minimum requirement should be 5m. 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.	
Earthworks EW-R1	The submitter **opposes** the methodology of achieving accidental discovery protocol by requiring a "commitment" form to be completed in accordance with APP4. The submitters do not oppose the principle of Accidental Discovery Protocol. Providing two week's notice in advance of the activity occurring in conjunction with the requirements of APP4 is too onerous and will make it very difficult for minor activities to be undertaken as a permitted activity as intended.	**Amend** PER-2 to remove the requirement to provide two week's notice.
EW-S1	The submitter **opposes** EW-S1(2) applying to earthworks necessary to complete a subdivision in the General Residential Zone and the Medium Density Residential Zone. It is submitted that the standard should exclude such works. Such control has not been exerted under the operative District Plan. Most greenfield subdivisions would not be able to be achieved without breaching the standard as proposed and would not be able to	**Amend** EW-S1(2) to exclude earthworks associated with implementing a subdivision consent prior to receiving section 224(c) RMA certification.

	be undertaken as a controlled activity, becoming a fully discretionary activity.	
Drinking Water Protection DWP-R2	The submitter **opposes** DWP-R2 applying to all subdivision. It is submitted that DWP-R2 should not apply to boundary adjustment subdivision or subdivision not intended for use where a wastewater disposal is required.	**Amend** DWP-R2 to exclude boundary adjustment subdivision or subdivision where the resultant use does not require wastewater disposal.
Financial Contributions FC-P2	The submitter **opposes** FC-P2. It is submitted that the policy is not specific enough in relation to meeting the needs for additional infrastructure that arise from the activity. The wording is open and unclear. It appears a contribution taken should only be taken where there is a demonstrated need arising from the activity.	**Amend** FC-P2 to provide clarity.
APP7 1.0 – Water, Stormwater and Roading	The submitter **opposes** the drafting of APP7(1.0) in its current form. It is submitted that the drafting of APP7 should specify more detail especially in relation to financial contributions for retrospective infrastructure upgrades. Works that Council has previously undertaken in preparation of additional growth should be clearly documented to specify the direct and indirect benefit of the works. The direct benefit should only include the cost of the over and above from what would have been routine upgrade and replacement work. Council should keep a detailed record of the costs incurred for	**Redraft** APP7 1.0

	that work should ensure that the contribution ceases to be collected once the cost of the works has been recovered. Council should not apply the producer price index for construction outputs for work that has already been completed as developers should not be levied a contribution in "todays" money for "yesterdays" work. PPI should only be applied to future work where the costing has been set and the contribution levied on that work. In that sense "yesterdays" price is converted to "todays" cost. It is submitted that contributions levied for Roading should be taken from all the land that benefits that road, not just properties that have frontage to that road. A collector road for example will service and benefit a much wider area than a local road that is not a thoroughfare. Roading contributions should not include amenity items such as Street Furniture, and items in relation to general compliance matters and fences and charging stations. Council needs to provide a clear link between the direct benefit to the developer and indirect benefit to the community. APP7(1.0) needs to provide sufficient certainly to show compliance with the Resource Management Act 1991 and the Local Government Act 2002.	
APP7 – 1.4 Water, Stormwater, Wastewater and Roading.	The submitter **opposes** 1.4.a specifying the "full actual cost". It is submitted that an equitable share would be a more appropriate term especially as financial contributions for	**Amend** APP7 1.4 to make clear that any infrastructure contribution will be an equitable share of the full cost of any upgrade required as a result of the development.

	infrastructure are predominately taken retrospectively. Even if infrastructure upgrades are triggered directly as a result of an activity, that activity should not bear the full cost of the upgrade as other future activities may also benefit. The current wording of APP7 1.4 is open ended and provides for Council to recover 100% of any infrastructure upgrades it considers necessary.	
APP7 – 2.0 Open Space and Recreation	The submitter **opposes** a 4% contribution. It is submitted that this is a significant increase from $500 which is payable under the operative District Plan. A 4% contribution on a $300,000 section is $12,000 alone before any infrastructure contributions are added. Such a contribution will either increase the cost of sections, adding to the affordability issue, or make many developments uneconomical.	Retain a flat fee contribution that is affordable and facilitates subdivision and development.
Future Development Areas	The submitter is **neutral** on the proposed Future Development Areas and submits that Lot 4 DP 301476 and Pt Lot 2 DP 17808 at Redruth behind EcoTech Ltd should be identified as an additional Future Development Area for either a partial extension of the General Industrial Zone and/or General Residential Zone.	**Add** an additional Future Development for General Industrial Zone and/or General Residential Zone over Lot 4 DP 301476 and Pt Lot 2 DP 17808.
Light	The submitter **opposes** the Light provisions proposed. The provisions are too extensive and restrictive and will make compliance as a permitted activity difficult. Proposed Plan Change 22 to the Mackenzie District Plan provides a more pragmatic framework yet in arguably a more sensitive dark sky environment.	**Replace** the Light rules to reflect those proposed by Proposed Plan Change 22 of the Mackenzie District Plan.

LIGHT-R1(1)	The submitter **opposes** PER-3 of LIGHT-R1(1). This performance standard is essentially extending the Light Sensitive Area. If a site is outside of the Light Sensitive Area, then only PER-1 and PER-2 should apply.	**Delete** PER-3 of LIGHT-R1(1).
LIGHT-R2	The submitter **opposes** LIGHT-R2. The rule should be extended to provide for permitted activities, not just a temporary activity. Temporary activities are limited as defined.	**Amend** LIGHT-R2 PER-2 to provide for any temporary activity.
LIGHT-R3	The submitter **opposes** LIGHT-R3. PER-2(3) is too restrictive and not practicable for many activities including primary production activities such as sheep kept in covered yards overnight under light ahead of shearing. The rule should also provide for sensor lighting to be an option. PER-2(3) is also too restrictive. Many primary production and primary production industry commences well before 7am.	**Amend** LIGHT-R3 to provide for lighting in relation to primary production activities, and to also provide for sensor lighting as a performance standard and reduce the time restriction period to recognise that many activities that require artificial light commence before 7am.
Noise NOISE-R9	The submitter **opposes** NOISE-R9 to the extent that it applies to alterations to existing buildings. It is submitted that the rule should only apply to new buildings. A minor alteration of an existing building should not trigger an extensive upgrade of an existing building which may not be viable long term. The rule as drafted may have the reverse effect avoiding any alterations to existing buildings. The rule should also recognise that some existing residential buildings are occupied	**Amend** NOISE-R9 to remove alterations to existing buildings.

	by staff of industrial or commercial businesses and such occupants may not be sensitive to those activities.	
Relocated Buildings and Containers RELO-P1	It is submitted that RELO-P1 should also enable the use of shipping containers in the General Rural Zone as these are currently widely used within the zone.	**Amend** RELO-P1 to include the General Rural Zone.
RELO-P2	It is submitted that RELO-P2 be more flexible to provide for shipping containers to be screened and not readily visible but not necessarily unseen.	**Amend** RELO-P2 to be "…not <u>readily</u> visible…
RELO-R2(2)	The submitters oppose RELO-R2(2). This should be a permitted activity rule.	**Amend** RELO-R2(2) to be a permitted activity rule.
Temporary Activities TEMP-R3 Temporary Events	The submitter **<u>opposes</u>** TEMP-R3. It is submitted that is supports temporary events but opposes the provisions proposed as they do not go far enough. It is submitted that the number of events should be extended and should also provide for motorsport events. Limited motorsport events such as car rallies and fundraising trailbike or 4wd events should not require resource consent. The rule also should apply to all zones and should allow for regular temporary events such as markets that add to the vibrance of the community and should not require resource consent to the limitations of the rule.	**Amend** TEMP-R3 to make the rule to extend the number of events for non-motorsport events and provide for a limited number of motorsport events.

General Residential GRZ-R10 - Fences	The submitter **opposes** PER-1 limiting the height of a road boundary fence or a fence adjoining a walkway or cycleway to 1m or 45% visually permeable. It is submitted that this will result in a loss of privacy and make screening of outdoor storage difficult for landowners. Where a north or west facing site adjoins road or a walk/cycleway then privacy of outdoor living space will be compromised adversely affecting the property owner. It is submitted that such restrictions should be left to developers to impose through covenants if considered necessary, and not apply to the entire zone.	**Delete** GRZ-R10 PER-1.
GRZ-S9 - Landscaping	The submitter **opposes** GRZ-S9. It is submitted that this level of control is not required by the District Plan. Most owners of residential sections provide landscaping on their own accord. The plan should also clarify if grassed landed areas also comply/qualify as outdoor living space. It is submitted that such areas should be able contribute to both requirements.	Delete GRZ-S9
Medium Density Residential MRZ-P3 – Innovative Approaches	The submitter **supports** MRZ-P3.	
MRZ-R10 – Fences	The submitter **opposes** PER-1 limiting the height of a road boundary fence or a fence adjoining a walkway or cycleway to 1m or 45% visually permeable. It is submitted that this will result in a loss of privacy and provide screening of	**Delete** MRZ-R10 PER-1

	outdoor storage difficult for landowners. Where a north or west facing site adjoins road or a walk/cycleway then privacy of outdoor living space will be compromised adversely affecting the property owner. It is submitted that such restrictions should be left to developers to impose through covenants if considered necessary, and not apply to the entire zone.	
MRZ-S6 Landscaping	The submitter **opposes** MRZ-S6. It is submitted that this level of control is not required by the District Plan. Most owners of residential sections provide landscaping on their own accord.	Delete MRZ-R6
MRZ-S10 – Hobbs Street Noise Mitigation	The submitter **opposes** MRZ-S10 as this standard is contrary to the conditions of Subdivision Consent 101.2021.79.1 granted to Timaru Developments Ltd on 14.4.22. The subdivision consent only requires a 2-metre-high acoustic fence, not 4 metres. MRZ-S10(2) and (3) are addressed in the subdivision consent conditions and by the consent itself. It is also submitted that the noise assessment commissioned by Council to inform this performance standard obtained on-site noise measurements by unlawfully entering the site. At no time was permission sought from the landowner Timaru Developments Ltd to enter the site. It is submitted that the noise assessment used to inform the standard should be disregarded.	Delete MRZ-S10
General Rural GRUZ-R4 – Residential Units	The submitter **opposes** GRUZ-R4 PER-1. A	**Amend** GRUZ-R4 PER-1 to reduce the minimum

	minimum site area of 40ha is unnecessary and overly restrictive. It is submitted that the minimum site area should be 10ha and should also provide for clustering of residential units on a site comparable to the overall property size where a farm comprises multiple records of title. It is submitted that while the hub or base of a primary production activity might be spread over several hectares, the actual record of title area may be small depending age on the title history of the area. Changes to PER-1 to reflect this would provide more flexibility to farm owners and avoid unnecessary and costly resource consents.	site area to 10ha and provide for clustering of residential units on a site regardless of the site size up to 1 residential unit per 10ha of overall property (combined sites) area.
GRUZ-R11 – Recreation Activities	The submitter **opposes** GRUZ-R11 PER-1. It is submitted that the rule should provide for commercial activities that are non-motorised, or predominately non-motorised. The rule should provide for commercial activities such as guided hunting and recreational tours to be undertaken as a permitted activity.	**Amend** GRUZ-R11 PER-1 to provide for commercial activities that are predominantly non-motorised.
GRUZ-R14 – Airstrips and Landing Sites	The submitter **supports** the provisions of the rule for primary production and submits that the rule should also provide for take-off and landings associated with recreational activities such as hunting and fishing whether commercial or non-commercial. Such activities are often associated with properties undertaking primary production and provide an integrated part of the income stream for that property.	**Amend** GRUZ-R14 to provide for take-off and landings associated with commercial and non-commercial recreational activities.

GRUZ-16 – Quarries and Quarrying Activities	The submitter **opposes** GRUZ-16 PER-4 requiring Accidental Discovery Protocol. The SASM areas in the proposed plan are extensive. It is submitted that the Accidental Discovery Protocol commitment should only be required in SASM areas. Council should be promoting the practice of accidental discovery rather than regulating for it through a rule. All archaeological discoveries are regulated separately under the Heritage New Zealand Pouhere Taonga Act 2014 which is the lead authority.	**Amend** GRUZ-R16 Per-4 to state "Where located in a SAMS…"
GRUZ-R20 – Permanent Workers Accommodation	The submitter **opposes** GRUZ-20. It is submitted the minimum requirement of 80 hectares is too large and not necessary. A restriction tied to an overall property size of 40 hectares would be more appropriate and should provide for clustering of residential units as appropriate to the size and scale of the property. Many rural properties comprise multiple records of title and may be less than the minimum site size but make up part of a much larger rural property. It is submitted that PER-2 is inappropriate and not necessary. As long as the minimum site/property threshold is met there should be no further restrictions. Many rural properties contain multiple residential units, many of which interchange between permanent worker accommodation and rented accommodation for non-employees. The submitters consider there is no effect whether a residential unit intended for worker accommodation is used as non-worker accommodation. Such residential units provide	**Amend** GRUZ-R20 PER-1 to state "It is located on a site larger than 40 hectares, or that where a property comprises more than one record of title, the sum of the titles is greater than 40 hectares. The overall density shall not be greater than 1 unit per 40 hectares that comprises the property" Delete PER-2 and PER-3.

GRUZ-S4 – Setbacks for Sensitive Activities	valuable accommodation for people that work in primary production or rural industry, but not necessary on that site. Limiting the scope of the use of those residential units is not a sustainable use of existing resources. It is submitted that this standard should provide for an exclusion for rural water tanks as these are a building by definition and are predominately located on boundaries adjoining fence lines.	**Amend** GRUZ-S4 to add water tanks to the exclusion list.
General Industrial Zone GIZ-R2 – Industrial Ancillary Activities	The submitter **opposes** GIZ-R2 as it does not provide for residential activities that are ancillary to an industrial site. It is submitted that the rule should provide for residential units and residential activities that are ancillary to the primary industrial activity. Having the ability to incorporate ancillary residential activity is important as it aides site security and should not be considered a sensitive activity in such situations. The rule should also apply to separate adjoining sites that are in the same ownership of that as the principal site.	**Amend** GIZ-R2 PER-1 to add "…unless the ancillary activity is a residential activity on the site, or on an adjoining site in the same ownership as that of the primary industrial activity site; and". Delete GIZ-R2 PER-2 **Amend** GIZ-R2 Per-3(1) to add "or on an adjoining site in the same ownership as that of the primary industrial activity site; and"
DEV1 – Broughs Gully	The submitter has a **neutral** position on DEV1.	
DEV2 – Gleniti DEV2-R1 Land Use, Subdivision and Development	The submitter **opposes** DEV2-R1. It is submitted that the rule should not apply to land use and development. It is also unclear what difference is intended between land use and development? The standards of DEV2 should only apply to	**Amend** DEV2-R1 PER-2 to include a new residential unit. Standards DEV2-S1 to S5 should be excluding from applying to land use activities apart from DEV2-S1(3). The relationship between land use and development should also

	subdivision (apart from DEV2-S1(3)) as all five standards relate to infrastructure that will vest to council through subdivision. It is also unclear how infrastructure will vest to Council outside of subdivision. It is considered unnecessarily onerous and unfair for an owner to trigger the performance standards when constructing a new residential dwelling outside of subdivision.	be defined or the term "development" deleted.
DEV2-S3 Walkway/Cycleways	The submitter **opposes** DEV2-S3. This standard triggers a developer to design and construct ALL walkways/cycleways indicated on the Gleniti Residential Development Area Plan. It is submitted that this is absurd and not practically possible as the developer will not own all the sites within DEV2. DEV2-S3 should refer to "a site". It is submitted that DEV2-S3 should only apply to subdivision and should only relate to setting land aside for the walkway/cycleway and should not include the design or formation of the structure. A significant proportion of DEV2 has already been developed to date with no walkways/cycleways required to be formed. Where a walkway/cycleway is to be designed and constructed, this should be funded from Council's reserve contribution fund. As the walkway/cycleways are for recreation compensation should be provided to the landowner as a land credit against any reserve contribution payable.	Amend DEV2-S3 to only provide for the land required and delete the requirements for the developer to design and form the walkway/cycleways. Amend DEV2-S3 to provide for walkway/cycleway land to be provided as land in lieu of cash to offset any reserve contribution payable. **Amend** DEV2-S3 to only apply to subdivision.

DEV3 – Washdyke Industrial		
DEV3-R1 – Land Use, Subdivision and Development	The submitter **opposes** DEV3-R1. It is submitted that the rule should not apply to land use and development. It is unclear what difference is intended between land use and development. The standards of DEV3 should only apply to subdivision (apart from DEV3-S1(3)) as all five standards relate to infrastructure that will vest to council through subdivision. It is also unclear how infrastructure will vest to Council outside of subdivision. It is considered unnecessarily onerous and unfair for an owner to trigger the performance standards when constructing a new residential unit outside of subdivision.	**Amend** DEV3-R1 PER-2 to include a new residential unit. Standards DEV3-S1 to S5 should be **excluded** from applying to land use activities apart from DEV3-S1(3). The relationship between land use and development should also be **defined** or the term "development" **deleted**.
DEV3-S1 – Roading	The submitter **opposes** DEV3-S1 but do not oppose the location of ROAD 5. It is submitted 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 through DEV3. 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 which is not insignificant at 22 metres wide (if ROAD 5 becomes a Principal Road). It is noted 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.	**Amend** DEV3-S1 to only provide for the land to vest with Council at the time of subdivision and to provide for compensation to be paid to the landowner for the land surrendered for ROAD 5. **Delete** the requirements for the developer to design and construct ROAD 5. **Amend** SCHED1 – Schedule of Roading Hierarchy to include ROAD 5 or note on DEV3 – Washdyke Industrial Development Plan that ROAD 5 is a Local Road.

DEV3-S2 – Stormwater, Water, and Sewerage	The submitter **opposes** DEV3-S2. It is submitted that the standard is unclear using the term "required". 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.	**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 site boundary.
DEV3-S3 – Walkway/Cycleways	The submitter **opposes** DEV3-S3. This standard triggers a developer to design and construct ALL walkways/cycleways indicated on DEV3 – Washdyke Industrial Development Area Plan. It is submitted that this is absurd and not practically possible as the developer will not own all the sites within DEV3. DEV2-S3 should refer to "a site". It is also submitted that it is not clear from the development plan and the wording of DEV-S3 whether the intention is for the walkway/cycleways to be on legal road or be from land taken from the developer adjacent to the legal road. The submitter **opposes** any land being taken or required to vest for this purpose. It is submitted 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. There is also a natural conflict between promoting walking and cycling within	**Delete** DEV3-S3

	an industrial zone that is dominated by heavy vehicle movements.	
Appendix 4 – Accidental Discovery Protocol	The submitter **opposes** APP4 and the need to confirm a commitment to adhering to an Accidental Discovery Protocol. While the submitters support the principle of accidental protocol, the specified requirement is a pseudo contract that is unnecessary. Imposing such a regulatory requirement will have the opposite effect to that desired and will damage relationships when the opposite needs to be promoted. The submitters do not oppose the principle of Accidental Discovery Protocol and supports working with the relevant authorities and local runanga when accidental discovery occurs.	**Delete** the requirement to "commit" to Accidental Discovery Protocol.
Schedule 7 – Significant Natural Areas	It is submitted that SCHED7 should refer to the names of landowners under the column "Survey Reference". Apart from the issue of protecting privacy, properties may change ownership over time and the name reference will be incorrect.	**Delete** the "Survey Reference" column from SCHED7.

Michelle Reeves

From: Nathan Hole <nathan.hole@rooneygroup.co.nz>
Sent: Friday, 16 December 2022 9:58 am
To: PDP
Subject: [Potential Impersonation] - Submission from GJH Rooney on Proposed Timaru District Plan
Attachments: 20221216 GJRH Submission PTDP.pdf

Good morning,

Please find a submission submitted on behalf of GJH Rooney on the Proposed Timaru District Plan.

A waiver for submitting a late submission is sought. No person is considered to be unduly prejudiced by Council granting a waiver to accept this submission.

Kind regards

Nathan Hole
Senior Advisor – Environmental Policy & Projects
Rooney Group Ltd
Hilton Highway SH1, Washdyke/ PO Box 2159 Timaru 7940
027 243 2219| nathan.hole@rooneygroup.co.nz | www.rooneygroup.co.nz