

**IN THE MATTER OF** the Resource  
Management Act 1991

**AND**

**IN THE MATTER OF** Plan Change No. 3 to  
the Timaru District Plan

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## **REPORT AND DECISION OF THE COMMISSIONER**

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### **INTRODUCTION**

The last show at the Timaru A & P Showgrounds was held on 7 October, 2005. Following that the buildings were removed, the land was sold and the 12.2ha site has remained unoccupied. The current owner, Calder Stewart Industries Limited, intends to develop the land, which is enclosed by urban development and the main trunk line, for large format retail activities. In order to facilitate this, it has applied for a private plan change to change the zoning from the current Recreation 2 Zone to a new Commercial 2A Zone. The application has been developed over a period of about three years and has been through a number of iterations finally reaching a point when it was accepted for public notification by the Council on 6 May, 2008.

Public notification generated eight submissions. Three of these supported the proposal (with conditions) and five were in opposition. The summary of submissions which was notified on 2 August 2008 resulted in fifteen further submissions all of them in support of original submitters in opposition. Over the following two years, the applicant has

consulted with some of the submitters and has been able to further develop the plan change to address a number of concerns.

## **THE COMMISSIONER'S ROLE**

I have been appointed by the Council as a Commissioner to consider this Plan Change and the submissions from the public. Under section 34A of the Act a local authority may delegate specific powers and functions to a commissioner. In the case of resource consents and private plan changes the local authority can delegate the power of making a decision. Pursuant to Section 34(A) 1 of the Resource Management Act 1991, the Council has done so in this case.

## **THE HEARING**

The hearing of the application and submissions was conducted in the Council Chambers of the Timaru District Council on the 24<sup>th</sup> and 25<sup>th</sup> of November, 2010. At the hearing I was assisted by Mr Peter Barnes (a consultant planner responsible for the section 42A report). Council staff also present were Mr Peter Kloosterman, the Council's District Planner and Ms Chyi Sim a Council Planner.

The parties present or represented at the hearing were as follows:

For the Applicant:

Ms Pru Steven (Counsel)

Mr Mark Weaver (the Project Manager for the applicant)

Mr Roger McDonald (Planning Consultant)

Mr Tony Penny (Traffic Engineer and Transportation Planner)

Mr Andrew Hall (Civil Engineer)

Mr Andrew Brough (Environmental Engineer)

Mr Mark Tansley (Statistical and Retailing Consultant)

Submitters:

Mr Sean Elvines (representing the NZ Transport Agency)

Mr Tim Small (representing the Timaru Retail Association)

Mr Robert Willis (representing ECan)

Mr Les Rawlings

Mr Edward Sullivan (Counsel representing Antrium Holdings Ltd, St Andrews Park Ltd, Llaws Group and Canon Holdings Limited)

Mr David Wood (Barrister and Solicitor) – Mr Wood was called by Mr Sullivan as a practitioner well versed in property development and ownership.

Mr Philip Richards (a Director of Canon Holdings which owns the land occupied by J Ballantyne and Co in Timaru). Mr Richards' evidence was read by Mr Sullivan.

Mr Anthony Preen

Mrs Prue Thirkettle

Mr Aaron Hudson

Mr Murray Purvis

Mr Ian Bowan

Mr Barnes' report, having been precirculated to the parties was taken as read.

**Ms Pru Steven** opened with an overview of Plan Change 3 in its context, an objective of which was to provide more clarity to the function of the existing Commercial Zones

without detracting from their role. This was so as to place the proposed new Commercial 2A Zone in context that would be complementary to them rather than in competition with them. The Commercial 2A Zone would be a 'spot' zone supported by its own objective and policy framework and with its own rules. Ultimate development would require resource consents which would enable close attention to be given to detail. An Outline Development Plan (ODP) would operate as a structure plan for the site and this would fix a number of salient features such as access points, building setbacks, some internal linkages, areas of open space, stormwater utility and detention.

The plan change had been refined in many respects since public notification and Ms Steven said that many of the matters raised by submitters had been addressed.

Ms Steven moved to the statutory matters I must take into account and the guidance as to their interpretation given by the Environment Court in such decisions as **Eldamos Investments Limited v Gisborne District Council** (2005) W)47/2005 and **Long Bay-Okura Great Park Society Inc v North Shore City Council** (2008) A078/2008. Importantly, Ms Steven also explained that as Plan Change 3 had been publicly notified on 21 June 2008 it fell for consideration under the Act as it was prior to the 2009 amendments. This affected my consideration of the plan change, both in terms of section 32 and of trade competition.

Ms Steven raised a jurisdictional issue in relation to the further submission made by Mr Binney. Mr Binney's submission was in support of the original submission by Mr Bowan. A further submission could not raise any grounds beyond those raised in the original submission it supports. Mr Binney had raised the issue of stormwater drainage and Mr Bowan had not.

Turning to the report of Mr Barnes, Ms Steven observed that there was a high degree of consensus in it with the applicant's case. The stormwater and traffic issues covered in the report and the resultant recommendations raised no conflicts with the applicant and Ms

Steven observed that all those issues had now been addressed as far as possible. Remaining stormwater issues raised by ECan would be addressed in time by the District Council and through the resource consent process contemplated in the plan change.

The concerns of the NZTA had been met by providing a new primary access to Evans Street opposite Grants Road.

The Outline Development Plan (ODP) had been criticised in the officer's report and by ECan because it did not contain enough detail and would not therefore meet the Urban Design Protocol to which the Council was a signatory. However, Ms Steven observed that it contained a level of sophistication not presently existing in the District Plan and was not wanting in any relevant respect. It needed to be viewed in combination with the controlled activity status pertaining to the design of buildings.

The major remaining issue was the matter of distributional effects. Here Ms Steven indicated that the guidance of the Court in terms of the provisions of the Act relating to trade competition prior to 1 October 2009 would apply. She named a number of submitters and further submitters that appeared to fall into the category of trade competitors. I could not take into account the direct effect of trade competition but could take into account retail distributional effects which were the social and economic effects of trade competition. This included, for instance, the amenity of other centres such as the CBD. When considering these a relatively high threshold had been set in various court decisions. One of the more authoritative was **Northcote Mainstream Inc v NSCC (2006)**, NZRMA137 Randerson J. Such social and economic effects must be significant before they can properly be regarded as being beyond the effects ordinarily associated with trade competition on trade competitors. In **Bilomag Holdings Ltd v Waipara District Council** AO72/2008 the Court identified a two stage process entailing consideration of:

- (a) *whether there are any effects consequential or beyond effects ordinarily associated with trade competition on trade competitors; and then if there are*
- (b) *to determine whether these effects are such that, weighted in the balance with all other relevant matters the plan change should be approved.*

This is a logical guide to examining such matters.

Ms Steven explained that if a person asserted a position in relation to social and economic effects of trade competition there was an onus on that person to provide sufficient evidence to enable a consent authority to find that position to be established. In that context she emphasised that the evidence of Mr Tansley (an experienced statistical and retailing consultant) had been peer reviewed by an economist engaged by the Council and that review had not raised any conflict. Mr Tansley's assessment of the impact of Plan Change 3 on the existing commercial zones and the further consideration given by him to the matters raised by submitters is therefore critical to my evaluation of the consequential social and economic effects.

Ms Steven then called **Mr Mark Weaver**, the Project Manager for Calder Stewart Industries Limited. Mr Weaver outlined the company's overall vision for development of the site.

**Mr Roger McDonald**, an experienced planning consultant provided an evaluation of the Plan Change in terms of the relevant statutory tests. He described the amendments that had been made as a result of consultation undertaken and in reaction to the submissions received. The Plan Change now included an Outline Development Plan which "locked in" the entrances and indicative internal spine road following traffic engineering analysis and consultation with New Zealand Transport Agency (NZTA). Open space and stormwater treatment areas had also been set aside to detain and treat stormwater for

events with a return period of 200 years. Furthermore, landscape setback areas had been provided most significantly in relation to the neighbouring Marae.

A proposed introduction to the Plan Change had been removed from the text and Mr McDonald outlined a number of minor amendments to the proposed objectives, policies and rules designed to address submitters' concerns and to require adherence to the Outline Development Plan.

Mr McDonald outlined the consultation and discussions undertaken with the Ministry for the Environment, ECan, the New Zealand Transport Agency, Ngai Tahu and Te Aitaraikihi Trust (for the Marae).

Mr McDonald summarized the issues raised by the submitters and addressed them in turn. The Outline Development Plan had been adopted in part to respond to submissions from ECan and the NZTA. This, with the associated rules, would give a level of certainty in terms of the nature of development, public transport links, traffic safety and circulation, cycle links and stormwater management.

Submitters had expressed concern about retail distribution effects particularly as to what might happen to the town's Central Business District. This issue is more significant for Plan Change 3 because it had to be considered in terms of the Resource Management Act as it stood prior to the recent amendment. Mr McDonald explained that from the outset the project brief had been to avoid adverse social or economic effects on the town centre. This is why Mr Tansley had recommended that retail development be staged, that there be a minimum store size of 500m<sup>2</sup> gross floor area and that food and beverage services be specifically restricted.

Mr McDonald outlined measures designed to protect the rail corridor, the Marae site and the relevant amendments proposed to the existing text of the District Plan.

While there had been a submission that the minimum store size should be set at 1,000m<sup>2</sup> gross floor area, Mr McDonald indicated that such a threshold would be comparatively high. The 500m<sup>2</sup> threshold had been chosen because it was generally equivalent to the larger stores in the town centre. He did not agree with those submitters who considered that the proposal would be an inefficient use of resources. The site was well located in terms of transport corridors and in a location where it could connect conveniently to infrastructural services.

Mr McDonald traversed Chapters 6, 7 and 8, Sections 9 and 10 and Chapters 12, 14, 15 and 16 of the Regional Policy Statement opining that these provisions were all met. Similarly he traversed the various elements of Part B of the District Plan expressing similar opinions. He also considered various non-statutory documents such as the Future Demographic Change and Growth Study, the Timaru Coastal Strategy, the Active Transport Strategy, the Retail Industrial and Residential Strategy and the Canterbury Regional Land Transport Strategy (2008-2018).

The Environment Court had set down the mandatory requirements for plan changes in terms of section 32 evaluation. Mr McDonald outlined these with summary comments in a two column arrangement.

Turning to the section 42A report, Mr McDonald sought to comment on only three areas since most of the matters raised had been addressed. These areas were traffic access, stormwater management and the related provisions of the plan change. The NZTA had now been satisfied stormwater had been adequately addressed and in any case would be subject to a regional resource consent.

**Mr Tony Penny** was commissioned by the applicant to report on the transportation effects of the proposed plan change. He reviewed and commented on the submissions

related to transportation matters and in the section 42A report. He traversed the relevant elements of the Regional Policy Statement, the Regional Land Transport Strategy and the District Plan. Micro-simulation modeling of the proposed access arrangements had demonstrated that with the road improvements planned for Evans Street/Bridge Road and signalisation of the Evans Street/Grants Road intersection, an acceptable level of service could be maintained for all road users when the site is fully developed. All the accessways would be designed to enable bus movements as part of a public transport route. He concluded that with the proposed access arrangements indicated on the Outline Development Plan and the new rules now submitted, the request for a plan change could be supported from a transportation perspective.

**Mr Sean Elvines**, representing the New Zealand Transport Agency (NZTA), appeared immediately following Mr Penny. He made it clear that although NZTA had opposed the plan change as notified, it had evolved into a satisfactory form apart from one concern. He felt there was a need for a robust policy framework to support proposed Rule 6.25.

Such a policy framework had not been proposed. The rule required the construction and operation of a signalized intersection at the Grants Road intersection. He provided the wording for such a policy.

**Mr Andrew Hall** had prepared evidence in relation to the servicing of the land for water supply, sewage, stormwater, telecommunications, power and of the construction required for these services, earthworks and roading. The site is well elevated and all sewage flows would be able to discharge by gravitational means. He had supervised the preparation of a concept design for the stormwater management system. The site is subject to flooding largely because of the inadequate size of the culvert underneath the railway line. For that reason the site had to contain and continue to contain existing flooding as well as runoff from new development on site. He made the observation that since the system will need to deal with flooding from off site he expected the District Council to contribute to the

cost of the floodwater management system. This of course is a matter outside of the ambit of the Plan Change. Stormwater discharge will be subject to the consent of ECan.

**Mr Andrew Brough** provided an assessment of stormwater issues in relation to the development of the site. He described the extent of historic flooding referring to a report prepared by Connell in 1988 soon after a severe storm in 1986. This predicted elevations for the 100 year and 500 year events. Mr Brough prescribed a stormwater management system which would contain both the existing flooding plus the additional runoff from the developed site in an open space/landscaped area set aside in the Outline Development Plan. This also included a treatment solution designed to be effective in maintaining the water quality in the Taitarakihi Creek.

**Mr Mark Tansley** had provided a comprehensive report in May 2006 supporting the proposed Plan Change. Since then there had been a growth in household formation in the district and there had been a modest increase in retail expenditure per household (although population had remained largely static). Mr Tansley produced some tables refining the earlier data used in 2006 for town centre retail space. Of 136 stores in the central business district twelve were of 500m<sup>2</sup> gross floor area or greater. One of these occupied some 4,500m<sup>2</sup> and there were two others over 2,000m<sup>2</sup>

Mr Tansley responded to submissions concerning adverse distributional effects. A point raised by a number of submitters was that the district was not experiencing population growth and therefore could not support further retail space without some adverse effects. He made the point that the population composition is constantly changing, enjoying better health and life expectancy working productively for longer and, to some extent working more efficiently and therefore adding economic value to the mix. He regarded household formation as a better guide (than population growth) to market growth but even as living standards improved retail consumption had increased more than household growth. Tourist spending is also part of the mix but he had not relied upon growth in net tourist spending in his analysis. He believed that his approach was conservative.

Mr Tansley observed that the section 42A report accepted that distributional effects would not be such as to justify refusal of the plan change. Reinforcing this, he said:

*“It is well established that alleged adverse effects flowing from trade competition have to be shown to be significant and enduring before they may have RMA relevance. The barriers are high, to ensure that the Act’s provisions cannot be misused to protect or reinforce established but inefficient or monopolistic investments. Retailing is a constantly evolving industry, in relation to which persistent reinforcement of “status quo” provisions implies declined efficiency and the absence of appropriate levels of competition.”*

Mr Tansley made a number of observations about the existing Timaru Central Business District. For instance, he observed that although the Commercial 1A Zone extended south of George Street to North Street that area had quite different character from the Stafford Street portion being more of a retail fringe/mixed use area. A significant portion of the northern part of the Commercial 1B Zone is dedicated to fringe retail activities the provision of parking areas for activities in the 1A Zone. In general the 1B Zone is not retail oriented. He explained that one reason the actual retail core was so compact was because of changes in the gradient of the land. Mr Tansley felt that the best future option for the retail core was for it to remain in its compact state and concentrate on quality rather than expansion. Even if it were feasible to provide for Timaru’s future retail development around Stafford Street this might encourage core anchors to migrate to the fringe portions and thus degrade Stafford Street.

Mr Tansley considered that few CBD core retailers would see Plan Change 3 as providing a relocation opportunity. Anchors such as Ballantynes and Farmers have not shown any propensity to relocate to large format retail precincts and others who might be so tempted such as Smiths City and Noel Leeming had recently invested in new or expanded CBD premises. Many large format retailers were not represented anywhere between Christchurch and Dunedin.

A drift of non-industrial activities from south of George Street to the Washdyke area and the location of similar new activities had been noted. Mr Tansley observed that the expansion of industrial zoning there in the absence of a dedicated large format retail zone would allow this trend to continue. Plan Change 3 would intercept this and reduce the level of commercial usage of industrial zoned land. In this respect the distributional effect would be to draw large format retail activities into a more central location as opposed to the northern limits of the town.

Mr Tansley recognised that the passage of time had completely overtaken the staging of development controls proposed with the plan change. He recommended that these rules be changed to hold Stage 2 potentials back by nearly four years, to extend the subsequent staging over five rather than four years and to lower the overall general merchandise outlet thresholds.

## **THE SUBMITTERS**

**Mr Tim Small** represented the Timaru Retail Association. He was at pains to explain that his organisation was not comprised of landlords and therefore was not concerned about direct business competition. His members were in fact potential tenants in the proposed zone, but they had concerns about the possible effects on the viability of the town centre. He considered that the proposed 500m<sup>2</sup> gross floor area minimum would enable many medium sized retail outlets to relocate. Even some that were now below that threshold may well wish to expand. The loss of some businesses from central Timaru could cause the remaining businesses to become unviable and move out also.

Mr Small took issue with Mr Barnes' section 42A report when it referred to the Council's Retail Industrial and Residential Strategy (2008). The report did not quote the full text of a reference to large format retailing leading to an inaccurate conclusion. In fact the strategy referred to the need to ensure that the location of future large format retailing would not have adverse effects that would undermine the continued sustainable use of existing commercial centres.

Mr Small pointed to another important issue outlined in the strategy, that of the potential loss of economically viable occupancy of heritage buildings in the Central Business District should their tenants be attracted to relocate.

**Mr Robert Willis** for ECan considered that the proposal as notified was deficient in many ways. It was conceivable that more than 8ha of the site could be covered with impermeable surface. He was concerned that within the proposed rules a considerably larger area than that described in the section 42A report would be available for development particularly when some further development beyond that achievable as of right was contemplated by discretionary consent. Management of stormwater should be covered in the plan change in terms of the integrated management of the effects of the use, development or protection of land as expressed in section 31 of the Act. Stormwater management needed to be an integral consideration even though development further up the valley would be subject to separate contributions. Mr Willis acknowledged that there had been considerable work undertaken by the applicant since the lodging of the application. A major concern had been the lack of an Outline Development Plan. One had since been presented but this was very rudimentary and he considered that it did not meet the standards anticipated by the NZ Urban Design Protocol because it is simply indicative. For instance he said it contained no indication of where larger buildings are to be situated relative to roads, skylines or waterways. Bulk, scale and colour effects of buildings which could be up to 12m in height were ignored. Energy efficient approaches to building orientation form and design, effects on water quality and natural character were all matters that could be addressed with the Outline Development Plan.

**Mr Les Rawlings** spoke as a concerned ratepayer. He expressed concern at the potential effect development of the site would have on the Central Business District. He viewed the District Plan as representing in a specific way what the local community wanted as far as commercial development is concerned. He believed it was wrong for an outside private interest to impose a plan change of this nature on an unwilling community. He recounted the time when the Warehouse opened in Timaru which he said resulted in the closure of 30 shops and the loss of 80 jobs in the Central Business District. The Council

had put a very substantial investment into the revitalization of the central area and he was concerned that this effort would be wasted. Many buildings in the Central Business District required earthquake strengthening and he was concerned that this work could not be economically undertaken. Mr Rawlings considered that there was no shortage of sites for large format retailers in the existing commercial zones and he produced a map showing available sites some of which contained unoccupied buildings. Mr Rawlings was also concerned about the effects on Evans Street which is heavily trafficked. The existing traffic lights were not liked by trucking operators. More traffic lights, he said would exacerbate the problem.

**Mr Edward Sullivan** explained that the parties he represented were all landowners and their concerns were all based on what they perceive as being good for Timaru. They supported competition but were concerned that commercial development of the showgrounds site would adversely affect the retailing structure of the Town. He considered that there was already a problem with ribbon development to the north of the town and this was taking business away from then area between George and North Streets. He felt the development of the showgrounds would worsen that situation bearing in mind the static nature of the population of Timaru. He was not convinced that the minimum floor area rule would be effective because larger premises could contain various franchises. He was concerned that the development of the showgrounds site should not be conceived in an ad hoc way but as part of an overall planned strategy for the development of the town.

**Mr David Wood** has been involved in property development in Timaru and other parts of the country. He understood that the development would attract small to medium sized businesses out to the showgrounds site and considered that this would have a severely detrimental effect on the Stafford Street business community. He expressed similar concerns to those outlined by Mr Sullivan in relation to ad hoc planning.

**Mr Philip Richards** was concerned that development of the showgrounds site would take away from the vitality of the main shopping centre which he regarded as stretching from the HydroGrand (at the northern end of Stafford Street) to North Street. The area from

George to North Street had already been affected by allowing development outside the City Centre. His view was that it would be much more efficient in terms of infrastructural services around commercial activities in one place particularly because it would avoid congestion along main routes.

**Mr Tony Preen** a Stafford Street retailer was concerned that 500m<sup>2</sup> gross floor area was too small and it would allow the development to compete directly with the Central Business District. He considered that a minimum of 2,000m<sup>2</sup> was necessary.

**Mrs Prue Thirkettle** did not believe the proposed development would bring any benefit to Timaru. Timaru had already been split with the Highfield Shopping Centre taking some of the custom which would otherwise have relied upon the City Centre. She thought further commercial development outside the town centre would lead to the loss of a vibrant CBD.

**Mr Aaron Hudson** provided evidence on behalf of Kiwi Rail which sought to protect the integrity of its network. It had lodged a submission and the applicant had volunteered some specific amendments which Kiwi Rail was comfortable with.

**Mr Murray Purvis** was unable to attend but he submitted a statement reiterating his opposition to the project. With Timaru's static population, current and future fuel and transport trends he considered that it would be unwise to relocate commercial activities away from existing commercial zones.

**Mr Ian Bowan** was opposed to the project for traffic reasons, the effect of the proposal on other retail outlets, the responsibility of the Council to protect existing investments and the lack of need for additional retailing bearing in mind Timaru's static population. He saw no new information that would satisfy his concerns.

**Mr Peter Barnes** the author of the section 42A report responded to a number of the matters raised. He first commented that the examples of caselaw quoted by Ms Steven had been useful. There had been criticism of the Outline Development Plan which he had

not had the benefit of when he wrote his report. He felt that it contained a reasonable level of detail and compared favourably with other such plans.

Mr Barnes agreed with Mr Elvines' suggestions for an additional policy element to support proposed Rule 6.25.

Mr Barnes acknowledged that development of the showgrounds site would have an effect on the Central Business District. However, Mr Tansley had proposed some measures to keep that effect at a level which would meet the provisions of the Act and there had been no contrary expert evidence.

Mr Small had identified an error in the section 42A report where he had referred to the Retail Industrial and Residential Strategy. Mr Barnes acknowledged the error but pointed out that his conclusions were based on a wider array of information than was available in the Strategy.

## **THE APPLICANT'S REPLY**

Ms Steven reminded me that the Act strictly limits the consideration of the consequential effects of trade competition. Unless the effects threaten the viability of the Central Business District they cannot be taken into account. Most of the services that would be in direct competition with those proposed for the showgrounds site are outside the Central Business District already and it was not a legitimate strategy to protect the fringe areas or the industrial areas at Washdyke. It was intended that the Commercial 2A Zone would play a different role from that of the Central Business District and the proposed policies actually reinforced that role.

While the applicant was not opposed to Mr Elvines' proposed policy element, Ms Steven did question the singling out of a single impact with a higher order objective.

Mr Willis had acknowledged the extra work that had been put in by the applicant since notification but he wanted more detail such as building footprints on the Outline Development Plan. Ms Steven maintained that this could not be justified. There was significant further control in the rules complementing the Outline Development Plan. The site was not in an area of sensitive landscape and there was no need to control things such as colour.

As far as stormwater management was concerned, Ms Steven said Mr Brough had demonstrated that all the points raised by Mr Willis had been covered. While Mr Willis had been quick to point out areas where he thought there were omissions he had not been able to suggest specific improvements.

There had been some criticism of Mr Tansley's use of survey data from 2006 but he had gone back to check his survey and found that there was nothing to cause him to change his conclusions. Importantly, no expert evidence had been brought to the hearing to support a threshold greater than the 500m<sup>2</sup> gross floor area recommended by Mr Tansley. Ms Steven noticed that a number of businesses in the central area had expanded, an indication that they must be in good heart.

There had been some criticism of the Plan Change from the point of view of need. Submitters had taken the view that the town had no need for the new zone. Ms Steven was quick to point out that there was no requirement for the applicant to show a need. The direction taken by the Act was that the need to interfere with the market had to be shown. There had to be justification to regulate and this had not been shown.

## **DISCUSSION**

Most private plan change requests are the product of consultation with potentially affected parties but many concerns do not emerge until public notification acts as a catalyst. So it has been in this case and as a result of matters raised in submission the applicant has refined its approach. An Outline Development Plan has been produced with associated policy elements and rules. To a large extent this has meant that traffic and

flood management issues have now been addressed or will be addressed through subsequent resource consent processes.

Firstly, a considerable amount of work has occurred in the area of flood management. The site has an existing problem with flooding largely occasioned by the size of the culvert for the Taitarakihi Creek under the South Island Main Trunk Railway. This has necessitated the development of an on site stormwater management and treatment system which will cope not only with the existing flooding but also any runoff caused by the proposed development. The stormwater management system will be considered further during the preparation of the resource consents required from ECan and a detailed analysis will be presented in the Assessment of Environmental Effects at that time. In the meantime, Mr Brough has shown to my satisfaction that such a management system is a practicable proposition for the site. Flood management therefore is not an issue that should lead to a refusal of the plan change. It is, however, appropriate that I comment upon the apparent expectation (expressed by Mr Hall) that because the system will need to cope with flooding from off site, the District Council will contribute to the facility. This would be entirely up to the District Council and I observe that the existing situation is of a historical nature and this upper catchment contains little development. When or if it does, any new development will have to manage its stormwater.

It has been important to resolve access and traffic issues to the satisfaction of the NZTA. A solution has been found which accords with the Agency's longer term plans for the State Highway which (independently of Plan Change 3) includes light controls at the Bridge and Grants Road intersections. The conversion of the latter intersection into a cross roads is satisfactory in traffic terms. Although the installation of light controls at Grants Road would no doubt have to occur earlier than otherwise planned, it is clear that this fits with the long term plans. I observe that although light controls will cause some delay to through traffic, the ability of side road traffic to access the State Highway will be significantly enhanced. Accordingly, I do not believe there is any unresolvable access or traffic issue that should lead to a refusal of the plan change.

The most significant issue in the minds of submitters is that related to retail distribution. The imperative in the Act to disregard trade competition is designed to set a high threshold in this area. Over the last decade or so, systems have emerged which purport to differentiate between the effects of direct trade competition upon competing businesses and the (indirect) effects of an economic and social nature which might occur when a new development through greater efficiency or some other advantage undermines the viability of existing centres. Such a differentiation has been difficult to substantiate and this is evidenced by the recent change to the Act (which does not affect this application). The techniques that have emerged are of the type advocated by Mr Tansley who was largely responsible for the controls included in the Christchurch City Plan related to bulk retail activities. Generally, such activities are not of the type which can be comfortably accommodated in traditional shopping centres or Central Business Districts.

In this case, the applicant does not have to show that there is a need for the proposed Commercial 2A zone. This may seem counter intuitive to the layperson but it is so because the Act is concerned with effects. Consequently I have not (nor am I permitted to) consider the need (or lack of) for the proposal. In terms of effects, it is perfectly clear that there will be some effect on the Town Centre but I have to consider whether such effects seriously threaten the viability of the centre, with ongoing consequential effects for the community served by that Centre. As Ms Steven has indicated, it is my task to consider the plan change in terms of the two stage process outlined in the Bilomag Holdings case.

I am assisted in this consideration by one expert witness alone (Mr Tansley) and it is in the knowledge that his report has been peer reviewed independently. That peer review did not raise any contest with Mr Tansley's report. Nonetheless, I have approached the task with a level of caution because of the perception I am sure we must all have about such things. I have no hesitation in determining that there will be a level of effect on the town centre beyond those effects strictly between competing retailers. That could really be eliminated only by setting a much higher minimum floor space threshold of say 2,000m<sup>3</sup>. The 500m<sup>2</sup> threshold will involve something of a cross over with similar sized elements of the town centre. The question is whether Mr Tansley's floor space threshold

and staging (which would allow something of a balance of bulk retail activities) will avoid the sort of effect that would seriously threaten the viability of the town centre, specifically the Commercial 1A Zone.

Mr Tansley is well known in his field and he has a reputation for caution when new developments might threaten the viability of established centres. It is through his involvement, for instance, that Christchurch City (as a means of protecting existing centres) has a 450m<sup>2</sup> threshold in its bulk retail areas.

Mr Rawlings provided me with a map of Timaru showing sites potentially available for large format retail development. A number of these are situated well away from the Central Business District, in some cases significantly further away than the Showgrounds site. Commercial development of some of these sites, therefore, would similarly disadvantage the Central Business District. In the context of these locations, the Showgrounds land is simply another available site and it has the advantage over them of being able to be comprehensively developed for a number of bulk retail outlets on flat sites in a collegial way. Because it would be infill development, it would not be contributing to the ribbon development along the main road corridor and in fact it would take the pressure off the northern industrial areas which are increasingly being used for bulk retail activities.

I have concluded therefore that the Showgrounds site is suitable for large format retail development of the order of store sizes of above 2,000m<sup>2</sup> gross floor area. If such a threshold were to be adopted, the town centre would have very significant protection from the effects of trade competition. The trouble with such an approach is that level of protection would be greater than that contemplated by the Act even as it was prior to being amended. In addition, it would not lead to a balanced development of the proposed Commercial 2A Zone. Submitters have suggested thresholds of 750m<sup>2</sup> and 1,000m<sup>2</sup> and while it is clear that these would provide greater protection to the Central Business district than the 500m<sup>2</sup> proposed by Mr Tansley, as points on a threshold continuum leading to non-complying status they have not been justified by expert evidence. The same can be

said of Mr Tansley's time-adjusted staging and in that case no one has suggested a specific alternative other than abandoning the project.

Having said that, there is always something to be said for local experience and the intuition that stems from that. This is something I have felt compelled to give some significant thought to because I am aware of the concern felt by some members of the community whose immediate thoughts revolve around the vulnerability of the Stafford Street Shopping Centre. They cannot see the need for a further centre. Here the legislation, centered on environmental effects is not helpful. Need for development does not have to be shown but the need for interfering in the market does. The applicant, through Mr Tansley agrees that there is such a need because he is prepared to support the plan change only if a 500m<sup>2</sup> threshold and a staging regime are imposed. Mr Tansley, the only expert witness dealing with the matter says that with that threshold the central shopping precinct will be adequately protected. He has been criticised for saying so by those who think he is wrong but who have no particular data to support their argument.

In such circumstances, it would be usual to simply prefer Mr Tansley and go with this system without further ado, approving the plan change as it stands. However, before doing so I have given some thought as to what could be done if some people's worst fears were realised and development on this site did start to "kill off Stafford Street". A number of techniques come to mind some of which could be used now and others when monitoring shows that businesses are moving from Stafford Street to the Commercial 2A Zone or are closing in the face of competition from new development to such an extent that the viability of the town centre would be seriously affected.

The most simple and obvious techniques would be to increase the floor space threshold to 750m<sup>2</sup> or 1,000m<sup>2</sup> and/or to put further delays into the staging process. There are variations, for instance one could require premises below the higher thresholds (of say 750m<sup>2</sup> or 1,000m<sup>2</sup>) but above 500m<sup>2</sup> to be considered by way of limited discretion. In such cases the Council could be limited to considering the distributional effects on the town centre. Second and third stages in addition to timing could similarly be subject to limited discretionary consents on the same basis.

Another technique could be to build into the plan change a policy element requiring the Council to monitor the development of the land and its effect on the Central Business district. If monitoring found that the development of the site was having a serious adverse effect upon the vitality of the town centre, a Council initiated plan change could be undertaken to raise a floor space threshold or to delay a stage of development.

The latter course is beyond the scope of Plan Change 3 but the introduction of a higher floor space threshold has been sought by some submitters. The 500m<sup>2</sup> threshold proposed by Mr Tansley has a sound basis in terms of the town centre study he has made. A higher threshold is not able to be so soundly based but it can serve as a useful trigger point for a lower order of consent which would enable the District Council to consider potential effects on the viability of the Central Business District in particular the Commercial 1A Zone. Currently the 500m<sup>2</sup> serves as a threshold to non-complying status. Activities with a floor space below 1,000m<sup>2</sup> gross floor area but above 500m<sup>2</sup> could have the status of a discretionary activity with the Council's discretion limited to consideration of the potential for distributional effects.

## **STATUTORY MATTERS**

Mr Barnes, in his report, took me through the relevant provisions of the RMA varying from sections 5-8, section s74 and 75. In addition to these, the Act provides a test in section 32. An evaluation must examine whether or not, having regard to their effectiveness, these methods are the most appropriate for achieving the objectives which with their supporting policies must be implemented through further methods.

Section 32 is subject to Part 2 of the Act and I am mindful of the purpose of the Act as expressed in section 5. Its purpose is to promote sustainable management of natural and physical resources. This means that resources must be managed in a way or at a rate which enables people and communities (on their own initiatives) to provide for their

wellbeing (etc) but at the same time (among other things) as taking care of the environment for future generations.

Section 32 has not been raised in any direct sense by submitters but the issues concerning many of them are central to section 32 and Part 2 of the Act. Among other things, the Plan Change seeks to differentiate the proposed Commercial 2A Zone from the Commercial 1A Zone. The new zone is intended to complement the function (among other things) of the 1A Zone. In particular, proposed new policy 3.4.2.6 (in its pursuit of Objective 3.4.1) is directed at this issue. It is not intended that the scale of development in the new zone should undermine or displace the wider social and economic function of the central commercial area. The main concern of submitters is that the methods proposed (the 500m<sup>2</sup> threshold and the staging) is not sufficient to achieve this policy. I agree that there is a level of uncertainty and that is why I think a further floor area threshold should be introduced to give the Council a continuing role in ensuring that policy 3.4.2.6 is met. With that in place the comprehensive development of the Showgrounds site will be enabled at the same time as protecting the existing resource. This is no more or less than the expressed wish of the applicant and it goes some way toward meeting the fears expressed by some submitters.

## **CONCLUSION**

In the light of these considerations I am minded that consent should be granted to the plan change largely in the form in which it has evolved to at the hearing but with one significant and one more minor alteration. Firstly, the insertion of a new category of limited discretionary status for retail activities with a floor space of between 500m<sup>2</sup> gfa and 1,000m<sup>2</sup> gfa is the more significant of the two. Secondly, although Ms Steven believes Mr Elvines proposed new policy is excessive, I think it adds a level of robustness and I agree that it should be included.

## **DECISION**

Plan Change No. 3 is therefore **approved** in the form shown in Appendix 1. Individual decisions relating to submitters are outlined in Appendix 2.



**M.J.G Garland  
Commissioner**

**Date: 14 December, 2010**



AMENDMENTS:		
AMENDMENT	DATE	DESCRIPTION

NOTES:

- 1) This plan has been prepared for topographic purposes only. No liability is accepted if the plan is used for any other purposes.
- 2) Any measurements taken from information which is not dimensioned on the electronic copy are at the risk of the recipient.

Origin of Levels  
 Site Bench Mark BM UD72 R.L.3.718  
 Levels in terms of BM UD72 R.L.3.718

- Indicative Building & Carpark Areas
- Indicative Open Space / Landscaping
- Grassed Stormwater Utility Area
- Indicative Extent of Stormwater Flooding (50yr Event)
- Indicative Footpath
- Indicative Vehicle, Pedestrian & Cycleway Linkage

Note: for the avoidance of doubt, the position of the information shown on the Outline Development Plans is indicative only. This is to provide a degree of flexibility in terms of building scale, form and layout and street/lane widths, over the extended time period in which it is envisaged that the site will be developed. Rule 6.1.1 (2) (1) of the District Plan requires that a site plan shall be provided as part of a resource consent application for individual buildings (or groups of buildings). Such a plan will provide context within which the application will be determined.



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JOB TITLE:  
**Calder Stewart Industries  
 A&P Showgrounds - Timaru**

SHEET TITLE:  
**Outline Development Plan  
 Overall**

DRAWING STATUS:  
**INFORMATION**

SCALE: 1:1000@A1 1:2000@A3	DATE: August 2010	REVISION:
CAD FILE: J:\17167\17167_ODP_R3.dwg	DRAWING No: <b>S.17167</b>	SHEET No: 1 of 1
	<b>S01</b>	<b>R3</b>

- A. *Add a new section entitled “Community Enablement and Physical Resources: to Part Bg : Resource Management Issues and subsequently amend the numbering.*

## **COMMUNITY ENABLEMENT AND PHYSICAL RESOURCES**

### **ISSUE**

Timaru must cater for expanding regional demands and changing communal needs while avoiding adverse environmental effects.

#### Explanation

The physical, economic and strategic characteristics of the District are such that the District will continue to enjoy mature population and tourist growth. Changing demographics and lifestyle expectations in a climate of growth need to be recognized and provided for. Additionally, urban Timaru is the regional centre for areas of beyond the District and capable of better enabling those communities to meet needs that cannot be supported by local economies. However, in catering for growth and change, a balance must be struck between enablement through new or amended measures and the broader concept of sustainable management. All the physical resources of the District need to be managed to cater for expanding regional demand and community needs, whilst avoiding, remedying or mitigating adverse effects on the environment.

### **OBJECTIVE**

- (1) To accommodate growth while protecting and enhancing the quality of the environment.

#### Principal Reason

Future urban growth within urban Timaru and the existing rural townships and settlements needs to be provided for by ensuring that sufficient appropriately zoned land is available on which sustainable growth can occur.

### **POLICIES**

- (1) To ensure that sufficient and appropriately zoned land is available to accommodate business and residential growth.

#### Explanation and Principal Reason

To meet the needs of residents and business, urban growth within Timaru City and existing rural settlements needs to be planned for and accommodated by ensuring that sufficient land with appropriate zoning is made available.

- (2) To provide for a range of business activities and lifestyle choices, for example rural living sites, large lot residential, conventional residential development, and high density residential development in Timaru's inner city area.
- (3)
  - (i) To have regard to the efficient use of existing physical resources all areas of the District
  - (ii) To avoid, remedy or mitigate adverse environmental effects on existing physical resources in all areas of the District.

Explanation and Principal Reasons for Policies 2 and 3

These policies represent the need for a balanced approach, as between catering for change and sustainably managing established physical resources. Policy (2) is given effect by a range of options by way of zoning to meet changing demographic, lifestyle and business needs. Policy 3 is given effect by rules or other methods, to preclude or mitigate adverse effects and/or to encourage viable redevelopment.

Physical resources in the District include land (both brown and greenfields sites) existing buildings and services such as roads, parking areas, community facilities and Council provided infrastructure\*. While the Council wishes to encourage new development in the District, it will have regard to the efficient use of these resources and to avoid, remedy or mitigate adverse effects on those existing resources in all areas of the District.

\*[Cross –refer to Services and Infrastructure Chapter]

**METHODS**

- (1) Applying appropriately differentiated Rural, Residential, Commercial, Industrial and Recreation Zones to all land in the District, together with General and Specific Rules.

Principal Reason

Zoning is the primary method employed for sustainably managing Timaru's natural and physical resources. Zoning provides certainty about the level and nature of effect that may be experienced in a particular area. For example Residential Zones are not applied where the intensity of development detracts from existing natural character, or areas of high landscape quality.

- (2) Provide for the accommodation of most commercial business activities by identifying a range of commercial zones for the District, including established and new

commercial centres of Timaru, Temuka, Geraldine and Pleasant Point, suburban shopping areas (Ashbury, Highfield, Le Cren Street) and neighbouring shopping areas (see rules for Commercial 1,2, 2A and 3 Zone).

Principal Reason

Future commercial development should where possible be focused on established commercial areas to make the best use of existing resources.

**B. Re - name Part B Resource Management Issues: “Services and other Physical Resources” to “Services and Infrastructure”:**

**C. Add the following to the explanation of the Services and Infrastructure issue to read:**

Explanation

*Intensive development in areas which are not fully serviced, e.g. rural areas can lead to adverse effects on services. These services are important physical resources in both urban and rural areas. Physical resources include all structures.*

*The provision of adequate utilities or on-site systems such as those for sewage collection treatment and disposal, and stormwater collection and disposal systems is a necessary prerequisite to subdivision, use or development of land, if adverse effects are to be avoided. Similarly reticulated electricity supply and telecommunication systems also reduce or avoid adverse effects on the environment.*

*The Council operates a number of water supply schemes to provide a potable supply of water for human consumption, stock consumption, industrial and commercial activities and fire fighting where appropriate. Connection is only possible if the property is located within an area serviced by a scheme. Water is available from that scheme and connection will be subject to an application being submitted and approval being granted by the Water Supply Authority.*

*While individual development seldom requires major extensions of services, the cumulative effect of, for example, closely concentrated rural dwellings, leads to a subsequent demand for public sewage disposal, upgraded water supply and roading which cannot be efficiently supplied. There is considerable public investment in the servicing facilities provided in the District. These facilities should be managed and planned for in an efficient manner.*

Although developers may undertake service provision within the land to be subdivided or developed, many reticulated services are network operations and the on site works feed or link into a wider system. This often uses up capacity in the wider system, or results in the need to modify, upgrade or duplicate it. It can also increase maintenance and operating costs. For this reason it is appropriate that, if the network needs to be upgraded as a result of a development, the developer contributes toward this cost.

Most developments also require the provision of electricity and telecommunications. These facilities also need to be managed and planned for in an efficient manner.

**D. Delete Policies 1 and 5 to Objective 1 of the new “Services and Infrastructure” Chapter, together with their Explanations and Principal Reasons and consequentially amend the numbering of the remaining Policies:**

~~(1) To provide for a range of lifestyle choices, e.g. rural living sites, large lot residential, as well as conventional residential development, and high density residential development in Timaru’s inner city area.~~

~~Explanation and Principal Reason~~

~~A range of options is available to the community as long as adverse effects on environmental quality and efficient servicing are not compromised.~~

~~(5) (i) To have regard to the efficient use of existing physical resources in all areas of the District.  
(ii) To avoid, remedy or mitigate adverse environmental effects on existing physical resources in all areas of the District.~~

~~Explanation and Principal Reason~~

~~Physical resources in the District include existing buildings and services such as roads, parking areas, community facilities and Council provided infrastructure. While the Council wishes to encourage new development in the District, it will have regard to the efficient use of these resources and to avoid, remedy or mitigate adverse effects on those existing resources in all areas of the District.~~

**E. Delete method 1 and its principal reason and insert the following two methods and principal reasons. Consequentially amend the numbering of the other methods::**

- ~~(1) Using zoning and subdivision controls to limit intensity of development and require servicing appropriate to the intention of the zoning (see General Rule 6.3).~~

*Principal Reason*

~~Avoids development that does not meet the minimum environmental standards imposed and limits the provision of public infrastructure.~~

- (1) Using zoning and subdivision controls to provide for growth in appropriate locations and at a scale and intensity to ensure that development occurs in a sustainable manner.

Principal reason

Enables growth to occur in a manner that will not have adverse environmental effects on the resources of the District.

- (2) Require servicing appropriate to the intention and development potential of the zoning.

Principal reason

To ensure that human activity, and particularly urban development, occurs without significant adverse effects upon the environment and existing public infrastructure, through the provision of utilities and/or on-site services or upgrading public infrastructure where necessary.

and/or on-site services or upgrading public infrastructure where necessary.

**F. Delete method 6 and its principal reason.**

- ~~(6) Identifying a range of commercial zones for the District, including the existing commercial centres of Timaru, Temuka, Geraldine and Pleasant Point, suburban shopping areas (Ashbury, Highfield, Le Cren Street) and neighbouring shopping areas (see rules for Commercial 1 Zone).~~

~~Principal Reason~~

~~Future development should be focused on existing commercial areas to make the best use of existing physical resources, however developers are given a degree of flexibility as to where they might locate provided they meet the performance standards of the locality.~~

**G. Insert a new objective at PART D3: COMMERCIAL ZONES 3.1.1 and consequentially amend the numbering:**

3.1.1.3 To maintain or enhance the amenity values within and adjacent to the Taitarakihi Creek in the Commercial 2A Large Format Store (Retail Park) Zone.

Principal Reason

Through site development the opportunity exists to enhance the amenity values within and the Taitarakihi Creek.

**H. Amend Policy 3.1.2.1 and the Explanation and Principal Reason to read as follows:**

3.1.2.1 To use the following zones to separate commercial activities from residential areas and other sensitive activities ~~having regard to the location of existing commercial areas.~~

*Explanation and Principal Reason*

*The following zones recognise the existing physical resources within commercial areas and the need to provide for a range of commercial activities whilst protecting the quality of the residential environment. They provide a degree of certainty about the character of activities in specified areas of the District and the environmental effects these activities may produce. Enables planning for the provision of an efficient servicing infrastructure and avoids duplication.*

*Those activities which Council has identified as likely to give rise to some adverse effects are made the subject of rules. Where rules can be specified with precision they are included as performance standards. Where the effects are likely to vary according to the location and scale of the activity on land use, consent for a controlled or discretionary activity is generally required. Those activities which are non-complying are either of a type which are individually or cumulatively with other proposals of the same or similar nature, anticipated to have inappropriate adverse effects within the zone.*

**I. Amend Explanation and Principal Reason for the Commercial 1 (Inner Urban) Zone as follows:**

(1) Commercial 1 (Inner Urban)

Explanation and Principal Reason

*The Inner Urban Zone shall include the commercial centres of Geraldine, Pleasant Point, Temuka and Timaru. This zone is characterised by the presence of historic buildings and other features of cultural or historical importance in Temuka and Timaru.*

*In Timaru the zone is in three parts:*

- *Commercial 1A which includes those parts of the main retail area of the inner City with the highest heritage and townscape values which should be retained to provide an attractive pedestrian-orientated environment for ~~comparison retailing~~; a wide range of commercial and social activities including apparel, personal goods and other specialty shopping facilities, personal, professional, financial and business services, tourist and permanent accommodation and recreational and community facilities;*
- *Commercial 1B includes the balance of the historical central business area adjoining the Commercial 1A Zone of the inner City where an equivalent wide range of commercial activities should be encouraged with a moderate standard of amenity and less emphasis on high quality pedestrian integration;*
- *Commercial 1C includes areas on the outer edge of the Inner City where provision ~~should be~~ is made for a mix of large-scale convenience retailing activities which cannot be ~~easily~~ accommodated more centrally within the Inner City, and industrial activities without significant adverse effects on adjoining activities.*

*(~~Comparison retailing requires small stores, depends on high pedestrian flows in the locality and good pedestrian access, whereas convenience retailing requires large stores, depends on high vehicle flows and good vehicle access~~).*

*The social function and viability of the Commercial 1A and 1B Zones is dependent upon their continued population by a wide range of commercial activities, including a diversity of retail outlets unmatched in the alternative zones or sub-zones.*

**J. Insert a new Commercial 2A Large Format Store (Retail Park) Zone explanation and principal reason at Policy 3.1.2.1 and consequentially amend the numbering:**

(3) Commercial 2A Large Format Store (Retail Park)

Explanation and Principal Reason

The commercial 2A Large Format Store (Retail Park) Zone applies to the site commonly referred to as the A & P Showgrounds site (Pt Lot 25 DP578 and Pt Lot 1 DP3955). The Zone provides for a large format store (retail park) development which is designed to expand Timaru's established retail centre offering. It reinforces the sub-regional role of Timaru as a destination for shoppers in the Timaru area and surrounding districts. The zone is similar in intent to the Commercial 1C zone but also introduces further development controls and performance standards intended to complement the function of business activities in the existing Timaru centres and also to enhance the local character, design and amenity achieved from new development.

There is insufficient suitably zoned land in the Commercial 1 and 2 Zones to accommodate large format stores. Also, the character and topography of the Commercial 1 zoned areas and their immediate environs are unsuited to large format redevelopment, having regard to the town centre's built character and form and its more finely grained potentials.

The zone standards ensure that the physical resources of the Commercial 1 Zone retain their role as the dominant commercial centre in Timaru.

**K. Insert new policy at 3.1.2 as follows:**

3.1.2.6 To control landscaping and building location in the Commercial 2A Large Format Store (Retail Park) Zone in order to maintain or enhance the amenity values adjacent to the Taitarakihi Creek.

Explanation and Principal Reason

Appropriate landscaping and building location will maintain and in some places enhance the amenity values adjacent to the Taitarakihi Creek.

**L. Insert a new policy at 3.1.2.7 as follows:**

- 3.1.2.7 The development of land in the Commercial 2A Large Format Store (Retail Park) Zone shall incorporate management practices that minimise the actual and potential adverse effects on surface or ground water quality.

*Explanation and Principal Reason*

*Land development practices in the Commercial 2A Large Format Store (Retail Park) Zone must recognise the close proximity of the Taitarakihī Creek and its vulnerability to sedimentation and contamination by inadequately treated stormwater runoff*

**M. Amend Method 3.1.3.4 as follows:**

Specify landscaping requirements to be provided for in association with open spaces or parking spaces for new allotments or development proposals (see performance standards for the Commercial 2A Large Format Store (Retail Park) Zone, Industrial L Zone and General Rule 6.19).

**N. Insert new policies at 3.4.2.4 and 3.4.2.5 as follows:**

- 3.4.2.4(a) To ensure vehicle access to and from the Commercial 2A Large Format Store (Retail Park) Zone avoids, remedies and mitigates the adverse effects on the safe, efficient and integrated functioning and operation of SH 1 by limiting access through compliance with an Outline Development Plan.

- 3.4.2.4(b) To avoid land use activities located in the Commercial 2A Large Format Store (Retail Park) Zone at Showgrounds Hill being open for business and available to the public prior to the construction and operation of a signalized intersection at Grants Road and State Highway 1.

*Explanation and Principal Reason*

*Land use activities gaining access from the State Highway or from a secondary road connecting to the State Highway have the potential to impact on its safe and efficient operation. It is undesirable to have a large number of access points accessing the State Highway. The position of access points to the State Highway and to secondary roads connecting to the State Highway can also affect the safety and functioning of the State Highway system.*

*Primary access to the Commercial 2A Large Format Store (Retail Park) Zone at Showgrounds Hill requires a fully constructed and operational signalized*

intersection with Grants Road and State Highway 1, and the bridging of Taitarakihi Stream prior to land use activities being open to the public. It is anticipated that building works associated with the construction of the signalized intersection with grants Road and State Highway 1 and the construction of building, infrastructure and hard stand areas within the Showgrounds Hill site will generally occur at the same time. Consequently, this policy enables the development of the site for its intended zone purpose whilst avoiding potential adverse effects on the safe and efficient functioning of this part of State Highway 1 result from significant increases in traffic generation associated with land use change.

Note: All accesses/intersections to be formed with State Highway 1 shall be designed and constructed in consultation with New Zealand Transport Agency. The cost of construction of accesses/intersections shall be at the expense of the developer.

- 3.4.2.5 That development(s) in the Commercial 2A zone comply with the Outline Development Plan to ensure and manage public transport, walking and cycling connections.

Explanation and Principal Reason

Securing public transport, walking and cycling connections as identified on the Outline Development Plan is important as it will assist with promoting active transport (walking and cycling) and a modal shift toward public transport rather than the use of private motor vehicles.

- O.** *Insert a new policy at 3.4.2.6 as follows:*

- 3.4.2.6 The scale of development in the Commercial 2A Large Format Store (Retail Park) Zone shall not undermine or displace the wider social and economic function of the established Timaru Commercial 1A and 1B Zones.

Explanation and Principal Reason

The Commercial 2A Large Format Store (Retail Park) Zone comprises large format retailing which is designed to complement Timaru's retail offering. The scale of the development shall therefore be managed to ensure that adverse economic and social impacts on the existing central business district are avoided, remedied or mitigated.

- P.** *Amend Method 3.4.3.2 as follows:*

- 3.4.3.2 Where appropriate, use zoning and performance standards to centre commercial activities in and around ~~existing~~ established commercial areas. (see Rules for the Commercial Zones).

*Principal Reason*

*Maximises the use of existing physical resources in the form of buildings and the capacity of services including the roading network, water supplies and waste water services.*

**Q.** *Insert the following rules for the Commercial 2A Large Format Store (Retail Park) Zone in section 3.5 - Rules for Commercial Zones and consequentially amend the numbering:*

**3.5.7 COMMERCIAL 2A ZONE**

**1 PERMITTED ACTIVITIES**

The following are permitted activities subject to their complying with Development Thresholds and Performance Standards for this zone and the General Rules:

1.1 Community Facilities

1.2 Individual retail activities with a gross floor area of no less than 500m<sup>2</sup>.

1.3 Multiple retail activities.

1.4 Offices and personal services.

1.5 Places of assembly

1.6 Public toilets.

1.7 Restaurants.

1.8 Trade suppliers.

**2. DEVELOPMENT THRESHOLDS FOR PERMITTED ACTIVITIES**

Permitted development in the Commercial 2A Zone is subject to the following thresholds for activities specified below:

**2.1 Development Thresholds**

2.1.1 Subject to further provisions below, the maximum threshold for the Permitted Activities described in 3.5.7.1.2, 1.3, 1.4, 1.7 and 1.8 is 34,000m<sup>2</sup> of gross floor area.

2.1.2 The combined gross floor area for Places of Assembly shall not exceed 6,000m<sup>2</sup>.

**2.2. General Merchandise Outlets other than Department Stores**

Development open to the public prior to 1 July 2015 shall not in aggregate exceed 10,000 m<sup>2</sup> of gross floor area.

Development open to the public prior to 1 January 2018 shall not in aggregate exceed 15,000 m<sup>2</sup> of gross floor area.

Development open to the public prior to 1 July 2020 shall not in aggregate exceed 19,000 m<sup>2</sup> of gross floor area.

General Merchandise Outlets inclusive of Department Stores

Development open to the public prior to 1 July 2015 shall not in aggregate exceed 16,000 m<sup>2</sup> of gross floor area.

Development open to the public prior to 1 January 2018 shall not in aggregate exceed 20,000 m<sup>2</sup> of gross floor area.

Development open to the public prior to 1 July 2020 shall not in aggregate exceed 23,000 m<sup>2</sup> of gross floor area.

**2.3. Supermarkets**

2.3.1 Only one supermarket shall be permitted.

**2.4. Offices and Personal Services**

2.4.1 Subject to Threshold Rules 2.5 and 2.2 and 2.5.3 below, gross floor area devoted to offices (excluding offices ancillary to permitted activities) and personal services shall not exceed 2% of the aggregate developed gross floor area of Individual Retail Activities, Multiple Retail Activities and Trade Suppliers.

Note: for the purpose of this rule Automatic Teller Machines (ATM's) are considered a personal service.

**2.5. Restaurants**

2.5.1 Subject to Threshold Rules 2.5.2 and 2.5.3 below, gross floor area devoted to these activities shall not exceed 4% of the aggregate developed gross floor area of Individual Retail Activities, Multiple Retail Activities and Trade Suppliers.

2.5.2 Notwithstanding Threshold Rules 2.4 and 2.5, the total gross floor area devoted to Offices, Personal Services and Restaurants shall not exceed 5% of the aggregate developed gross floor area of Individual Retail Activities, Multiple Retail Activities and Trade Suppliers.

2.5.3 Any space devoted to Offices (excluding offices ancillary to a permitted activity), Personal Services and Restaurants within Multiple Retail Outlets will count toward the thresholds in Rules 2.3 and 2.5.

### 2.6 Areas Excluded from Development Thresholds

2.6.1 Any yard space or common area not covered by the definition of gross floor area, but used for storage and display of product or for restaurant seating, will not count toward the development thresholds in Rules 1, 2 and 4-7 above.

## 3. CONTROLLED ACTIVITIES

The following are controlled activities in this Zone:

3.1 Buildings for the permitted activities listed above. Control is reserved over:

- a). Building design
- b). Fencing and walls
- c). Storage and plant
- d). Security and safety
- e). Public transport
- f). Signage

When assessing a controlled activity application for buildings the Council shall have regard to the assessment criteria attached at Appendix 1 and the Outline Development Plan attached at Appendix 2. For the avoidance of doubt, the signage criteria relate to public signage (wayfinding signage) (NZTA). Wayfinding signage and retail signage is subject to the existing District Plan signage provisions in Part D General Rules.

3.2 For a resource consent application for building/s to be assessed as a controlled activity, a site plan must be submitted with a resource consent application for individual buildings or groups of buildings. The plan must show how the proposed building/s relates to existing buildings and the various components of the Outline Development Plan. The plan will provide the context within which the application will be determined.

3.3 Those activities provide for in the General Rules as controlled activities.

#### **4. DISCRETIONARY ACTIVITIES**

The following are discretionary activities in this zone subject to complying with the General Rules:

4.1 Permitted activities which would exceed Development Thresholds 2.1 or 2.2 by no more than 6%.

4.2 Service Station(s).

4.3 Accessory buildings to any discretionary activity

4.4 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the Outline Development Plan and performance standards for this zone, excluding performance standards 6.25 and 6.26 in regard to vehicle access (NZTA).

4.5 A resource consent application for a building/s which does not include a site plan in accordance with Rule 3.2.

4.6 Those activities provided for in the General Rules as discretionary activities

Note: Discretionary activities will be assessed against the Performance Standards for this Commercial 2A Large Format Store (Retail Park) Zone (refer list of performance standards below).

4.7 Individual retail activities with a floor area of less than 1,000m<sup>2</sup> gfa are a discretionary activity with the Council's discretion limited to consideration of any distributional effects on the Commercial 1A Zone.

#### **5.0 NON COMPLYING ACTIVITIES**

5.1 Shops with a floor area of less than 500m<sup>2</sup> are a non complying activity.

5.2 Non-compliance with performance standards 6.25, 6.26 and 6.27 (NZTA).

5.3 All other activities in this zone are non-complying unless they are provided for by a General Rule.

#### **6.0 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THE COMMERCIAL 2A LARGE FORMAT STORE (RETAIL PARK) ZONE:**

- **Glare**

6.1 All exterior lighting shall be directed away from residentially zoned land and from the carriageway of any roads and from the retail corridor.

6.2 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane, at the boundaries of any site in a Residential Zone, between the hours 10.00pm and 7.00am, and 20 lux at all other times.

- **Landscaped Areas**

6.3 In addition to the general landscaping rules at 6.19 of this plan the following additional landscaping rules shall apply:

(i) The minimum area of the site to be set aside for landscaping shall be 10%.

(2) Landscaping shall occur in accordance with the Outline Development Plan. Landscaping shall have a minimum depth of 5 metres.

(3) The boundary adjacent to Lot 1 DP 60120 shall be landscaped to a depth of 4 metres.

Note: For the avoidance of doubt landscaped areas can include swales, rain gardens and other facilities to manage stormwater.

6.4 In accordance with general rule 6.19.2 (5) a landscape plan shall be submitted to the Council prior to any development of the site. The landscape plan shall identify appropriate plant species and recognise the importance of the adjacent Taitarakihi Creek.

- **Natural Hazards**

6.5 In addition to the general Natural Hazards rules at 6.16 of this plan the following rules shall apply:

6.6 Any development within the Commercial 2A Large Format Store (Retail Park) Zone shall ensure that the pre-development flood storage is maintained for flooding associated with all storms up to those with a return period of 50 years (5% AEP).

6.7 Where landscaping areas are not used for first flush stormwater treatment systems these may be used to provide detention or flood storage.

- **Noise**

6.8 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in this Plan:

50 dBA L<sub>10</sub> at the nearest Residential 1 Zone boundary and Lot 1 DP 60120 (The Trust) between 7.00am and 10.00pm on any day and 40 dBA L<sub>10</sub> and 70 dBA L<sub>max</sub> at all other times; and

55 dBA L<sub>10</sub> at the nearest Residential 2 Zone boundary between 7.00am and 10.00pm on any day, and 45 dBA L<sub>10</sub> and 75 dBA L<sub>max</sub> at all other times.

6.9 See General Rule 6.21 for measurement and assessment of noise and standards of construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Parking**

6.10 Carparking for retail activities in the Commercial 2A Large Format Store (Retail Park) Zone shall be provided at a rate of 2.3 spaces per 100m<sup>2</sup>. All other activities shall provide carparking at the rates specified in Rule 6.8.3 of the District Plan.

6.11 Carparking layout for the Commercial 2A Large Format Store (Retail Park) Zone shall be designed in accordance with the specifications detailed in NZS2890.1:2004

- **Stormwater**

6.12 All material used in the construction of roofs shall be a material that minimises the release of heavy metal contaminants to stormwater.

6.13 The runoff from the first 15 mm of rainfall in any storm event (regardless of duration) from any hard stand surfaces shall be treated before discharging to the Taitarakihi Creek. The treatment shall be by infiltration systems. These treatment systems may include, but are not limited to:

- Infiltration basins
- Rain gardens
- Permeable pavement
- Constructed wetlands
- Catchpit Filter inserts

6.14 Sumps (catchpits) in carpark areas shall be designed with submerged outlets so that there is a containment volume of 60 litres above the submerged outlet.

6.15 The site shall not discharge stormwater into Taitarakihi Creek at a rate that exceeds the calculated discharge for the site in its former state up to a 50-year return period storm.

6.16 Carparks and roadways may be used to provide detention storage for storm events of greater than 10 year return period (10% AEP) storms.

6.17 The design of the stormwater systems shall also make provision for dealing with runoff from storms of a return period greater than the 2% AEP event. This can include provision for overland flow routes to the water ponding in the Taitarakihi Creek flood plain.

6.18 No stormwater collected from buildings, sites and roads within the zone shall be disposed in the sewerage system.

6.19 Before construction commences on the site the landowner shall provide details, to the Council, of the treatment and containment systems, and detention and flood storage provided on the site to show compliance with performance standards 6.7 – 6.10 and 6.15 – 6.21 above. Note that in the event the development proceeds in stages, each stage will need to show compliance with the above performance standards on a pro-rata basis of the impervious area created.

- **Sunlight and Outlook**

6.20 The maximum building façade height is 10 metres. The maximum building height is 12 metres.

6.21 A building setback of a minimum depth of 5 metres shall be required from the road edge and from any designation in place for the purposes of road widening.

6.22 A building setback of a minimum width of 10 metres shall be required from the T Lot 1 DP 60120.

6.23 The recession plane in Appendix 2 shall apply to the boundary with Lot 1 DP 60120.

6.24 No building (other than for network utilities) shall be constructed within the stormwater utility area identified on the Outline Development Plan.

- **Vehicle Access**

6.25 Prior to the first land use activity opening for business, the Grants Road/State Highway 1 signalised intersection to the site shall be constructed and operation.

6.26 Vehicle access to the Zone is restricted to those access points shown on the Outline Development Plan in Appendix 2.

6.27 Site access from Bridge Road shall be at least 100 metres east of the State Highway 1 intersection.

- **Public Transport Connections**

6.28 Provision shall be made within the Commercial 2A zone for bus stops and taxi stands to ensure that the zone can be serviced by public transport. These facilities shall be located on the vehicle, pedestrian and cycleway linkages identified on the Outline Development Plan at Appendix 2 and designed in accordance with the assessment criteria in Appendix 1 for Public Transport.

- **Visual Amenity**

6.29 Any outdoor storage areas, except for the display of goods for retail sale, shall be screened from adjoining sites, including public spaces of the same or lower elevation, by a fence of not less than 2 metres in height.

6.30 Lines and pipes associated with utility services and telecommunication facilities shall be placed underground.

- **Fencing Along the Rail Corridor**

6.31 Prior to the first land use activity opening for business, a fence of not less than 1.8 metres in height must be built along the boundary of the site where it abuts to the rail corridor. The fence will be constructed in a manner to deter trespassers.

- **Additional Performance Standard for General Merchandise Outlets Inclusive and Exclusive of Department Stores Exceeding the Staged Development Limits and a Second Supermarket Open to the Public no Sooner than 1 October 2015:**

6.32 Whether the activity will have an adverse effect on the economic and social functioning of centres (including established and new commercial centres of Timaru, Temuka, Geraldine and Pleasant Point, suburban shopping areas (Ashbury, Highfield, and Le Cren Street)) and neighbouring shopping areas.

- **Additional Performance Standards for Service Station(s) and development exceeding the development thresholds at Rule 2.1**

6.33 Whether the traffic generated will adversely effect the safe and efficient operation of the road network.

6.34 Whether entry and exit points and parking areas will enable the safe and efficient movement of people and vehicles.

**7.0 THE FOLLOWING GENERAL RULES ALSO APPLY TO THE COMMERCIAL 2A LARGE FORMAT STORE (RETAIL PARK) ZONE**

(a) Vehicle Access and Loading

See General Rule 6.7

(b) Hazardous Substances

See General Rule 6.9

(c) Signs

See General Rule 6.15

(d) Natural Hazards

See General Rule 6.16

(e) Filled Sites

See General Rule 6.18

(f) Landscaping

See General Rule 6.19

## 8.0 ZONE-SPECIFIC DEFINITIONS

For the purpose of Rules in this Zone, the following activity definitions apply. Any activity within the Zone not covered by a zone-specific definition defaults to the Part D Definition List.

### Automotive & Marine Supplier

means a business primarily engaged in selling automotive vehicles, marine craft, accessories to and parts for such vehicles and craft, and without limiting the generality of this term, includes suppliers of:

- boats and boating accessories;
- cars and motor cycles;
- new auto parts and accessories;
- trailers and caravans; and
- tyres and batteries.

### Building Supplier

means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, decoration or outfitting of buildings (other than businesses where the processing and machining of timber and other construction materials and products is carried on) and without limiting the generality of this term, includes:

- glaziers;
- locksmiths
- suppliers of:
  - awnings and window coverings;
  - bathroom, toilet and sauna installations;
  - electrical and plumbing supplies;
  - heating, cooling and ventilation installations;
  - kitchen and laundry installations;

- paint, varnish and wall coverings;
- permanent floor coverings;
- power tools and equipment; and
- safes and security installations.

### **Community Facilities**

Means places available to the public for the purpose of community activities and includes but is not limited to public playgrounds, recreational halls, community centres, community halls and public swimming pools but excludes theatres and cinemas.

### **Department Store**

Means a business primarily engaged in selling a wide range of non-grocery and non-food merchandise including worn and carried apparel, household appliances, furnishings and equipment, personal goods and giftware as otherwise described and classified as ANZSIC category 5210, in individual retail premises of no less than 2,000 sqm of gross floor area.

### **Farming & Agricultural Supplier**

Means a business primarily engaged in selling goods for consumption or use in the business operations of primary producers or in animal husbandry and without limiting the generality of this term, includes:

- equestrian and veterinary suppliers;
- farming and horticultural equipment suppliers;
- seed and grain merchants; and
- stock and station outlets.

### **Garden & Patio Supplier**

means a business primarily engaged in selling goods for permanent exterior installation or planting and without limiting the generality of this term, includes:

- plant nurseries;
- garden centres;
- landscape suppliers; and suppliers of:
- bark and compost;
- clothes hoists and lines;
- conservatories, sheds and other outbuildings;
- fencing, gates and trellises;
- outdoor recreational fixtures and installations;
- patio furniture and appliances;
- paving and paving aggregates;
- statuary and ornamental garden features; and

- swimming and spa pools.

**General Merchandise Outlet**

Means a retailing activity or shop (including a department store) primarily engaged in selling non-grocery and non-food merchandise and not otherwise defined in the Zone-specific definitions.

**Height**

For the purpose of determining the height of any part of any building or structure, measure the vertical height of that part of the building above the point on the ground level immediately below that point. Provided that this shall not apply to chimneys, ventilator shafts and equipment, skylights, spires, radio and television aerials, flagpoles, masts, poles, rods, antennae, mounting fixtures, mast caps or similar appendages and other purely decorative features not exceeding 2m<sup>2</sup> in area (measured horizontally). The ground level is the ground level shown on a site works plan lodged with a building consent application.

**Hypermarket**

Means a business incorporating a Department Store and a Supermarket and for threshold assessment and rule purposes is to be treated as if it were two separate outlets of those kinds, based on the internal floorspace of each component.

**Individual Retail Activity**

Means a retailing activity operated by a single business entity under a distinct, single store brand or trading logo and unless otherwise qualified includes department stores, general merchandise outlets, hypermarkets and supermarkets but excludes trade suppliers.

**Multiple Retail Activity**

Means an Individual Retail Activity within which space has been sublet, with a resulting average gross floor area per activity of no less than 1,250 sqm.

**Office Product Supplier**

Means a business primarily engaged in selling goods for office use or consumption (in which context the term "office" is not confined to the definition in this Plan) and without limiting the generality of this term, includes suppliers of:

- computers and related equipment;
- copiers, printers and facsimile machines;
- integrated telephone systems and equipment;
- office furniture, equipment and utensils; and
- office stationery and software applications.

**Restaurant**

Means a business as defined in the Plan Definitions but also extending to premises licensed to sell alcohol for on-site consumption and to the sale of snacks and light refreshments.

**Supermarket**

Means a retailing activity or shop primarily engaged in selling groceries, foodstuffs and sealed beverages, including substantial fresh produce, meat and fish and dairy food / delicatessen departments, as otherwise described and categorised as ANZSIC category 5110, in individual retail premises of no less than 1,500 sqm of gross floor area.

**Trade Supplier**

Means a business substantially engaged in sales to businesses and institutional customers as well as to the general public and without limiting the generality of this term, includes:

- automotive & marine suppliers;
- building suppliers;
- farming & agricultural suppliers;
- garden & patio suppliers; and
- office product suppliers.

***R. Amend General Rule 6.7.3 (13) to read as follows:***

- (13) With the exception of the Commercial 2A Large Format Store (Retail Park) Zone, where any site fronting a Primary Road (National Route, Regional Arterial, District Arterial or Principal Road) has frontage to a Secondary Road (Collector or Local Road or a Service Lane), all vehicle access to the site (providing for either ingress or egress) shall be provided to the Secondary Road. A secondary Road is defined in General Rule 6.6.2(3)

***S. Amend General Rule 6.7.5 (2) to read as follows:***

- (2) With the exception of activities in the Commercial 2A Large Format Store (Retail Park) Zone, any activity with vehicle access to and/or from a state highway is a

discretionary activity where it involves service stations, truck stops, supermarkets, shopping centres, restaurants, retail activities including shops, and places of assembly.

**T.     *Amend General Rule 6.16.2.3 (2) to read as follows:***

(2)     The erection of a building or structure other than in the Recreation 1 Zone or the Commercial 2A Large Format Store (Retail Park) zone on land subject to a risk of flooding which exceeds 2.0% in any year.

**U.     *Make any other consequential amendments to the District Plan text or Planning Maps as required.***

**SUMMARY OF DECISIONS REQUESTED**

Proposed Plan Change 3 : Timaru District Plan

Sub No.	Submitter	Specific Provisions of the proposed plan change that my submission relates to	Support or Oppose	Decision Sought And Reasons	Decision
1.	Original Submitter: <b>Alliance Group Limited</b>	Commercial 2A Zone Traffic Congestion	Conditional Support	Accept the new Commercial 2 Zoning but ensure as part of the rezoning that provision is made for separate (at least 2) points of vehicle access/egress to the site (including the proposed point at Bridge Road). Make provision for the modification and widening of the intersection with SH1 so as to facilitate the safe and ready entry and exit to and from Bridge Road.	<b>Accept</b> the submission: subsequent amendments agreed to by the applicant and now included in the plan change meet these requests.
	Further Submitter: <b>C Maucaulay (8)</b>		Support		<b>Accept</b> for the reasons given above
	<b>Transit NZ (NZTA) (9)</b>		Support		<b>Accept</b> for the reasons given above
2.	Original Submitter: <b>Ian James Bowan</b>	Commercial 2A Zone Traffic Movement Large Format Retailing	Oppose	Retain Recreation 2 Zoning. The proposal is contrary to efforts made in the past to divert traffic from retail areas. The Council and retailers have	<b>Reject.</b> The retention of the Recreational 2 Zoning is no longer appropriate. A modified version of Plan Change 3 is a more appropriate method of achieving the

				<p>contributed money over recent years to making commercial areas of the district ore attractive and pleasant to shop in. The plan change makes a number of businesses in these areas less viable. The population of the district is static and the need for development of this magnitude is questionable.</p>	<p>purpose of the Act.</p>
	<p>Further Submitters:  <b>Antrim Holdings Limited (1)</b>  <b>J Ballantyne and Co. (2)</b>  <b>DR Binney (3)</b>  <b>S C Brown (4)</b>  <b>Canon Holdings Ltd (5)</b>  <b>LLaws Group (7)</b>  <b>C Macaulay (8)</b>  <b>A and R Pierce (10)</b>  <b>A J Preen (11)</b>  <b>St Andrews Park Ltd (12)</b>  <b>Timaru Business Association (14)</b>  <b>S P Wyatt (15)</b></p>				
3.	<p>Original Submitter:  <b>Environment Canterbury</b></p>	<p>Commercial 2A Zoning            Safety            Integrated planning            Plan effectiveness</p>	<p>Oppose</p>	<p>Retain Recreation 2 Zoning. Proposal has the potential to adversely impact the safety and efficiency of the State Highway energy demand and use and on Taitarakahi Creek. It does not represent an integrated planning approach. It amends the Timaru District Plan in a way that will reduce its effectiveness in meeting the requirements of the RMA and Regional Policy Statement.</p>	<p><b>Reject:</b> in its now modified form the plan change will meet the standards required for traffic, public transport, cycling and stormwater management. The Outline Development Plan when considered in conjunction with the requirements for resource consent represents an anticipated approach.</p>

	Further Submitter: <b>P M Thirkettle (13)</b>		Support		<b>Reject</b> for the reasons given above.
4.	Original Submitter: <b>ONTRACK (NZ Railways Corporation)</b>	Commercial 2A Zone Lighting glare Trespassers and Litter in rail corridor	Conditional support	Accept the plan change provided that exterior lighting is directed away from the rail corridor and provided that a boundary fence of not less than 1.8m in height is erected along the boundary with the rail corridor so as to deter trespassers	<b>Accept:</b> the applicant has agreed to the measures proposed.
5.	Original Submitter: <b>M T Purvis</b>	Commercial 2A Zone Adverse effect on other zones	Oppose	Retain Recreation 2 Zoning. The plan change would accelerate the decline of the Commercial 1A Zone and especially the 1B and 1C Zones	<b>Reject:</b> Retention of Recreation 2 zoning would not be appropriate in its modified form the plan change now contains mechanisms to protect the Commercial 1A zone. The 1B and 1C Zones do not have such a critical retail function.
	Further Submitters: <b>Antrim Holdings Limited (1)</b> <b>J Ballantyne and Co Ltd (2)</b> <b>SC Brown (4)</b> <b>Canon Holdings Limited (5)</b> <b>Llows Group (7)</b> <b>C Macaulay (8)</b> <b>A and R Pierce (10)</b> <b>AJ Preen (11)</b> <b>St Andrews Park Ltd (12)</b> <b>Timaru Business Association (14)</b>		Support		<b>Reject</b> for the reasons given above.
6.	Original Submitter: <b>L Rawlings</b>	Commercial 2A Zone	Oppose	Retain Recreation 2 Zone or zone the	<b>Reject:</b> The Recreational 2 Zone is no longer

**APPENDIX 2**

		Traffic		area Light Industrial Commercial 2A will impact on Stafford Street and Evans Street problems will worsen.	appropriate because in its modified form traffic on Evans Street will be suitably managed and Stafford Street will be protected from adverse distributional effects.
	<p>Further Submitters:</p> <p><b>Antrim Holdings Limited (1)</b>  <b>J Ballantyne and Co Ltd (2)</b>  <b>SC Brown (4)</b>  <b>Canon Holdings Limited (5)</b>  <b>Llows Group (7)</b>  <b>C Macaulay (8)</b>  <b>A and R Pierce (10)</b>  <b>AJ Preen (11)</b>  <b>St Andrews Park Ltd (12)</b>  <b>PM Thirkettle (13)</b>  <b>Timaru Business Association (14)</b></p>		Support		<b>Reject</b> for the reasons given above.
7.	<p>Original Submitter:</p> <p><b>Te Aitarakihi Trust Inc</b></p>	<p>Commercial 2A Zone            Building Setbacks            Landscaping            Recession Planes            Noise</p>	Conditional support	<p>Accept the plan change, but:</p> <ul style="list-style-type: none"> <li>• Include a building setback of 10m and a landscaping requirement of 5m adjacent to the trust’s boundaries</li> <li>• A recession plane rule equivalent to that applying to a boundary with residential zones adjacent to the Trust’s boundary</li> <li>• Noise rules be included to give the Trust’s property the same protection as the Residential 1 Zone.</li> </ul>	<b>Accept:</b> the amended plan change includes the desired provisions.
8.	<p>Original Submitter:</p> <p><b>Transit NZ (NZTA)</b></p>	<p>Commercial 2A Zone            Traffic access provision</p>	Oppose	Retain the Recreation 2 Zone unless amendments are made to address the	<b>Reject in part</b> because the plan change has been modified to include the desired

		for public transport and walking and cycling, effects on SH 1 potential for future rezoning proposals. Conflict with Regional Policy Statement and the purpose of the Act.		adverse effects on the State Highway, provision is made for public transport links and access is secured to Grants Road.	provisions.
	<p>Further Submitters:</p> <p><b>Antrim Holdings Limited (1)</b>  <b>J Ballantyne and Co Ltd (2)</b>  <b>Canon Holdings Limited (5)</b>  <b>Llows Group (7)</b>  <b>St Andrews Park Ltd (12)</b>  <b>PM Thirkettle (13)</b>  <b>Timaru Business Association (14)</b></p>		Support		<b>Reject</b> for the reasons given above.