

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:

Rosa Westgarth and Jan Gibson

[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.]*

[Penny 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 rosabruce@outlook.co.nz gibsonjan1@gmail.com

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 Rosa Westgarth and Jan Gibson.

STATEMENT OF INTEREST AND BACKGROUND

1. Rosa Westgarth and Jan Gibson own a site at 82 Kellands Hill Road, Timaru. The site is 203ha and is legally described as Lot 1-2, Lot 5 and Part Lot 3 DP 19552, which are held in Record of Title CB39C/422 (the site).

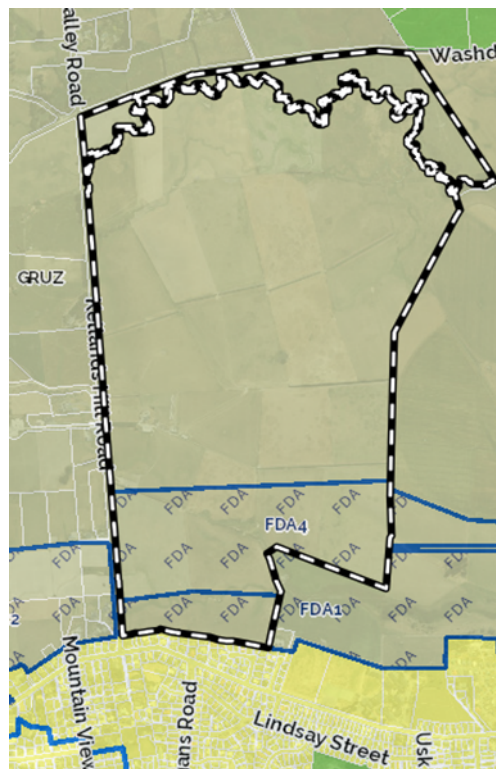


Image 1 – The site as indicated by black dashed line on the Proposed Timaru District Plan Planning Maps

2. The site has been owned by the Grant family and their descendants for 140 years, and Rosa Westgarth and Jan Gibson are the most recent landowner descendants.
3. The site is predominantly in pasture and run as a sheep farm. The woolshed, sheeyards, farm yard and dwelling are all located adjacent to Kellands Hill Road.
4. The site is broadly rectangular in shape and has variable topography and elevation. Where it adjoins Washdyke Flat Road the site is mildly undulating and is traversed by Washdyke Creek and Oakwood Stream. Heading south towards Pages Road, the site rises quite rapidly in elevation, and is notably undulating. The southern end of the site continues to be notably undulating and is traversed by Taitarakihi Creek, and it's tributary.

5. The site is located immediately north of Timaru's urban environment and adjoins the Residential 1 Zone (Operative Timaru District Plan) along its southern boundary. It has access to the roading network and reticulated services are located nearby.
6. The Proposed Timaru District Plan (PTDP) proposes the site (ID:19295) be zoned General Rural Zone (GRUZ), and at the southern end of the site two Future Development Area (FDA) Overlays are noted:
 - FDA1 – Elloughton South Future Development Area – Residential Development
 - FDA4 – Elloughton North Future Development Area – Residential Development
7. The PTDP identifies that the site is also subject to the following overlays:
 - Aerodrome Flight Paths Protection Area (northern portion of the site)
 - National Grid Lines: Timaru – Deviation A, and Tekapo A – Timaru A
 - Flood Assessment Area (areas alongside Washdyke Creek and Taitarakihi Creek)
 - Wahi Tupuna SASM3 (part of Washdyke Creek)
 - Wai Taoka Lines SASM13 (Taitarakihi Creek and tributary)
 - Versatile Soils (southern portion of the site)
 - Esplanade (Washdyke Creek and Taitarakihi Stream)
 - Public Access (Washdyke Creek, Oakwood Stream and Taitarakihi Creek)
8. Timaru District Council's Growth Management Strategy 2045 (GMS) (adopted 2018) identifies 'Kellands Heights Rural Residential' and 'Elloughton South Rural Residential' (Image 2 below), and it appears that the southern portion of the Westgarth Gibson site is at least partly included in one or both of these areas. The minimum lot size is noted as 5,000m².



Image 2 – Timaru District Council Growth Management Strategy 2045

9. The Planz review of the GMS (2022) identifies part of the site, as well as the 'Richardson Block' (ID:19301), for immediate rezoning as General Residential Zone (GRZ) in the PTDP (shown in pink in Image 3 below). It sets out that this land is the "logical next step" for extending Timaru as it is close to facilities, including schools.

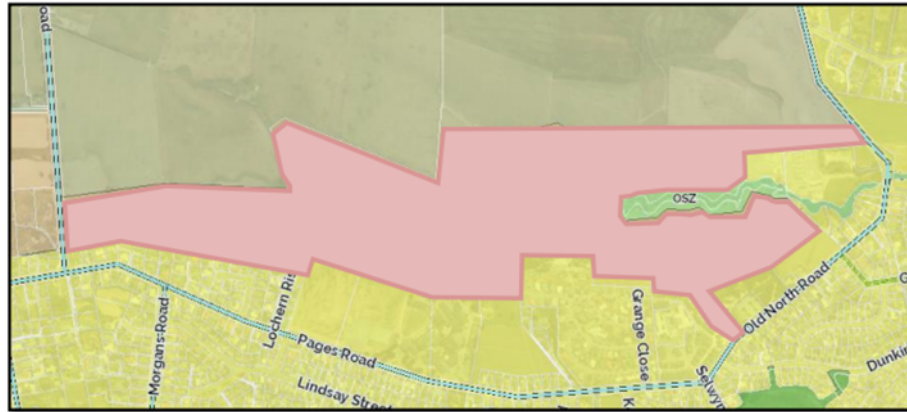


Figure 1: Amend zoning shaded area to GRZ

Image 3 – Planz Report 2022 – Land shown in pink recommended for immediate GRZ zoning

SUBMISSION

- 10 Rosa Westgarth and Jan Gibson's submission is, overall, in support of the Proposed Timaru District Plan (PTDP), as it relates to their site, and in particular the recognition that the southern portion of the site is suitable for urban development. However the submission is in partial opposition to some matters and the details of these, and decisions sought, are set out below and in the attached table.

DECISIONS SOUGHT

- 11 The submitters support Council's proposal to include part of the site within FDA overlays, however they are concerned that the FDA boundary lines do not appropriately reflect the contours and physical features of the site.
- 12 If, following consideration of the submission, the Council is minded to retain the GRUZ and FDA1 overlay on the site, the submitters request that the FDA boundary lines be changed as shown on the attached plan, and as described below.
- 13 The submitter's preference is for the amended FDA1 (FDA1 with proposed amended boundary as requested by the submitter), be zoned GRZ. This reflects the Planz review of the GMS (2022) which recommends the site be zoned GRZ as part of the PTDP based on proximity to the town boundary and existing facilities.
- 14 SCHED15 (Future Development Areas) notes that the timeframe for the preparation of the Development Area Plan for FDA1 is two years. This timeframe will broadly align with the timeframe for decisions on the PTDP, therefore it is considered there are administrative, time and cost efficiencies in including the GRZ zoning as part of the PTDP review, rather than a standalone plan change process.
- 15 The submitter acknowledges that as a consequence of rezoning this part of the site to GRZ, a Development Area Plan will likely need to be prepared to ensure appropriate integration with the existing infrastructure and the other FDAs in the vicinity of the site. It is considered that this is able to be dealt with as a condition of subdivision consent, and that amendments to the applicable rule(s) in the Subdivision Chapter may need to be made to require the applicant to prepare a Development Area Plan and any supporting documentation. It is anticipated that the FDA areas

will be covered by Council's township stormwater management plans and associated global stormwater consents.

Proposed Boundary Changes Sought by Submitter

- Boundary between FDA1 and FDA4: An amendment is sought to the boundary between FDA1 and FDA4, and this is shown by the purple line on the attached plan. Where possible the boundary follows existing fencelines and/or topography of the site (primarily the consideration of ridge lines and natural gully catchment(s)). This boundary amendment will mean that the section of Taitarakahi Creek that runs through the site, along with its margins, is wholly within FDA1. This will enable the Development Area Plan for FDA1 to better provide for the integration of the Creek into the development to appropriately address the esplanade, public access and Wai Taoka Lines, natural character and riparian margins, as well matters relating to stormwater management and the Flood Assessment Overlay. The change also better aligns with the northern boundary of FDA2 on the west side of Kellands Hill which will provide for a more coordinated approach to development and servicing within the subject catchment.
- Northern boundary of FDA4: An amendment is sought to the northern boundary of FDA4, and this is shown by the orange line on the attached plan. Where possible the boundary better aligns by following existing fencelines, shelterbelts, built form on the farm and the natural topography. In particular it has been located to ensure that the woolshed and sheepyards remain within the balance GRUZ along with following the natural topography of the site to cross the natural gully.

- 16 The proposed amendments to FDA1 and FDA4 will result in an increase the total area covered by an FDA on the site from ~39ha to ~42.16ha.

Additional and Consequential Relief

- 17 The specific decisions sought by the submitters and reasons for those submissions are set out in the attached table.
- 18 It is noted that consequential amendments to the PTDP (e.g., objectives, policies and rules of the Future Development Area and Subdivision Chapters) may be necessary as a result of Council's acceptance of the decisions/relief addressed set out above and in the attached table.

SUBMISSION TABLE – WESTGARTH AND GIBSON, KELLANDS HILL, TIMARU

| PROVISION | POSITION | SUBMISSION | DECISION SOUGHT |
|--|-----------------------|--|---|
| PLANNING MAPS | | | |
| <p>Zoning/Overlay applying to Lot 1-2, Lot 5 and Part Lot 3 DP 19552 (ID: 19295) (site)</p> <p>Future Development Area Overlay and General Rural Zone (GRUZ)</p> <p>OR</p> <p>General Residential Zone (GRZ)</p> | <p>Oppose in part</p> | <p>The submitter supports Council’s proposal to include part of the site within a Future Development Area (FDA) Overlay, however the submitter is concerned that the FDA boundary lines do not appropriately reflect the contours and physical features of the site.</p> <p>If following consideration of the submission, the Council is minded to retain the GRUZ and FDA1 overlay on the site, the submitters request that the FDA boundary lines be changed as shown on the <u>attached plan</u>, and as described below.</p> <p>The submitter’s preference is for the amended FDA1 (FDA1 with proposed amended boundary as requested by the submitter), be zoned GRZ. This reflects the Planz review of the GMS (2022) which recommends the site be zoned GRZ as part of the PTDP based on proximity to the town boundary and existing facilities.</p> <p>SCHED15 (Future Development Areas) notes that the timeframe for the preparation of the Development Area Plan for FDA1 is two years. This timeframe will broadly align with the timeframe for decisions on the PTDP, therefore it is considered there are 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>The submitter acknowledges that as a consequence of rezoning this part of the site to GRZ, a Development Area Plan will likely need to be prepared to ensure appropriate integration with the existing infrastructure and the other FDAs in the vicinity of the site.</p> <p>It is considered that this is able to be dealt with as a condition of subdivision consent, and amendments to the applicable rule(s) in the Subdivision Chapter may need to be made to require the applicant to prepare a Development Area Plan and any supporting documentation.</p> | <p>Amend Planning Maps to rezone the area covered by the amended FDA1 overlay (FDA1 with proposed amended boundary as requested by the submitter), as it applies to the site, from GRUZ to GRZ, and remove FDA1 overlay from that land.</p> <p>Any consequential amendments to the PTDP (e.g., objectives, policies and/or rules of the Subdivision chapter) to give effect to the rezoning and pathway for Development Area Plan preparation.</p> <p>If the Council is minded to retain the GRUZ and FDA1 overlay on the site (i.e. not accept the submitters rezoning request), the submitter’s request that the FDA boundary lines be changed as shown on the <u>attached plan</u>.</p> |

| PROVISION | POSITION | SUBMISSION | DECISION SOUGHT |
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| | | <p>Proposed Boundary Changes Sought by Submitter</p> <ul style="list-style-type: none"> - <u>Boundary between FDA1 and FDA4</u>: An amendment is sought to the boundary between FDA1 and FDA4, and this is shown by the <u>purple line on the attached plan</u>. Where possible the boundary follows existing fencelines and/or topography of the site (primarily the consideration of ridge lines and natural gully catchment(s)). This boundary amendment will mean that the section of Taitarakihi Creek that runs through the site, along with its margins, is wholly within FDA1. This will enable the Development Area Plan for FDA1 to better provide for the integration of the Creek into the development to appropriately address the esplanade, public access and Wai Taoka Lines, natural character and riparian margins, as well matters relating to stormwater management and the Flood Assessment Overlay. The change also better aligns with the northern boundary of FDA2 on the west side of Kellands Hill which will provide for a more coordinated approach to development and servicing within the subject catchment. - <u>Northern boundary of FDA4</u>: An amendment is sought to the northern boundary of FDA4, and this is shown by the <u>orange line on the attached plan</u>. Where possible the boundary better aligns by following existing fencelines, shelterbelts, built form on the farm and the natural topography. In particular it has been located to ensure that the woolshed and sheepyards remain within the balance GRUZ along with following the natural topography of the site to cross the natural gully. <p>The proposed amendments to FDA1 and FDA4 will result in an increase the total area covered by an FDA on the site from ~39ha to ~42.16ha.</p> | |

| PROVISION | POSITION | SUBMISSION | DECISION SOUGHT |
|--------------------------------|----------------|--|--|
| | | It is noted that consequential amendments to the PTDP may be necessary as a result of Council's acceptance of the decisions/relief in this submission. | |
| FUTURE DEVELOPMENT AREA | | | |
| Introduction | Oppose in part | Policy FDA-P3 states that Timaru District Council is responsible for preparing Development Area Plans. It is recommended that this is be made clear in the introductory text. | Amend paragraph 3 as follows: <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> |
| Objective FDA-O1 | Oppose 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. | Amend 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 | Oppose in part | Objective FDA-O2 is considered appropriate, however: <ul style="list-style-type: none"> - the reference to “urban development” should be used to align with the definition in the PTDP; and - the reference to ‘anticipated zone’ should be used to align with SCHED15. | Amend as follows: <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 comprehensive Development Area Plan is approved as part of that <u>the plan change</u> process.</i> |
| Objective FDA-O3 | Support | Objective FDA-O3 is considered appropriate. | Retain as notified. |
| Policy FDA-P1 | Oppose 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. | Amend as follows: <i>In the Future Development Area Overlay:</i> <ol style="list-style-type: none"> 1. Enable primary production activities that: <ol style="list-style-type: none"> a. will not compromise the ability to develop the area for urban <u>development</u> growth or rural lifestyle purposes; and b. will be compatible with those activities once that development occurs. |

| PROVISION | POSITION | SUBMISSION | DECISION SOUGHT |
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| | | | <ol style="list-style-type: none"> 2. 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 3. Avoid activities that will likely compromise the ability to develop the area for urban <u>development</u> or rural lifestyle purposes unless: <ol style="list-style-type: none"> a. the activities will not constrain, limit or compromise the ability to comprehensively develop the area; and b. the activities are compatible once that development occurs; or c. the activities are cost effective and practical to remove or relocate. |
| Policy FDA-P2 | Oppose 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. | <p>Amend as follows:</p> <p><i>Urban <u>development</u> and rural lifestyle development within the Future Development Area overlay is required to:</i></p> <ol style="list-style-type: none"> 1. <i>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</i> 2. <i>be developed in accordance with the anticipated <u>zone land-use</u> set out in SCHED15 - Schedule of Future Development Areas; and</i> 3. <i><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.</i> |
| Policy FDA-P3 | Oppose in part | 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>Amend 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 <u>identified on the Planning Maps.</u></i></p> <p>Amend 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 | Oppose in part | 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. | <p>Amend as follows:</p> <p><i>4. the topography and natural and physical constraints of the site, <u>and those constraints which lie beyond the site but</u></i></p> |

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| | | <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 the ensure that the development of the Development Area Plan considers the outcomes arising from consultation with the landowners of the site.</p> | <p><i>which may affect the site, including natural hazards and areas of contamination;</i></p> <p><u>14. The outcomes arising from consultation with the landowners of the site.</u></p> |
| Policy FDA-P5 | Support | Policy FDA-P5 is considered appropriate. | Retain as notified. |
| Rule FDA-R1 | Support | Rule FDA-R1 is considered appropriate. | Retain as notified. |
| Rule FDA-R2 | Support | Rule FDA-R2 is considered appropriate. | Retain as notified. |
| SCHED15 – Schedule of Future Development Areas | Oppose in part | <p>SCHED15 sets out the “timeframe for DAP”. It is not clear:</p> <ul style="list-style-type: none"> - whether the timeframe listed is the timeframe in which the DAP will have been developed, notified or operative; and - whether the timeframe applies from the date of notification of the PTDP, or the date of SCHED15 becoming operative. <p>The heading of SCHED15 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>Amend heading of SCHED15:</p> <p><i>“Timeframe; of The DAP shall be prepared within the timeframe specified. The timeframe begins on 22 September 2022”</i></p> <p>Amend 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 | Oppose in part | <p>Given the proximity of FDA4 to the Timaru Urban Area and other Future Development Areas, it is considered that the 10 year timeframe for the preparation of the Development Area Plan for FDA4, as it applies to the site, is not appropriate, and a shorter timeframe should be considered by Council.</p> <p>If the primary relief sought by the submitter in relation to the planning maps and zoning of the site (i.e., rezone the area</p> | <p>Amend SCHED15 timeframe for FDA4, as it applies to the site, to less than 10 years.</p> <p>If the primary relief sought by the submitter (rezone that part of the site covered by FDA1 to GRZ), is accepted, delete the reference to FDA1 in SCHED15.</p> |

| PROVISION | POSITION | SUBMISSION | DECISION SOUGHT |
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| | | covered by FDA1, within the site, to GRZ) is accepted, the reference to FDA1 will no longer be required. | |

