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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]*  
Please see attached submission letter for details

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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 December 2022 .....

**Electronic address for service of submitter:** qwang@align.net.nz .....

**Telephone:** 0064 9 972 3624 .....

**Postal address (or alternative method of service under s352 of the Act):** .....

PO Box 109427 Newmarket Auckland 1149 .....

**Contact person:** *[name and designation, if applicable]* .....

- 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.



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15 December 2022

Timaru District Council  
2 King George Place  
Timaru Central  
Timaru 7910

## **SUBMISSION ON PROPOSED DISTRICT PLAN TIMARU DISTRICT COUNCIL – ON BEHALF OF CHRIS HUGHES FOR 105 DENNISTOUN ROAD, GERALDINE**

### **Introduction**

Chris Hughes (Hughes) is the owner of 105 Dennistoun Road, Geraldine (the site). The current zoning of this site under the Operative Timaru District Plan is Rural 1. The site is proposed to be rezoned General Rural Zone under the Proposed Timaru District Plan.

The submitter would not gain an advantage in trade competition through this submission, and the submission does not raise matters that relate to trade competition or the effects of trade competition.

### **Reasons for Submission**

Hughes opposes the aspects of Proposed Timaru District Plan that seek to require a non-complying activity consent for subdivision not meeting the minimum lot size under Rule SUB-R3, for the following reasons:

- There is no clear justification as to why a non-complying activity status has been proposed for subdivision not meeting the minimum lot size. It is noted that under the Operative Timaru District Plan, undersized subdivision is a discretionary activity. This activity status has been used for undersized subdivision in some other District Plans in the Canterbury Region including the Christchurch District Plan. The discretionary activity status is suitable for where an activity is not suitable in all locations in a zone. The activity status allows Council unlimited discretion over matters that could be considered when assessing such an activity.
- It is noted that the activity status in the General Rural Zone for residential dwellings not meeting the density standard is a discretionary activity. This activity status is to give effect to the objectives and policies of the zone of ensuring sensitive activities are located to avoid adverse effects on primary production (GRUZ-P5), ensuring the fragmentation of rural land for non-primary production activities are avoid (GRUZ-P8.1) and that the character and qualities of the zone are maintained (GRUZ-P8.2). The objectives and policies in the zone are similar to the objectives and policies for rural subdivision under the Subdivision Chapter. Rather than

applying a blanket activity status of non-complying activity for subdivision not meeting the minimum lot size for all zones, the activity status for subdivision not meeting minimum lot size in the General Rural Zone should be a discretionary activity, which is consistent with the activity status for a residential dwelling not meeting the density standards.

- The General Rural Zone covers a large area of land in the Timaru District, and a lower order of activity status should be used for subdivision not meeting the minimum lot size in General Rural Zone where private infrastructure and services can be provided, it is clear of sensitive environments (natural hazards, significant ecological areas, outstanding landscapes) and where the land has less opportunity to be used for rural production activities.
- In the case of Mr Hughes 'site, there is a historical landfill located immediately next to the site which is currently being removed and the site does not contain LUC Class I and LUC Class II soil. As stated above, the discretionary activity status allows Council unlimited discretion over matters that could be considered when assessing such an activity such as rural character and amenity and reverse sensitivity.
- Additionally, Mr Hughes site is circa 12 hectares, and thus obviously not of a size to be used for rural production activities. Land use consents for the site have previously been granted by Timaru District Council for activities other than rural production activities which included additional visitor accommodation, horse trekking and other associated activities. Mr Hughes has an existing concept plan for a two-lot subdivision for the property for which resource will be sought.

### **Relief sought**

Mr Hughes requests that that activity status for subdivision in the General Rural Zone to be altered from a non-complying activity to discretionary activity.

Any other amendments to the provisions of the Proposed Timaru District Plan necessary to give effect to this relief are also sought.

Mr Hughes wishes to be heard in support of the submission.

Kind regards



Qiuang Wang  
Senior Planning Consultant  
Align Limited