

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:

Waihi School Trust Board

[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 District Plan - He Po. He Ao. Ka Awatea.

[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]

As attached letter and enclosure.

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.]

As attached letter and disclosure.

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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]*

.....
As attached letter and enclosure.
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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.]*

.....


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 15/12/22
Electronic address for service of submitter: mark.talbot@abcbusiness.co.nz
Telephone: 027 204 36 25
Postal address (or alternative method of service under s352 of the Act): 79 Brophy Road
..... R.D.21 Geraldine
Contact person: *[name and designation, if applicable]* Mark Talbot on behalf
..... of the Waihi School Board

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.

15 December 2022

Timaru District Council

Dear Sir / Madam

Submission on Behalf of Waihi School Trust Board - District Plan

Background

1. We have been instructed by the Waihi School Trust Board (incorporation number 211246) to submit on the proposed District Plan (the **PDP**) from the Timaru District Council (the **Council**).
2. Waihi School (**Waihi**) is an independent preparatory school for children in years four to eight. Waihi has had a long history on the site at 611 Temuka-Orari Highway for over a century (the **Waihi Site**), since the arrival of the first three boys in 1907.
3. St John's Anglican Church located in the grounds, is a cornerstone of the school's presence and mana. The church is a site of significance, and duly recorded within the Council's schedule of heritage buildings, structures, and sites within the operative district plan.
4. The Waihi Site is zoned as Rural 2 under the current District Plan, and General Rural under the PDP.
5. As a private school, Waihi is not able to rely on a Ministry of Education designation (like other schools in the District), and therefore its current and future activities and bulk and location of buildings must rely on existing use rights.
6. A contiguous 7.7522 hectare site owned by John and William Rolleston (as included within Record of Title CB20A/986 as **enclosed**) (the **Rolleston Site**) is also zoned Rural 2 (General Rural under the PDP). Messrs Rolleston have proposed to gift the Rolleston Site to a charitable trust (in formation), to be held for education and sporting pursuits. Their intention is that the Rolleston Site and its use will have a combined benefit for Waihi and the wider community.
7. The Rolleston Site has been historically utilised for rural purposes including as an orchard. It failed as a viable economic endeavour and abandoned, due to factors including:
 - 7.1 The site's limited size; and
 - 7.2 The unproductive nature of the land.
8. The Rolleston Site has not operated as an economically viable business for many years and at least since the Rolleston Site was acquired by John and William Rolleston in 2014. The Rolleston Site has since been used for education and recreational purposes for the children of Waihi. (This includes a pump track, low ropes course, and most recently a golf driving range.)
9. Waihi supports the proposal by Messrs Rolleston, described above.

Rezoning Proposal

10. Neither the Waihi Site nor the Rolleston Site naturally fit within the purposes of the General Rural Zone under the PDP, as illustrated as follows:

HFN-229282-1-71-V1

- 10.1 **GRUZ-01 Purpose of the General Rural Zone:** states that the *'General Rural Zone predominantly provides for primary production, including intensive primary production, as well as a limited range of activities that support primary production, including associated rural industry, and other activities that require a rural location.'*
 - 10.2 **GRUZ-02 Character and qualities of the General Rural Zone:** also notes that *'The character and qualities of the General Rural Zone comprise... large allotments with large areas of open space...'*
 - 10.3 **GRUZ-R7 Educational Facilities:** states that permitted educational facilities are for a maximum of 6 students (excluding children living on site) (reference: PER-3).
 - 10.4 **GRUZ-R4 Residential units, excluding seasonal workers accommodation and permanent workers accommodation:** at PER-1, minimum lot sizes for residential purposes are set at 40 hectares, unless created prior to *'22 September 2022 and does not contain an existing residential unit.'*
- 11. Consequently, the Waihi and Rolleston Sites are by their nature at odds with the rural character, quality and amenity values as set out within the PDP.
 - 12. We therefore propose for the Council's consideration the following:
 - 12.1 Rezoning the Waihi and Rolleston Sites within a Special Purpose (School) Zone; or
 - 12.2 Applying a precinct or specific controls to the said sites.

Special Purpose (School) Zone

- 13. We note that the National Planning Standards (November 2019) (**NPS-19**) notes that additional special purpose zones must only be created when the proposed land use activities or anticipated outcomes from the additional zone meet all of the following criteria:
 - 13.1 Are significant to the district, region, or country;
 - 13.2 Are impractical to be managed through another zone; and
 - 13.3 Are impractical to be managed through a combination of spatial layers (8. Zone Framework Standard, paragraph 3).
- 14. We assert that Waihi (including St John's Anglican Church) is indeed significant, and forms part of the historic fabric of the Timaru region, together with a modern education resource. Together with development of the Rolleston Site, Waihi and the community charitable trust (in formation) will offer an extended community resource.
- 15. As outlined above at paragraph 10, the proposed General Rural Zone and the additional versatile soils layer does not address or lend itself to large school sites and educational activities, and the purpose of the rural zone does not practically fit with the school and community needs. For this reason, we consider a special purpose educational zone as appropriate.
- 16. We note that commensurate zones were established within the Christchurch District Plan, in order to manage the specific needs of educative and community activities associated with school sites. The Christchurch District Plan at 13.6.1(d) notes that the designation:

'... seeks to enable education providers to efficiently use and develop their land and buildings for education activities and as hubs for a diverse range of community activities. It also seeks to mitigate significant adverse effects on the amenity of adjoining zones, and to recognise and enhance the contribution of education buildings and sites to the character of neighbourhoods.'

17. As a school, Waihi provides an invaluable option for children of Mid-South Canterbury, and indeed has a South Island wide role. It continues to punch above its weight, with an increasing roll that since 2021 has included girls. Therefore, it has a unique offering to the region.
18. Waihi is happy to work alongside Council to develop an appropriate policy and rule framework, perhaps based on the Christchurch District Plan Specific Purpose Zone (as a starting point).

Precinct/ Specific Controls

19. Alternatively, the NPS-19 defines the following:
 - 19.1 **Precincts:** as having the function of '*a precinct spatially identified and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).*'
 - 19.2 **Specific controls:** as having the function of '*a specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area (for example where verandah requirements apply, or where a different maximum height on a particularly site applies).*'

(12. District Spatial Layers Standard, Table 18).
20. We do not believe that precinct or specific controls as spatial layers will uniquely provide for a school and adjacent site as comprehensively as a special purpose (school) zone. However, by utilising a precinct or specific controls spatial layer, the Waihi and Rolleston sites could then remain generally within the General Rural Zone (per the PDP) should the Council not wish to create a special purpose zone.
21. As an aside, we note that the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**), at Part 3, clause 3.9 (2)(g) allows for the appropriate use of highly productive (rural) land where it is a small-scale land use activity that has no impact on the productive capacity of the land.
22. As above, we assert that both the Waihi and Rolleston Sites already have negligible farming production capacity, and therefore the use of these sites for education and community purposes will not diminish an already unproductive area. Given the Rolleston Site is 7.7522 hectares only, development for community and school-based activities will be small in scale.
23. Consequently, we alternatively propose that an appropriate precinct or specific control spatial layer be applied by the Council in order to appropriately grant the affected parties the ability to appropriately utilise the school and adjoining Rolleston site.

Final Comments

24. We note that a land use consent has been lodged for the Rolleston Site, reference number 102.2022.81 (currently on hold for further information request).

25. Waihi has a historic rural setting (including St John's Anglican Church). There is a natural need for associated amenities to be located close by, for access by Waihi's young students. We therefore submit that the school and community needs be specifically addressed by the PDP.
26. We look forward to liaising with you in order to achieve a significant benefit for the Timaru area, and local communities.

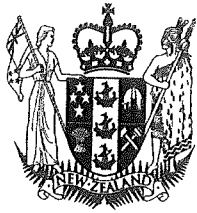
Yours faithfully
RMF Silva Limited



Tim Silva | Partner
tim.silva@rmfsilva.co.nz

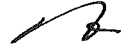


Heather Neeson | Senior Associate
heather.neeson@rmfsilva.co.nz



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier CB20A/986
Land Registration District Canterbury
Date Issued 09 July 1979

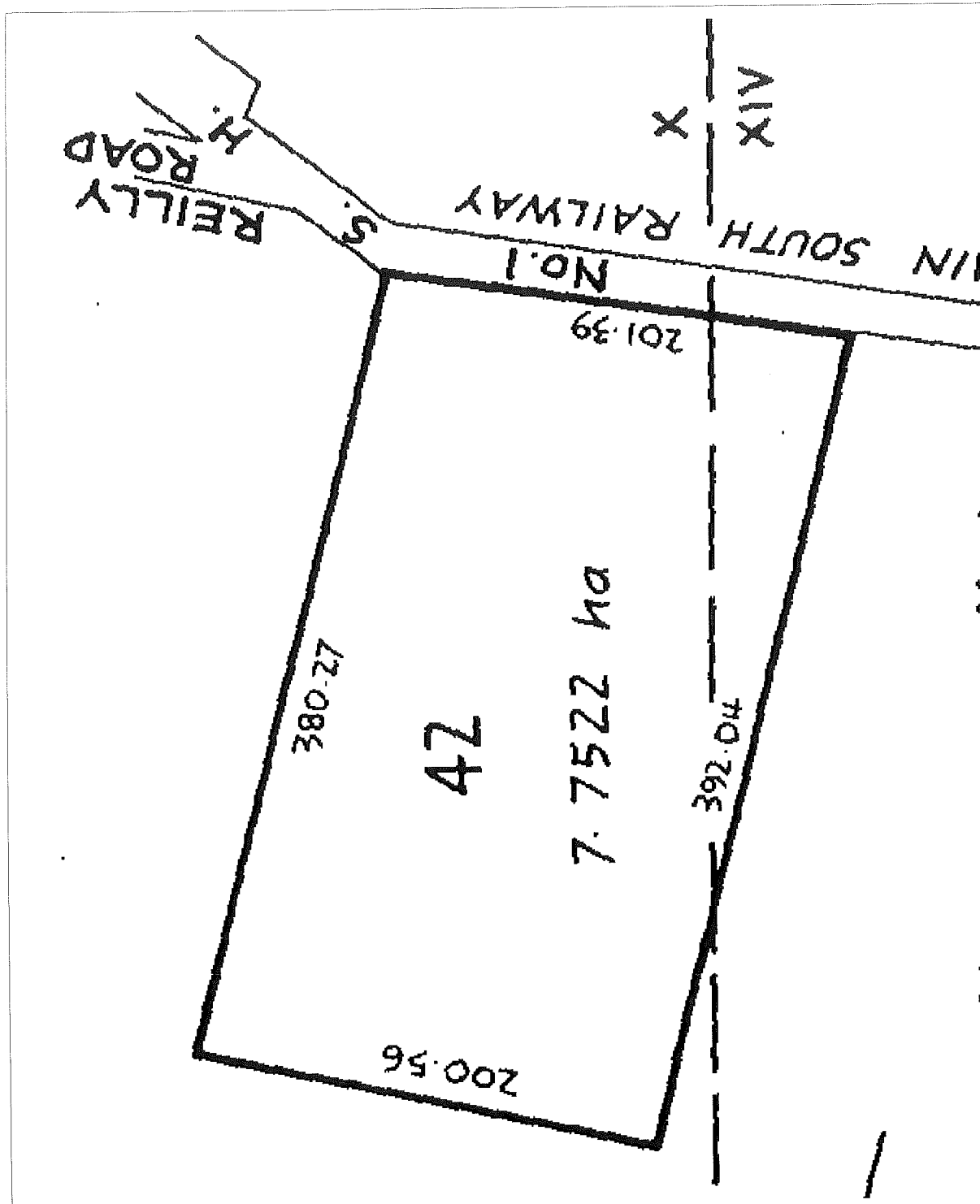
Prior References
CB90/16

Estate	Fee Simple
Area	7.7522 hectares more or less
Legal Description	Lot 42 Reserve 389

Registered Owners
John Michael Woodhouse Rolleston and William Blair Rhodes Rolleston

Interests

335528.1 Notice declaring the State Highway adjoining the above land to be a limited access road - 20.7.1981 at 9.00 am



Jane Marine

From: Mark Talbot <mark.talbot@abcbusiness.co.nz>
Sent: Wednesday, 29 March 2023 12:45 pm
To: Jane Marine
Subject: RE: Timaru District Council Proposed District plan - Submission - Incomplete form Five
Attachments: Signed Submission for Orchard.pdf

Hi Jane,

Please see attached.

Thanks
Mark



Mark Talbot
Business Broker

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From: Jane Marine <Jane.Marine@timdc.govt.nz>
Sent: Tuesday, March 28, 2023 2:37 PM
To: Mark Talbot <mark.talbot@abcbusiness.co.nz>
Subject: Timaru District Council Proposed District plan - Submission - Incomplete form Five

Hello Mark,

Thank you for the submission on behalf of Waihi School Trust Board. It has come to our attention that the Form 5 that accompanied the submission is incomplete. The following two questions need to be filled out on your attached Form 5 form and emailed back to pdp@timdc.govt.nz

Thank you.

Regards

Jane

(delete the terms 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.]*



Jane Marine | Policy Planner

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