



## TIMARU DISTRICT COUNCIL

### PROPOSED PLAN CHANGE 3 – A & P SHOWGROUND SITE, TIMARU

#### REPORT ON SUBMISSIONS

---

<b>APPLICANT:</b>	Calder Stewart Industries Limited
<b>PROPOSAL:</b>	Change of zoning from Recreational 2 to Commercial 2A
<b>LOCATION:</b>	Corner of Evans Street (State Highway 1) and Bridge Street, Timaru
<b>CURRENT ZONING:</b>	Recreational 2
<b>SITE AREA:</b>	12.2 ha (Pt Lot 25, DP 578 and Pt Lot 1, DP3955)
<b>SUBMISSIONS:</b>	Eight original submissions and fifteen further submissions
<b>RMA CRITERIA:</b>	Section 42A
<b>REPORT DATE:</b>	19 October 2010

---

#### **1.0 INTRODUCTION**

- 1.1. My name is Peter Barnes. I am a Senior Planner with MWH New Zealand Limited (hereafter 'MWH'), where I have been employed since 2006. My relevant qualifications are a Bachelor of Science (Geography) and Master of Regional and Resource Planning. I am a full member of the New Zealand Planning Institute. I have eleven years planning experience, including work as a Policy Planner for Queenstown Lakes District Council and a Senior Policy Planner for Otago Regional Council.
- 1.2. The purpose of this report is to bring to the attention of the Commissioner relevant information and issues that should be considered in deliberating on the

proposed private plan change. It is emphasised that any conclusions reached or recommendations made in this report are not binding on the Commissioner and it cannot be assumed that the Commissioner reaches the same conclusions or recommendations.

- 1.3. I have read and been de-briefed on the following, all of which pre-date my involvement in this private plan change application:
  - The Plan Change Application and Section 32 Assessment, prepared by Haines Planning, September 2006, on behalf of Calder Stewart Industries Limited (hereafter 'Calder Stewart');
  - S92 further information supplied;
  - Submissions received.
- 1.4. I have visited the proposed site and the surrounding area on several occasions.

## **2.0 BACKGROUND TO THE PROPOSED PLAN CHANGE**

- 2.1. The plan change application for the proposal was lodged with Timaru District Council in September 2006. It is noted that lodgement occurred prior to the enactment of the Resource Management (Simplifying and Streamlining) Amendment Act, 2009.
- 2.2. In 2006 the Council engaged MWH to undertake two tasks to assist Council in managing the plan change request by Calder Stewart.
- 2.3. Firstly, MWH undertook a detailed assessment of the adequacy of information initially lodged and made recommendations to Council on what further information should be requested. It was recommended that Council request further information under Clause 23(1) of the First Schedule of the Resource Management Act 1991 (RMA) on a large number of matters, summarised under the following headings: building activity status, stormwater management, transport and urban design
- 2.4. The applicant met with MWH and Timaru District staff to discuss/workshop these requests, and ultimately provided the information requested. This earlier work led to significant information being supplied, and changes to the plan change proposal.
- 2.5. Secondly, in March 2008, Timaru District Council (hereafter 'Council') engaged MWH to undertake an assessment of how Council should proceed with the plan change request under Clause 25(2)(b) of the First Schedule of the RMA. MWH recommended that the Council accept the request for the plan change for the purposes of public notification.

- 2.6. At the Resource Planning and Regulation Committee Meeting held on 6 May 2008 a decision was made to accept the plan change request in whole and proceed to public notification.
- 2.7. The private plan change was publicly notified as Proposed Plan Change 3 on 21 June 2008, with submissions closing on 18 July 2008.
- 2.8. During the notification period, eight submissions were received. Three submissions supported the proposal (with conditions) and five submissions opposed the proposal.
- 2.9. The Summary of Submissions was publicly notified from 2 August 2008 to 29 August 2008. There were 15 further submissions.
- 2.10. Submissions are further discussed in sections 5 and 9 of this report.
- 2.11. I note that I was not involved in the initial assessment of the adequacy of information (and subsequent s92 requests and information provided), the assessment of how Council should proceed with the plan change requests or summarising submissions. This work was undertaken by other MWH staff or Council staff. My involvement with this application began in July 2010, when I was engaged to draft this s42a report.

### **3.0 PROPOSAL**

- 3.1. The plan change request was made by Calder Stewart who propose to develop the site. The proposal intends to re-zone the land commonly referred to as the A&P Showgrounds site to enable the development of a large format retail park.
- 3.2. The site is proposed to include on-site roading, sealed car park areas and landscaping. Buildings are proposed up to 12m in height. The application states that "...the plan change area is sufficiently large to accommodate 40,000m<sup>2</sup> of gross floor area with associated on-site parking and landscape planting". Car parking at a rate of 2.3 car parks per 100m<sup>2</sup> of gross floor area are proposed.
- 3.3. As shown in Figure 1, the site is currently zoned Recreation 2 in the Operative Timaru District Plan, reflecting the historic use (A & P Showgrounds) of the site.



**Figure 1:** Excerpt from Timaru District Plan Planning Maps (map numbers 31 and 32). The subject site boundary is highlighted in Red.

- 3.4. The proposed large format retail activities are largely inconsistent with the objectives and policies of Recreation 2 zoning, hence the development of a plan change rather than a non-complying resource consent application.
  
- 3.5. As the large format retail development proposal caters for activities and land use that differs from the existing Commercial 1 or 2 zoning within the District Plan, the applicant wishes to create a new zone with new and more appropriate policies, objectives and rules to allow large format retail development. To this end, the new Commercial 2A zone differentiates from other existing Commercial 1 zones. The applicant considers that the size and character of the Commercial 1 and 2 zoned land is unsuited to large format development and hence the introduction of a new zone into the Timaru District Plan.
  
- 3.6. A new zone (Commercial 2A) is proposed which "... provides for a large format store (retail park) development which is designed to expand Timaru's established retail centre".
  
- 3.7. The applicant states that their proposal is in line with the expected and anticipated evolution of retail development in Timaru, which in turn is consistent with other regional centres. The applicant states that the size of the development, and the staging of development will ensure that no significant economic or

cultural effects will fall upon other existing retail areas within Timaru District, including Timaru's central business district.

- 3.8. The application seeks to introduce new objectives, policies and rules within the Commercial 2A zone, as well as a number of district wide provisions (refer section 7 for full details).
- 3.9. A number of aspects of the proposal are indicated on an Outline Development Plan (hereafter 'ODP') (see **Appendix 1**). After several requests over a period of time, this ODP (reference S.17167 S01) was supplied by Haines Planning on 5 August 2010, and is dated "August 2010". This ODP is intended to become part of the District Plan, and inserted into the District Plan in the same location as Commercial 2A zone provisions. The ODP shows the following basic features:
- Two site access locations off Bridge Road.
  - One left hand only access off Evans Street opposite Harvey Norman.
  - One access location from Grants Road/Evans Street intersection.
  - A 10m building setback adjacent to the Te Aitarakahi Trust site (north east corner of the site).
  - Several internal "vehicle, pedestrian, cycle and transport linkages".
  - One "potential roundabout".
  - Areas of "indicative open space / landscaping" (no dimensions or surface area measurements provided).
  - A grassed stormwater utility area (which it is noted mirrors a large proportion of the open space/landscaping area).
  - An area of "indicative extent of stormwater flooding (50yr event)" (no dimensions or surface area measurements provided).
  - An indicative footpath sited adjacent to Taitarakahi Stream.
- 3.10. I note that the ODP does not provide sufficient detail or information to be consistent with the Urban Design Protocol (MfE 2005), of which Timaru District Council is a signatory.
- 3.11. The proposal also includes a significant amount of cut and fill, and a retaining structure, to accommodate the development on the hill slope.
- 3.12. With regards to the requirement for Environment Canterbury (ECan) consents for the proposed development, I have been informed by the applicant (8 September 2010) that Calder Stewart holds an ECan land use consent for a culvert over Taitarakahi Creek (Grants Road site access).
- 3.13. With regards to other ECan consents and permits, that the proposal will inevitably need, I have not been informed of any consent applications which have been lodged. However, I note that stormwater discharge permits to Taitarakahi Creek

are necessary and flood capacities have been discussed between the applicant and ECan staff.

#### **4.0 SITE AND SURROUNDING ENVIRONMENT**

- 4.1. The former A&P Showgrounds site is 12.2ha. The site is currently unoccupied, consisting of overgrown grass, small pockets of scrub and several abandoned vehicle bodies. The site slopes upward from Taitarakihi Creek to Bridge Road.
- 4.2. The site is bounded by:
- Bridge Street to the North,
  - Evans Street (SH1) to the west,
  - The main south railway line and the Te Aitarakihi Trust site to the east, and
  - Taitarakihi Creek to the south.
- 4.3. The site is currently zoned Recreation 2, which allows recreational activities, grazing, and utility services as permitted activities. Adjacent zoning consists of:
- To the north: Rural 3 (including the NZ Fire Service fire station site, which has access off Bridge St).
  - To the west: Residential 1 and Industrial L (including Harvey Norman and Wrightsons AgriCentre).
  - To the south of Taitarakihi Creek is: Industrial L (including vehicle sales and service station).
  - To the east: Recreational 2 (Te Aitarakihi Trust site) and Industrial H (Alliance Group Limited, Smithfield Plant).
- 4.4. The District Plan records a road widening designation along the site's Evans Street boundary (reference 20) and a stream protection designation (reference 33) running parallel to the Taitarakihi Creek.
- 4.5. The subject site consists of two lots, legally described as:
- Pt Lot 25, DP 578 (CT 35C/103), and
  - Pt Lot 1, DP3955 (CT 21K/93).

#### **5.0 SUBMISSIONS RECEIVED**

- 5.1. Under the requirements of the First Schedule of the RMA, a significant consultation process must be adhered to by Council during the Plan Change process. This statutory process provides opportunity for input by interested parties through the submission and hearing process.
- 5.2. Eight submissions were received. Three submissions support the proposal with conditions. Five submitters oppose the application.

- 5.3. Fifteen further submissions were received. Of those, fourteen further submissions support original submissions which were opposed to the application. One further submission opposes an original submission which was supportive of the application.
- 5.4. The issues or concerns raised in the submissions/further submissions are summarised as follows:
- Traffic management (SH1 environment, access to and from the site, traffic flow surrounding the site and traffic movement within the site).
  - Pedestrian and cycle access to the site, and movements within the site.
  - Public transport (connectivity and bus stop locations).
  - Stormwater Management.
  - Retail Distribution (the potential effect on retail outlets in other locations/sites).
  - Amenity values (certainty over building locations and open space landscaping distribution).
  - Rail Corridor Management (lighting glare, access to railway land, trespassers and litter).
  - Taitarakahi Creek (Amenity and flood hazard).
  - Neighbourhood effects (building setbacks, recession planes, shading (of roadways, neighbours and creek) and noise).
- 5.5. *Refer to **Appendices 2, 3 and 4** for copies of the original submissions, summary of decisions requested and further submissions.*
- 5.6. Since public notification in 2008, and since submissions were received, I understand the applicant has undertaken consultation with a number of submitters, which has had positive outcomes in some cases. While I am generally aware this has taken place, I have not been provided with specific informed of any outcomes, and this officer's report is based upon written submissions only.

## **6.0 STATUTORY ASSESSMENT**

### **Resource Management Act 1991**

#### **Part II**

- 6.1. Part II of the RMA prescribes the purpose and principles of the Act as achieving the sustainable management of natural and physical resources.
- 6.2. With the level of information provided, and questions raised by submitters, I am largely (but not completely) certain that the sustainable management of the physical resource of the site will be promoted while generally protecting the natural and physical resources of the surrounding environment.

- 6.3. My uncertainty relates to two specific issues: roading access (NZTA) and stormwater management (ECan). These are potentially significant issues. My uncertainty relates to the fact that I am unaware of the consultation dialogue that has taken place between the applicant and these two parties, and any outcomes.
- 6.4. Should further information be able to be presented by the applicant, to satisfy concerns raised in submissions, I may be completely satisfied that the sustainable management of the physical resource of the site will be promoted while generally protecting the natural and physical resources of the surrounding environment.

### **Section 5**

- 6.5. Within Part II, Section 5 is paramount and all other considerations are subject to its overriding purpose of managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
- 6.6. Whether the proposed rezoning of the land is consistent with this purpose depends largely on whether the proposed Commercial 2A zone controls adverse effects from the potential future uses on the amenity of the surrounding land.
- 6.7. The applicants economic assessment (Tansley) assesses that the proposal is differentiated from the Timaru CBD activities, and this assessment is considered appropriate by the Council economic peer review. Despite this, given uncertainties over the outcomes of consultation over stormwater and traffic access issues, I cannot, at this stage, be sure that the rezoning will enable social and economic wellbeing within the District.
- 6.8. Balancing social and economic well-being is the need to ensure the health and safety of the community surrounding the subject lands and to ensure that the adverse effects of the activities undertaken on these sites are appropriately addressed.
- 6.9. I consider that, subject to recommendations at the end of this report, and outcomes of consultation relating to stormwater and traffic access, the rezoning of the site could enable people to provide for their health and safety.
- 6.10. The controls and limitations within the proposed plan change (together with the recommendations set out at the end of this report, are considered to represent

appropriate avoidance, remediation and mitigation of the adverse effects on the amenity values of the surrounding area of the existing and future potential uses on the land.

### **Sections 6 - 8**

- 6.11. Section 6 requires all persons exercising functions and powers under the RMA to recognise and provide for matters of national importance, which are listed in Section 6. Section 6(d) is considered to be the only matter relevant to this application.
- 6.12. The location of Taitarakihi Creek near the southern boundary of the site requires the proposal to provide for the protection of public access to and along this waterway. Once again, subject to the outcomes of consultation relating to stormwater, the application may be able to provide for the protection of public access to and along Taitarakihi Creek.
- 6.13. Section 7 requires that all persons exercising functions and powers under the RMA have particular regard to '*other matters*', the following of which are considered to be relevant to this Plan Change:
- (b) The efficient use and development of natural and physical resources;
  - (c) The maintenance and enhancement of amenity values;
  - (f) Maintenance and enhancement of the quality of the environment.
- 6.14. Enabling the efficient use of land by providing for future uses is an aim of the plan change. I consider that the overall effect of the plan change (subject to the amendments detailed at the end of this report) is the efficient use and development of the existing physical resource while maintaining and potentially enhancing amenity values and the quality of the environment.
- 6.15. With the appropriate layout and development the proposal may not detract from the amenity values nor quality environment.
- 6.16. Section 8 requires all persons exercising functions and powers under the Act to '*take into account*' the Principles of the Treaty of Waitangi. Consultation is a principle of the Treaty.
- 6.17. The application states that in December 2005 a meeting was held "...with Gary Waaka of Ngai Tahu at Te Runanga O Arowhenua Marae". It is not clear what role Mr Waka holds within Ngai Tahu, what authority he may have to sign off affected party approvals, and/or if any outcomes came from that meeting, and any subsequent discussions that may have taken place in the past 4 years since December 2005.

- 6.18. It is noted that there are no known sites or taonga identified within the District Plan, at or in close vicinity of the site. There do not appear to be any other principles of the Treaty at issue in relation to the proposal.

#### **Section 74**

- 6.19. A change to a District Plan is required by section 74(1) of the RMA, to be in accordance with:

- the functions of a territorial authority as set out in section 31 of the Act;
- the provisions of Part II, being the purpose and principles of the Act;
- a direction given under section 25A(2) of the Act; and
- the requirements of section 32 of the Act, relating to the duty to consider alternatives, costs and benefits.

- 6.20. The proposed plan change is considered, subject to the amendments detailed at the end of this report, to be in accordance with the functions set out in Section 31 of the RMA, in particular:

*'...the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district' (s.31(1)(a))*

- 6.21. A record of the analysis required by Section 32 of the Act was prepared prior to notification of the Plan Change.

- 6.22. In addition to the alternatives raised within the Section 32 record, this report further considers the costs and benefits of other alternatives. I consider that the Council will have appropriately undertaken its obligations under Section 32 of the Act once it has heard the evidence and given decisions on the submissions on the Plan Change and has given reasons for those decisions, taking into account the provisions of Section 32.

- 6.23. In changing its District Plan the Council is required to have regard to those matters listed in section 74(2), including any:

- Management plans and strategies prepared under other Acts... to the extent that their content has a bearing on resource management issues of the district; and...
- The extent to which the District Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

- 6.24. The Council is also required to:

- take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority to the extent that its content has a bearing on the resource management issues of the district.

6.25. I understand that there are three planning documents that are relevant to the Proposed Plan Change:

- Future Demographic Change and Growth Study,
- Timaru Coastal Strategy, and
- Retail, Industrial and Residential Strategy

These documents are assessed in section 8 below.

6.26. I consider that the Proposed Plan Change does not raise any issues of inconsistency with the district plans of adjacent territorial authorities.

6.27. I understand that there are no planning documents recognised by an iwi authority and lodged with the territorial authority which are considered to have a bearing on the resource management issues relevant to this application.

### **Section 75**

6.28. Section 75(3) of the Act requires that a District Plan must give effect to any Regional Policy Statement, and section 75(4) requires that a District Plan must not be inconsistent with any Regional Plan for the matters specified in section 30(1) of the RMA. An analysis of the relevant provisions of the Canterbury Regional Policy Statement (RPS) is set out below.

### **The Canterbury Regional Policy Statement**

6.29. The RPS became operative on 26 June 1998, therefore under s75 (3) of the RMA the Timaru District Plan must '*give effect to*' the RPS. Objectives and Policy's relevant to the proposed plan change are found in:

- Chapter 10 – The Beds of Rivers and Lakes and their Margins
- Chapter 12 - Settlement and the Built Environment
- Chapter 15 - Transport
- Chapter 16 – Natural Hazards

6.30. The key objectives and policies include the following:

#### ***Chapter 10, Objective 1***

*With respect to land use and development within the beds and margins of lakes and rivers, protection, and where appropriate, enhancement of:*

*(a) natural character;*

- (b) significant habitats of indigenous flora and fauna;*
- (c) significant natural features and landscapes;*
- (d) mahinga kai areas, wahi tapu, and wahi taonga, and Tangata Whenua access to these;*
- (e) habitat values of braided river beds;*
- (f) significant amenity and recreation values;*
- (g) heritage values;*
- (h) significant habitats of trout and salmon;*
- (i) life-supporting capacity (health) of aquatic and riparian ecosystems.*

**Chapter 10, Policy 1**

*(a) Areas within the beds of rivers and lakes and their margins containing important conservation values are to be identified. These include:*

- (i) areas of natural character;*
- (ii) significant habitats of indigenous flora and fauna;*
- (iii) significant natural features and landscapes;*
- (iv) areas of mahinga kai, wahi tapu or wahi taonga (including historical artefacts, urupa, skeletal remains) and Tangata Whenua needs for access to them;*
- (v) significant amenity and recreation values;*
- (vi) significant heritage values;*
- (vii) significant habitats of trout and salmon.*

*(b) Land use or development should avoid causing significant adverse effects on the conservation values contained in areas identified in Policy 1(a).*

*use*

*activities on the beds and margins of lakes and rivers should be undertaken at such times or in such ways that their adverse effects on the following values are avoided or mitigated:*

- (i) habitats of indigenous fauna, including international migratory bird species, particularly threatened species, and species rare or endemic within Canterbury;*
- (ii) habitats or the unimpeded passage of indigenous fish;*
- (iii) areas of indigenous vegetation;*
- (iv) wetland areas;*
- (v) natural character or significant landscape values;*
- (vi) spawning habitats or the unimpeded passage of trout and salmon;*
- (vii) amenity and recreation values;*
- (viii) heritage sites;*
- (ix) Tangata Whenua values.*

**Chapter 10 Policy 2**

*The areas identified in Policy 1(a) and 1(c) should be enhanced where:*

- (a) they exist in a degraded state and enhancement will achieve long-term improvement; and*
- (b) for areas with important ecological values this will:*

- (i) contribute to the indigenous biodiversity of that area, particularly for ecosystem types that are threatened or under-represented in protected areas;*
- or*
- (ii) improve the life-supporting capacity of the indigenous ecosystems; or*
- (iii) improve or establish connections between habitats and create corridors for wildlife dispersal; and*
- (c) it will not reduce the flood-carrying capacity of a river;*
- and*
- (d) it will not cause adverse effects on the stability or performance of essential structures.*

**Chapter 10, Policy 3**

*Retain, and promote the establishment of, riparian vegetation particularly indigenous vegetation along the margins of rivers and lakes, to reduce the adverse effects of land use on water quality and to enhance conservation and amenity values.*

**Chapter 12, Objective 1**

*Enable urban development and the physical expansion of settlements and the use and provision of network utilities to occur while avoiding, remedying or mitigating adverse effects on the environment including...*

- (a) uses and values associated with water quality of water bodies.*
  
- (k) energy use*

**Chapter 12, Policy 1**

*Promote settlement and transport patterns and built environments that will:*

- (a) result in increasingly effective and efficient use of resources, particularly energy;*
- (b) reduce the rate of use of non-renewable energy sources;*
- (c) minimise the adverse effects of emissions into the atmosphere resulting from the use of motor vehicles and building heating;*
- (d) incorporate energy efficient approaches to building orientation, form and design.*

**Chapter 12, Objective 2**

*Achieve patterns of urban development and settlement that do not adversely affect the efficient use and development of:*

- (a) Roading infrastructure...*

**Chapter 12, Policy 3**

*Encourage settlement patterns that will make efficient use of the regional transport network.*

**Chapter 15, Objective 1**

*Enable a safe, efficient and cost-effective transport system to*

*meet present and future regional, inter-regional and national needs for transport.*

**Chapter 15, Policy 1**

*Protect Canterbury's existing transport infrastructure and land transport corridors necessary for future strategic transport requirements by avoiding, remedying, or mitigating the adverse effects of the use, development or protection of land and associated natural and physical resources on the transport infrastructure.*

**Chapter 16, Policy 4**

*In discharging their responsibilities for natural hazard management, the Regional Council, and territorial authorities in the Canterbury region should adopt a precautionary approach and ensure that an appropriate combination of measures is used to modify occurrences, modify susceptibility to damage, and deal with the consequences of disaster.*

**Regional Policy Statement: Discussion and Conclusions**

- 6.31. The above extracts from the RPS have highlighted a number of relevant provisions.
- 6.32. While the majority of aspects of the proposed plan change clearly enable the District Plan to give effect to the RPS, there is some uncertainty with regards to both traffic access and stormwater management.
- 6.33. With regards to the transport network, the social economic and cultural well-being of the community, and its health and safety, is dependent on transport. The RPS states that transport should provide safe, economic and convenient access between activities and land uses for people and goods. Submissions relating to matters of transport raise questions about access and safety that are not explained by the proposed plan change. To provide certainty on this matter, I await consultation outcomes from applicant discussions with NZTA. Outcomes of consultation with NZTA may provide certainty over the plan changes ability to avoidance or mitigation of traffic effects.
- 6.34. With regards to stormwater management of Taitarakihi Creek, the social economic and cultural well-being of the community, and its health and safety, is dependent on the management of this waterway. To provide certainty on this matter, I await consultation outcomes from applicant discussions with ECan. Outcomes of consultation with ECan may provide certainty over the plan changes ability to avoidance or mitigation of stormwater management.
- 6.35. In conclusion, in considering RPS provisions, I note that:
- The majority of aspects of the proposed plan change clearly enable the District Plan to give effect to the RPS.

- The level of detail included in the application and ODP makes two aspects of the plan change proposal unclear (traffic access and stormwater).
- I have not been party to consultation discussions that the applicant has had regarding these two matters, therefore I cannot draw conclusions at this stage.

6.36. This being the case, with the information provided in the plan change application, at the present point in time, I cannot be confident that the proposed plan change will enable the (amended) District Plan to give effect to the RPS.

6.37. Should traffic access and stormwater matters be clarified, and further information provided to satisfy submission points, the proposal could enable the District Plan to give effect to the RPS.

### **Timaru District Plan**

6.38. The proposed plan change introduces new zone (Commercial 2A) provisions, as well as a number of amendments to existing (district wide) provisions.

6.39. In *Eldamos Investments Ltd v Gisborne District Council* (W47/05) the Environment Court has restated the tests that need to be applied to determine whether a plan change meets the requirements of the RMA (the 'Eldamos Test').

6.40. The first part of the test is concerned with whether an objective is the most appropriate way to achieve the purpose of the RMA.

6.41. The second part of the test is concerned with requiring policies and rules in the plan change being evaluated as to whether they:

- are the most appropriate way to achieve the objectives of the plan (if a policy);
- are the most appropriate way to achieve the objectives and policies of the plan (if a rule);
- assist the territorial authority to carry out its functions in order to achieve the purpose of the RMA; and
- are in accordance with the provisions of Part II.

## **7.0 ANALYSIS OF PROPOSED DISTRICT PLAN PROVISIONS**

7.1. The application seeks provisions to be inserted into the District Plan which are both specific to the proposed Commercial 2A Zone, as well as amending a number of existing (district wide) provisions.

- 7.2. The application states that the 'district wide' provisions are to provide for consistency with, and linkages to, the proposed new provisions contained in the Commercial 2A zone.
- 7.3. The 'district wide' proposed changes, that affect zones/sites other than the proposed Commercial 2A zoning for the A&P Showground site, include proposed changes to Part B: Resource Management Issues, including B9 Community Enablement and Physical Resources, Services and Other Physical Resources (to be renamed Services and Infrastructure), as well as proposed changes to the explanation for Commercial 1 to clearly distinguish it from Commercial 2.
- 7.4. For a full version of the proposed amendments to the District Plan, as publically notified, refer to Appendix 5 of this report.
- 7.5. Appendix 6 contains the headings (referenced A - V) for each of the changes to the text of the Timaru District Plan, as requested by the applicant. The A – V headings are as per the notified plan change documentation. Under each heading I provide an evaluation of the provision(s).
- 7.6. In summary, my evaluation of the District Plan proposed amendments (located in Appendix 6) found:
- The majority of the Commercial 2A Zone provisions were appropriate.
  - A number of the district wide proposed provisions were not appropriate or necessary to create the Commercial 2A zone.
  - The insertion of new district wide rules, in some cases, creates uncertainty and concern over consequential changes, and I feel some of these text insertions are inappropriate.
  - A number of further provision amendments are required given submissions received, which are considered appropriate.

## **8.0 ANALYSIS OF OTHER NON-RMA DOCUMENTS**

- 8.1. Pursuant to section 74 of the RMA, an analysis of non-RMA management plans and strategies relevant to the subject site are to be considered. Three such documents have been identified and are analysed briefly as follows:

### **Future Demographic Change and Growth Study**

- 8.2. The “Future Demographic Change and Growth Study: Main Towns and Adjoining Rural Areas in the Timaru District” was written by Timaru District Council in December 2005. This document considers issues associated with planning for future growth in the four main towns of the district (i.e. Geraldine, Pleasant Point, Temuka and Timaru) and adjoining rural areas..
- 8.3. The study comments that bulk retailing appears to be an emerging commercial growth trend in Timaru (including Washdyke), consistent with national trends. While bulk retailing has been established in Timaru for a number of years, it is anticipated that there will be further movement by bulk retailers away from the inner city to more purpose built facilities with increased parking and allied retail activities (page 48). Although bulk retailing already exists in the vicinity of the subject site, the report recognises in the executive summary that development of the Showgrounds site is anticipated, and will be something of a turning point for development of this nature in Timaru.

### **Timaru Coastal Strategy**

- 8.4. Although the Timaru Coastal Strategy encompasses the land lying between the main south railway line and the coastline, there are implications for the subject site given its location immediately adjacent to the railway, and Taitarakihi Stream. In this strategy, a loop walking track has been proposed for the eastern side of the railway line.
- 8.5. It is noted that Taitarakihi Stream provides a potential link between this walking track and the urban area (i.e. the Evans Street area). It is further noted that this plan change proposal provides an opportunity for this extension, and this forms a recommendation at the end of this report.

### **Retail, Industrial and Residential Strategy**

- 8.6. In March 2008 the *Retail, Industrial and Residential Strategy* was completed which addresses the trends and issues of commercial, and specifically large format retailing for the Timaru District. This strategy contains several conclusions, including: “ the *location and nature of future ‘large format’ retailing is such that it will not result in adverse effects that could undermine the continued sustainable use and development of existing environments and investments of value to the community in established commercial centres in Timaru.*”

## **9.0 EVALUATION OF ISSUES RAISED IN SUBMISSIONS**

- 9.1. This section evaluates the issues raised in submissions, under the following headings, in no particular order of importance:
1. Traffic Management
  2. Public Transport, Pedestrian and Cycle Facility Provision

3. Taitarakihi Creek Amenity and Stormwater Management
4. Retail Distribution
5. Amenity Values
6. Rail Corridor Management
7. Te Aitarakihi Trust Site
8. Infrastructure/Services Effects

### **Traffic Management**

- 9.2. Four original submitters (and 14 further submitters) submitted that the proposal would bring about traffic management effects. Issues raised included potential queuing at the Bridge Road /Evans Street intersection, and additional traffic counts (movement) along Evans Street and Bridge Road.
- 9.3. One submitter sought two entry points, one submitter sought that access not be located on Evans Street (i.e. access only from Bridge Street), and one submitter sought the opposite.

### **Officers Report Evaluation**

- 9.4. Evans Street SH1 is clearly of regional significance, and carries approximately 20,000 daily trips (2007). It is also noted that NZTA propose to widen the road to four lanes, and have in place a designation to undertake this work when the time comes.
- 9.5. I note that the ODP (Appendix 1), provided by the applicant after notification, shows two entry points off Bridge Road (each at least 100m from the Bridge/Evans intersection as per NZTA requirements), a left-hand in only access off Evans Street, and the main entry location is located at the Evans/ Grants intersection.
- 9.6. I understand, but am yet to see in writing, that NZTA have approved the ODP, and are also comfortable with the traffic projections for the Evans/Grants intersection. If the ODP becomes inserted into the District Plan with the Commercial 2A zone provisions, and if NZTA do approved that ODP, I consider the proposal avoids, remedies or mitigates effects arising form increase in traffic entering/exiting the site.
- 9.7. The proposed plan change, with the ODP provided, appears to contribute to the safe and sustainable, and integrated, transport network within the Timaru District.

### **Public Transport, Pedestrian and Cycle Facility Provision**

- 9.8. A total of two original submitters (and 9 further submitters) submitted that the proposal does not provide adequate public transport, pedestrian and cycle facilities. Issues raised included the lack of certainty for these matters provided in the application, and the need for these matters to be connected with the existing networks. One submitter submitted that with insufficient provision, the proposal did not achieve the purposes of the RMA.

#### Officers Report Evaluation

- 9.9. Public Transport, pedestrian and cycle facility provision is key to the functionality of the Timaru District.
- 9.10. I note that the ODP (Appendix 1), provided by the applicant following notification, shows:
- Several internal “vehicle, pedestrian, cycle and transport linkages”.
  - An indicative footpath sited adjacent and parallel to Taitarakihi Stream.
- 9.11. The proposed plan change, with the ODP detail now provided, together with Performance Standards (refer “Public Transport’ bullet point), provide direction for bus stop and taxi locations on-site. Overall I believe the proposal contributes to the safe and sustainable, and integrated, transport network (for each of public transport, cycle and pedestrian) within the Timaru District.

#### **Taitarakihi Creek Amenity and Stormwater Management**

- 9.12. One submitter and one further submitter submitted in relation to stormwater management of Taitarakihi Creek. These submitters noted that the proposal does not avoid, remedy or mitigate stormwater flooding effects.
- 9.13. In addition, submitters noted that there is no control provided on/for the amenity of Taitarakihi Creek or its surroundings. Concerns exist over the proposed building height (i.e. shading), lack of certainty of how close buildings may be located to the Creek, and associated shading and recession plane.
- 9.14. In ECan’s submission, they state that at least part of the development is proposed within the floodplain of Taitarakihi Creek and will reduce the amount of flood storage capacity of the floodplain. I understand that compensatory storage of 84,000 cubic metres of floodwaters (based on the 50 year flood level) will be required within the development although details of how this will be achieved have yet to be received.

#### Officers Report Evaluation

- 9.15. As flooding currently occurs on the subject site and as the site acts as a storm water retention area, together with an increase in hard stand surfaces proposed by the plan change, stormwater management is clearly an issue with needs assessing.
- 9.16. Now that an ODP has been provided by the applicant, more information is available on storm water management. I note the ODP includes:
- A grassed stormwater utility area (which it is noted mirrors a large proportion of the open space/landscaping area).
  - An area of “indicative extent of stormwater flooding (50yr event)” (no dimensions or surface area measurements provided).
- 9.17. Bill Voice, Timaru District Council Drainage Engineer, has informed me that no significant development has taken place for many years in the catchment that feeds to the Taitarakihi Creek, consequently the urban development in this area is very mature. In addition, it has been noted that no development has taken place in the catchment since the A&P Showgrounds land was purchased by Calder Stewart.
- 9.18. MWH and Council technical staff have raised stormwater issues with the applicant, and the applicant was encouraged to discuss these with ECan. I (or other MWH staff) have not been party to these discussion or outcomes. In addition, I have not been party to any discussion or outcomes that the applicant has had with ECan regarding ECan’s submission points (regarding both stormwater and amenity issues).
- 9.19. I will need to become aware of updates in respect to stormwater consultation, and any updated ECan position, before I can begin to be comfortable with Taitarakihi Creek stormwater and amenity matters.
- 9.20. If ECan do not oppose the updated application (following further consultation that I understand has taken place), and the ODP, I am likely to consider the proposal avoids, remedies or mitigates Taitarakihi stormwater and amenity effects.

### **Retail Distribution**

- 9.21. A total of three original submitters raised retail distribution issues. All three of which were supported by a total of 10 further submissions. Two (of the three) submissions were supported by two further submissions. Finally, two of the original submissions were each supported by one further submission.
- 9.22. One submission stated that the proposal would “... kill Stafford Street”. Another submission stated that the proposal would accelerate the decline of Commercial 1A, 1B and 1C zoned land, and observed that “the city south of George Street is vacating in favour of ribbon development at Washdyke”. The same submitter

added that the proposal is inconsistent with Policy 3 (which seeks to: 1) have regard to the efficient use of existing physical resources and 2) to avoid, remedy or mitigate adverse environmental effects on existing physical resources). A third submission questioned the need for a large format retail development in Timaru, and what effects such a development would have on the existing retail outlets.

### Officers Report Evaluation

- 9.23. I note from the outset in this evaluation of the submissions relating to 'Retail Distribution' that trade competition is not a valid submission point that can be considered in a plan change application under the RMA.
- 9.24. I believe there could potentially be a reduction of turnover in the town centre if:
- a) the complete proposed development proceeded in entirety in the short to medium term (due to the small size of the current market), and
  - b) if the proposal provided a significant scale of retail opportunities similar to those in Timaru's central business district.
- 9.25. It is noted that the Proposed Plan Change has been specifically targeted to provide large format retailing that will not duplicate the style and size of businesses already in the central business district. In order to achieve this, the minimum floor area of 500m<sup>2</sup> and the development staged in three phases (before October 2011, before October 2013 and in total by October 2015) has been incorporated into the District Plan provisions.
- 9.26. The "Retail, Industrial and Residential Strategy" (in 2008) concluded that large format retail developments, such as the proposal, will not result in adverse effects that could undermine the continued sustainable use and development of existing commercial areas in Timaru.
- 9.27. Furthermore, the "Future Demographic Change and Growth Study: Main Towns and Adjoining Rural Areas in the Timaru District" document states (2005) that bulk retailing is showing signs of emerging in Timaru. As with other similar sized cities throughout the Country, there is movement by bulk retailers away from the inner city to more purpose built facilities with increased parking.
- 9.28. This being the case, I am satisfied that retail distribution effects will be no more than minor, and the proposed development will compliment retail opportunities within the District.

### **Amenity Values**

- 9.29. One submission was received relating to Amenity Values (for the proposal in general), and this is supported by one further submission. The submission states

there is no certainty provided over where buildings will be sited, and that there is control over amenity of the development.

#### Officers Report Evaluation

- 9.30. The proposal classifies buildings as controlled activities, which allows Council to have input into the design and site layout for the buildings, and to establish consent conditions to ensure good design. The proposed Design Guidelines and Performance Standards provide adequate sets of relevant design criteria which will play a significant role in shaping development on-site and avoiding, remedying and mitigating effects.
- 9.31. The ODP shows an indicative road layout, which consequently provides an indication of where buildings may be located.
- 9.32. I believe that the proposed Commercial 2A zone, overall, will enhance the local character, design and amenity.

#### **Rail Corridor Management**

- 9.33. OnTrack are the controlling authority for rail land, and are the requiring authority for land designated for rail purposes. In the sole submission relating to Rail Corridor Management, they state that rail corridor is an important route for transporting freight in lower South Island.
- 9.34. The OnTrack submission highlights that there is the potential for light glare, trespasses and an increase in litter drifting onto the corridor. The submission states that the private plan change requires performance standards to manage these issues.
- 9.35. With regard to glare effects, the submission suggests that the management of glare from the site should be treated the same for both the state highway and the rail corridor. The submission includes suggested (new) performance standards to manage potential effects.

#### Officers Report Evaluation

- 9.36. I consider the South Island Main Trunk railway to be a significant piece of regional infrastructure, which requires the need to avoid remedy or mitigate adverse effects. New and amended performance standards, as sought by OnTrack to address these matters, are detailed in Appendix 6 of this officers report.

## **Te Aitarakihi Trust Site**

- 9.37. Effects upon the adjacent Te Aitarakihi Trust site is the subject of one submission, from the Trust itself. While the Trust conditionally supports the proposal, it seeks changes in relation to building setbacks, landscaping, recession planes and noise in relation its site, north-east of the subject site.

### Officers Report Evaluation

- 9.38. Each of the outcomes sought by the submitter are considered to be appropriate, and are included in my recommended changes in Appendix 6.
- 9.39. With amendments sought, and recognised in my recommendations, this adjacent landowner will be able to undertake the efficient use and development of their resources, and enable their social, cultural economic and cultural well-being.

## **Infrastructure/Services Effects**

- 9.40. One submission was lodged relating to Services/Infrastructure effects from the proposal, and this is supported by one further submission. The submission states there is little control on infrastructure, and highlights that the ODP does not document infrastructure required, when required, and how developed (as per the Urban Design protocol guidelines for an ODP, 2005).
- 9.41. The submitter is concerned about loss of infrastructure provisions from the existing District Plan.

### Officers Report Evaluation

- 9.42. While it took me some time to review and understand the plan change provisions which relate to infrastructure/services, I conclude that amendments are largely format and structure changes.
- 9.43. Provisions have been transferred to the proposed 'Community Enablement and Physical Resources' chapter with minor amendments. Given that the same provisions (albeit with minor amendments) still remain in the District Plan, I consider the changes are not inappropriate, and will continue to effectively manage adverse effects.

## **10.0 CONCLUSION & RECOMMENDATIONS**

### **Conclusion**

- 10.1. Since submissions were received in 2008, I have not been party to subsequent consultation conducted with submitters by the applicant. In particular, I am not aware of outcomes of discussions between the applicant and ECan (stormwater) and NZTA (traffic). This being the case, this officers report is based upon the 2008 written submissions only, and therefore my report has not been able to be conclusive on these matters. In my opinion, these are significant issues which have potentially significant effects upon the environment. Each matter needs to be resolved with submitters for the plan change to be considered a sustainable development. Each of these matters are recorded as recommendations below.
- 10.2. The location and aspect of the former A&P Showgrounds site limits the number of appropriate and practical uses. It is a south facing site, in between the railway line and SH1. The lower part of the site forms the floodplain for the Taitarakihi Creek.
- 10.3. Due to these constraints, the site is not particularly appropriate for residential development, and it is too far away from other public open space to be usable for recreational purposes. Bulk retail is considered one of the few potential uses appropriate for the site.
- 10.4. I believe that the proposed Commercial 2A zone, with recommendations stated at the end of this report, will enhance the local character, design and amenity.
- 10.5. From reviewing non-statutory plans and strategies, I understand that a large formal retail proposal, such as this application, will not duplicate the style and size of businesses already in the central business district, and is in line with the anticipated evolution of retail development in Timaru. In addition, I note that aspects of the plan change (e.g. size of floor area and staging of the development) are designed to ensure no significant economic or cultural effects will fall upon other existing retails areas within the Timaru area.
- 10.6. The proposal classifies buildings as controlled activities (with design guidelines), which allows Council to have input into the design and site layout for the buildings, and to establish consent conditions to ensure good design. This will include the opportunity to comment on future proposals on the site, beyond this initial plan change proposal.
- 10.7. I believe the proposed Commercial 2A rules and district wide rule amendments, together with the draft ODP, and my recommendations detailed below, are effective in assisting the Council in carrying out its functions in achieving the purpose of the RMA.

### **Recommendations**

- 10.8. I recommend that Proposed Plan Change 3 be approved subject to the following recommendations:

- The ODP being inserted into the District Plan with the new Commercial 2A provisions.
- Each of the District Plan amendments I recommend in Appendix 6 of this s42a report are to be adopted.
- ECan agreement to provisions relating to Taitarakihi Creek stormwater management and amenity
- NZTA agreement to provisions relating to roading access.
- Adequate land is set aside for a future walking track parallel to Taitarakihi Creek, between Evans Street to the eastern side of the railway line (as per the Timaru Coastal Strategy). This land should be vested in Council.
- The ODP site access locations be clearly marked and differentiated from existing (pre-development) site access locations. That is, the current ODP shows the existing (pre development) access point off Bridge Road that could be interpreted as being as proposed (post development) access location.

## 11.0 APPENDICES

- 1 Outline Development Plan
- 2 Original Submissions
- 3 Summary of Decisions Requested
- 4 Further Submissions
- 5 Proposed amendments to the District Plan, as publically notified
- 6 Officer Report Evaluation of District Plan Provisions

**Outline Development Plan (August 2010)**

**Original Submissions**

**Summary of Decisions Requested**

**Further Submissions**

**Proposed amendments to the District  
Plan, as publically notified, as sought  
by Plan Change 3**

**Officer Report Evaluation of District Plan Provisions**