

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

**AND**

**IN THE MATTER OF** Plan Change No. 13 - TEMUKA NORTH WEST RESIDENTIAL EXPANSION to the Timaru District Plan

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**REPORT AND DECISION OF THE HEARINGS PANEL OF TIMARU DISTRICT COUNCIL**

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## **Background and Introduction**

The purpose of Plan Change 13 is to increase the available residential zoned land to provide for an identified shortfall in residential allotments by rezoning land from Rural 1 to Residential 1. The subject lands are situated west of King Street (State Highway 1) bounded by Oxford Crossing Road in the north, the Temuka River stopbank in the west, Cass Street in the south, Wallingford Road in the east and incorporates the existing Residential 1 zoned land north of Donald and Grant Streets.

The Plan Change introduces an indicative roading layout and new provisions relating to flood hazards. It identifies land for a new neighbourhood reserve in Grant Street. These modifications are defined in part in the Proposed Temuka North West Residential Expansion - Outline Development Plan.

The Plan Change will introduce Residential 1 Zone provisions with some modifications and compatibility with the adjoining Residential 1 Zone.

In summary, PPC13 seeks to:

- Insert the Proposed Temuka North West Residential Expansion ODP as Appendix 3 of Part D8 of the District Plan.
- Amend the zoning on Planning Maps 44 and 45 by removing the Rural 1 and Rural 2 Zones and extending the Residential 1 Zone and the Recreation 2 Zone.
- Amend the provisions for the Residential 1 Zone, only as they apply to Temuka North West, as follows:
  - Clarify the extent of the High Hazard Stopbank Setback Area (HHSSA) on the eastern side of the Temuka River stopbank;

- Insert new Permitted Activity status for constructing residential buildings, including dwellings, household units, boarding or lodging houses or hostels, that comply with new floor height provisions;
- Provide for only one household unit per site;
- Insert new Restricted Discretionary Activity status for residential buildings, including dwellings, household units, boarding or lodging houses or hostels that do not meet the new floor height provisions for Permitted Activity.
- Insert a new Permitted Activities status for constructing non-habitable buildings ancillary to a permitted activity on the site within the HHSSA;
- Insert new Prohibited Activity status for residential buildings, including dwellings, household units, boarding or lodging houses or hostels, within the HHSSA;
- Insert new Prohibited Activity status for all buildings within 10m of the toe of the stopbank, termed the Stopbank Maintenance Area (SMA);
- Amend subdivision rules for lots of 300sq.m in the Residential 1 Zone.

Plan Change 13 facilitates approximately 220 additional dwellings, 82 per cent of Temuka's projected need of 270 residential dwellings up to 2021. (R. W. Batty & Associates, March 2008). The dwelling numbers are calculated on a potential yield of 10 dwellings per gross hectare.

## **CONSULTATION AND PROCESS**

In September 2008, Opus Consultants were engaged to assist the Council with the initial consultation phase of the proposed Temuka North West Residential Expansion Plan Change. Consultation commenced in October 2008, with the proposal being publicly advertised, information posted on Council's website, a stakeholder mail out and a community open day all being held during the period October to December 2008.

Following all consultation, Opus Consultants were commissioned to prepare PPC13 on behalf of the Council in September 2009.

Proposed Plan Change 13 was publicly notified on Saturday 5 December 2009, with submissions closing on Friday 19 February 2010. During the notification period, seventeen submissions were received. Of these submissions, one was neutral, three were in support and thirteen opposed the proposal.

The Summary of Decisions Requested in Submissions to PPC13 was publicly notified from Saturday 27 March 2010 until Tuesday 13 April 2010. There were two further submissions received.

## **The Hearing**

The hearing of the Plan Change and the submissions received was conducted at the Alpine Energy Community Centre, Temuka Domain, Temuka on 31 January and 1 February 2011.

### **Appearances**

#### Hearings Panel

Cr Michael Oliver (Chairman) Cr Jane Coughlan and Cr Pat Mulvey

#### Timaru District Council Staff

- Gemma Conlon - Reporting Planner
- Peter Kloosterman - District Planner
- Linda Anderson - Committee Secretary
- Grant Hall - Drainage & Water Manager (TDC)
- Andrew Dixon - Land Transport Manager (TDC)

#### Submitters

- Andrew Rabbidge (Milward Finlay Lobb Ltd) on behalf of Riverside Estate (2008) Ltd & Others
- Rose & Ken Tarrant
- Rebecca & Chris Taylor
- Bob Willis - Environment Canterbury
- Philip Lees - Environment Canterbury
- Chris Fauth - Environment Canterbury

The Chairman introduced everyone to the meeting and outlined the procedure of the hearing.

### **Planners Report and Recommendations**

The Committee considered the Senior Planning Officer's report on submissions to Proposed Plan Change 13.

Complete information on the application including copies of all submissions received was incorporated in the Planner's report which had been distributed to all parties. The report as circulated was taken as read.

## Reporting Planner

**Ms G Conlon - Senior Planner** gave a power point presentation to the hearing outlining the main aspects of Proposed Plan Change 13, the submissions received and the recommendations made in response to the submissions.

Ms Conlon advised she wished to make a number of small amendments to her report as follows:

- 1 There are new definitions listed in Section 1.3 (page 7) of the report. She recommended these definitions are integrated into “Part D7 Definitions” of the District Plan, except for the definition of “indicative” which alludes specifically to the report.
- 2 The reference to Environment Canterbury in proposed rules 6.3.8(9) and 6.16.2.1(3), pages 66 and 68 respectively, should be amended to state “suitably qualified person”.
- 3 Amend proposed rule 6.16.2.1(3), page 68, to remove the “Note” after the rule. This note explains “Annual Exceedence Probability” and is proposed to be added to the Definitions section of the District Plan.
- 4 Amend proposed rule 6.16.2.5(3), page 69/70, to remove the “Note” after the rule. Ms Conlon has been advised that it is ultra vires to devolve responsibility for implementing rules of a District Plan to another authority.
- 5 In Section 4.3.6.1 Walkway/Cycleway Links, page 72, Ms Conlon indicated within her report that pedestrian links will be designated for exclusive use of walkers, cyclists and horse riders under Clause 741.1 of the Timaru District Consolidated By-law 2007. However, horse riders are not included in this by-law and use of the pedestrian links is therefore restricted to pedestrians and cyclists. This does not affect any proposed rule in the District Plan.
- 6 Amend proposed performance standard 5.A.1, page 79, to remove the last sentence which again refers to Environment Canterbury.

## **Submitters**

**Andrew Rabbidge - Milward Finlay Lobb Limited** tabled and read an additional submission which expanded on his initial submission which provided some further comment on the comprehensive report prepared by the Reporting Planner.

Mr Rabbidge made reference to an alternative layout for the internal roading which was tabled at the hearing.

**Ken Tarrant** tabled and read his submission which opposed the proposed indicative through roads on his property at 1 Grant Street, Temuka and also the proposed 6 metre wide cycle/walkway on his property.

**Chris Taylor** tabled and read a submission opposing an indicative road running through the Taylors property at 20 Donald Street, Temuka.

## **Hearing Adjournment**

The meeting adjourned at 11.35am for a site visit which concluded at 2.45pm on 31 January 2011.

## **Hearing Reconvened, Tuesday 1 February 2011**

The Hearing reconvened on Tuesday 1 February 2011 at 10.00am.

Aspects of cycleways, road upgrades and new roads and footpaths were discussed following the site visit.

Proposed Clr Coughlan  
Seconded Clr Mulvey

“That the submissions be formerly received.”

**MOTION CARRIED**

## **Response to Submitters**

**Ms Gemma Conlon - Senior Planner** responded to Andrew Rabbidge's submission in support on matters raised during the hearing which included matters of a point made in 2.4 of his submission and on proposed roading patterns, natural hazards, proposed walkways/cycleway links and staging/deferred zoning. (Refer Doc # 69370).

Ms Conlon also responded to matters raised in Ken Tarrant's submission (1 Grant Street, Temuka) and Chris & Rebecca Taylor's submission (20 Donald Street, Temuka). (Refer Doc # 69370).

**Grant Hall - Drainage & Water Manager, Timaru District Council** explained the services required and how they will be upgraded. He said a services strategy had not been prepared because there are so many property owners. A map was tabled which showed that potable water services are well catered for currently. Mr Hall stated that water is fed from the east and will be fully funded by each developer as it occurs. There is no need for staging for potable water as the existing network is adequate for development. Providing water will be quite straight forward.

In relation to sewers, Mr Hall said there were no accurate ground levels of the subject area and he could not be certain areas could be served by gravity. Downstream sewer reticulation needs to be installed before the upstream development could occur. Areas could be covered by financial contribution.

There was discussion regarding staging and upgrading of sewer reticulation. If the Plan Change area is to be staged then some areas are dependent on the Stage closer to the existing sewage reticulation. The staging and thus the provision of sewage reticulation has to be sequential. Stages 1 and 1A are independent of each other as they both have access to the sewer reticulation. Stage 2, the northernmost Stage is totally dependent on Stage 1A being completed.

## **Submitters**

### **Bob Willis - Environment Canterbury**

Mr Willis read a statement of evidence and tabled annotated copies of Chapter 4 (Water Quality) and Chapter 5 (Water Quantity) of the Canterbury Natural Resources Regional Plan.

Mr Willis paused during reading his statement of evidence to allow Mr Philip Lees to set out the basis for and nature of the HHSSA and SMA controls to enable a better understanding of the rationale for the regime.

### **Philip Lees - Environment Canterbury**

Mr Lees tabled and read a statement of evidence which described the natural topography of the site and commented on the flooding hazard susceptibility present at the site.

Bob Willis continued with his statement of evidence.

Discussion followed regarding potential breaching and height of stopbanks. Mr Lees explained that the greater the height of the stopbanks means the effect of a breach is more severe. There is higher potential for failure where swales create low points behind the stopbanks.

### **Adjournment and Resumption**

The meeting adjourned at 12.00 noon and resumed at 1.00pm

## **Response to Submitters**

### **Grant Hall**

In relation to the Cass Street sewer Mr Hall said constraints will be addressed over time as the development proceeds.

With reference to Grange Settlement Road Mr Hall conjectured that rural residential sprawl occurring in Temuka needs to be controlled and having an area rezoned for residential is a way of controlling that.

Mr Hall said that stormwater is potentially a problem because there is no system in the area and no defined area to discharge into. The onus for stormwater provision lies with the developers. It would be appropriate for an engineered system to be installed. Resource consents would have to be obtained so that upstream developers could discharge into downstream properties. Mr Hall considered the stormwater systems, once consented, could vest to Council for management to ensure they continue to function efficiently. The Council currently has no budget for preparing or implementing a comprehensive stormwater strategy.

## **Andrew Dixon**

There was discussion on indicative roads if one property wanted to develop. It was suggested that the proposed road through the Taylor property be removed.

Mr Dixon reviewed the scenarios regarding roading. The International trend is to establish through roads. People like choices as to which direction they may take and easy access whereas cul de sacs have one access in and out.

With a road going through the Taylors western boundary it was considered to be unsafe due to the misalignment with Grant Street.

Mr Dixon explained that the reason for a 20 metre width on new roads was to allow room for swales to provide for stormwater and underground services. In light of the potential development which could occur as a result of the Plan Change Mr Dixon anticipated that there would be a need for a 20 metre width. There is an issue in the North West where there is no kerb and channel. Stormwater management issues are challenging and there was the suggestion of drainage into rain gardens.

In relation to the widening of Wallingford Road it was questioned if there was any public benefit in upgrading of the road. There is currently no funding in Council's budget to accommodate an upgrade.

## **General Discussion**

It was considered that the recommendation within the Planner's Report p38 4.3.1.2.3 1) (12) (iii) "Installation of a Give Way control at the St Leonards Road / Wallingford Road intersection" be removed.

Rezoning issues were discussed. There was no certainty with providing a dispensation for certain agricultural practices to continue occurring. Issues of burning, ongoing agricultural land use and existing use rights could change with rezoning.

It was considered that until a sewer outfall is available there should be no residential density development in the deferred area and the zoning should remain Rural 2.

Regarding natural hazards it was considered that there should be an addition to the wording stating that no development should obstruct the HHSSA and SMA and other aspects of the Outline Development Plan.

It was considered that the suggested height of 1.5 metres for fencing around reserves and along the walkways is appropriate.

There was discussion regarding walkways and the proposed 6 metre width. In review the Hearings Panel considered 5 metres to be sufficient to achieve the desired purpose.

### Adjournment and Resumption

The hearing was adjourned at 4.55pm on 1 March 2011 to deliberate.

## Decisions - Submissions and Further Submissions

### Submissions relating to: Roading

#### Proposed Indicative Through-Roads

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109334	R.S. Taylor	Indicative road running through 20 Donald Street	Oppose	The siting of the road on this lot would limit the potential for any dwelling to be built.	That the council purchase the land at QV for its recreation reserve
108950	Land Services Group Limited	Indicative road	Supports the intent of the proposed plan	Identification of 'Indicative roads' on certain land banks seen as biased.	Council could provide a monetary subsidy to the first party and recover costs from the second party.  Delete the Timaru District Plan Maps item 1. d) and 2. c) (indicative roading pattern)
109315	J. Harding	Roading	Oppose	Indicative roading layout will enclose property at 26 Donald Street. This will increase noise pollution.	Clarification on how Council will compensate landowners who oppose plan.
109312	G.K. Gilbert, D.T. Te-Ao-Rangi Jones, K.M. Jones, C.A. McSaveney, N.G. Smith, D.J. Spencer, A. Wright, G.K. Gilbert, & T.M. Keen	The proposed indicative future roading pattern	Oppose	The proposed indicative through-road, north of the Recreation 2 area.  The portion of the road north of the proposed recreation area - involves many property owners.  Low section yield in relation to the development costs.  Indicative Concept Plan of Subdivision Layout prepared.	Amend the ODP and Planning Maps 44 & 45 in relation to roading layout to the west of Grant Street.
109545	K. Carter & J. Tasker	Roading	Oppose	Does not provide the access required to develop the land. No	If development/roading goes ahead, the proposed road should be looped

				intention to develop land as proposed.	back out onto Grant Street north from Grant Street south.
109316	D.J.F. Vincent	Roading	Oppose	New roading at the corner of Donald & Grant Street - already has residential access points on this corner.	Roading access with higher flow levels
109268	K.J. & R.E. Tarrant	Roading alignment through property	Oppose	Location of roadway more suitable if it were located on the northern boundary, shared with the neighbouring block.	Subdivision plan indicates location of preferred roadway alignment
109467	New Zealand Transport Agency	Lack of provisions to ensure that no vehicle access is allowed from Oxford Crossing Road	Oppose in part	Concern that proposed through-road shown within the existing Residential 1 zoned land could be extended to SH1.  No planning mechanism to ensure compliance with the ODP.	The ODP is amended with a notation to ensure that the internal roading network is not extended to SH1 in the area between Donald Street and Oxford Crossing Road.

#### Further Submissions:

Further Submission No.	Submitter Name	Original Submission No.	Support/ Oppose	Provision Issue	Reasons	Decision Sought
111122	Riverside Estate (2008) Ltd	109268 (K.J. & R.E. Tarrant, 1 Grant Street, Temuka)	Oppose	The roading alignment onto Grant Street being along the common boundary with Mr & Mrs Tarrant.	Construction of the future road onto Grant Street dependent on a joint development, which would be subject to both parties wishing to develop simultaneously.  The road reserve identified on the ODP would provide for an increased number of front allotments, without shortening the width of their property adjoining Grant Street.	That the subdivision plan indicating the location of preferred roadway alignment of the submission be disallowed.  Retain the southern access point for the future road reserve along the southern boundary of the Tarrant property and per the ODP and submission number 109312.
111115	K.J. & R.E. Tarrant	109268	Amendment	No longer going to pursue draft plan for sections on Lots 70 & 71 DP 2593 (1 Grant Street) as specified in the original submission.	Totally oppose roading on property, as feel it would devalue the land and there are more suitable places for the roadway to enter.	

#### Decision:

The submission of Land Services Group Limited is accepted in part.

The submission of R.S. Taylor is rejected.

The submission of J. Harding accepted in part.

The submission of Riverside Estate (2008) Ltd is accepted.

The submission of Riverside Estate (2008) Ltd (*Further Submission*) is accepted.

The submission of K. Carter & J. Tasker is accepted.

The submission of D.J.F. Vincent is rejected.

The submission of K.J. & R.E. Tarrant is rejected.

The submission of K.J. & R.E. Tarrant (*Further submission*) is accepted in part.

The submission of New Zealand Transport Agency is accepted.

**Reason:**

a) *Overall*

The ODP map defines 'indicative through-roads' within the northern and central portion of the subject lands. The purpose of the indicative through-road is to define an integrated road network, thereby avoiding disjointed development. The Objectives and Policies of the District Plan (Part B (8) Rooding) outline the merits of identifying and providing for the strategic location of roads in areas planned for new development.

The District Plan Part B Objective 8 (1) states, '*A safe and efficient rooding network which recognises and provides for different users*'. This is the principal reason why the collector roads are shown on the ODP. The identification and alignment of these collector roads enables Council to manage future traffic effectively, efficiently and to maximise safety.

The Policies within the District Plan stipulate that residential access should be provided from minor roads to reduce conflict between users on major roads and vehicles accessing properties. Direct access to private properties is discouraged from major roads.

The Plan Change area is owned by numerous individuals therefore the Hearings Panel appreciates that the location of the indicative through-roads within the constituent properties will be contentious. However, to strategically plan for the area and the provision of infrastructure, identification of the new road configuration is required. If no internal road configuration was embedded into the Plan Change illogical development could occur, resulting in the creation of numerous access points and cul-de-sacs etc, to the overall detriment of the environment.

The Council also has obligations under the Land Transport Management Act 2003 to manage the road network in a sustainable way. Planning of the rooding network must have regard to this Act and the regional policy statement on transport.

The new internal roads will only be required if and when the lands are developed. The through-road will not be built unless there is a demand for development of the lands. Additionally, as identified in the consideration of the submissions relating to Rezoning, the indicative through-road will only be required at Stages 1A and 2, when the previous stage(s) have already been developed.

Land development is ultimately in the hands of the landowners and will not occur until they initiate it. However a fundamental construct of the Plan Change is improved integration of land use and vehicular access, which can impact on the safety and level of service provided. It is therefore imperative the location of internal roads is defined within the Plan Change.

*b) Indicative Road*

Land Services Group Limited submit that the identification of indicative roads on certain properties is 'biased' and suggests that Council could provide a monetary subsidy to the first party and recover costs from the second party. They also request the indicative roading pattern is deleted from the plan. The Hearings Panel recognise the location of the Roding will affect some landowners more than others and have determined to reduce the total length of roading within the ODP. When the road construction through one property is necessary for the adjoining property to develop then that corridor will have a value which the two parties can determine.

As discussed previously, there is a strategic need for the roading layout to be identified and remain on the plan.

*c) Indicative Road - 20 Donald Street*

R. S. Taylor submits that the siting of the indicative through-road on his property will limit the potential for any dwelling to be built and requests that Council purchase the land for its recreation reserve.

The Hearings Panel recognise the siting of the road over 20 Donald Street will undoubtedly limit the potential for residential development on that particular allotment. However, it provides an opportunity to develop a larger area of land beyond 20 Donald Street, thus providing a greater environmental benefit to the area. The Hearings Panel recognise the location of the Roding will affect some landowners more than others. When the road construction through one property is necessary for the adjoining property to develop then that corridor will have a value which the two parties can determine. The Plan Change provides

opportunities for landowners to work cooperatively when developing through the sale of critical corridors or land swaps.

The Hearings Panel investigated the potential to amend the road alignment over the Taylor property by moving it to the west thereby incorporating the current drive/ access to Lot 2 DP 74887. Upon review the District Roding Manager advised this is undesirable as it will create a Y road intersection which is detrimental to safety. However the Panel has determined this to be the best option and the realignment will be incorporated into the ODP.

A neighbourhood recreation reserve is defined on the ODP (Lot 1 DP 387529) and a further recreation area is therefore not required.

*d) Indicative Road – 26/26A Donald Street & 23 Grant Street*

Riverside Estate (2008) Limited submitted an indicative concept plan to illustrate that the long term development of these specific lots can be achieved without the provision of the indicative road in the proposed location. They request that the road alignment within the ODP is amended to the west of Grant Street.

J. Harding submits that the indicative roading layout will encircle their property at 26 Donald Street, effectively enclosing the dwelling and increasing noise pollution. The submission raises the question of compensation for landowners who oppose the Plan Change and the associated increases in noise and car pollution.

The Hearings Panel agrees with the submitters that the proposed road alignment within the ODP is excessive in light of the area of buildable land which requires access. The Hearings Panel has resolved to amend the alignment of the roads in the ODP generally in accord with the Plan submitted by Mr Rabbidge, on behalf of Riverside Estate (2008), in his written evidence.

The Council is under no obligation to pay compensation to landowners who oppose a proposed plan change therefore this aspect of the Harding submission is rejected. However the realignment of indicative road will mean the property will no longer be encircled by streets.

*e) Indicative Road - Grant Street*

K. Carter and J. Tasker of Lot 2 DP 74887 oppose the indicative road alignment as it does not provide the access required to develop their property, and they have no intention of

developing as proposed. They request that if the Plan Change proceeds, the proposed road is looped back out onto Grant Street immediately north of the proposed Recreation Reserve.

The road alignment submitted reflects that suggested by Riverside Estate (2008) Limited. Therefore in resolving to adopt, within these decisions, the Roothing Plan submitted by Riverside Estate (2008) Limited the Carter/ Tasker submission will be accommodated.

In regard to the submitter's intention to not develop their lands and retain the status quo, the Hearings Panel is mindful that all land owners are entitled to adopt this stance. The Plan Change provides an opportunity for Landowners to develop their properties in a more permissive regime than at present. It does not obligate any landowner to develop. Rezoning to a more permissive regime is generally permanent and more enduring than any single landowner.

*f) Corner Donald and Grant Street*

D.J.F. Vincent opposes the establishment of new roading at the corner of Donald and Grant Street, as there are already residential access points on this corner.

If and when the indicative through-road is constructed in this area, the existing access points at this corner will be revised as part of the overall road design and construction.

*g) Indicative Road - 1 Grant Street*

K. J. and R. E. Tarrant originally submitted that the location of the road would be more suitable if it were located on their northern boundary, shared with the neighbouring block. They provided a subdivision plan indicating the location of the preferred road alignment. In a further submission, the Tarrant's retracted the proposed subdivision layout; however they still oppose any roads on their property. Riverside Estate (2008) Limited lodged a further submission based on the road alignment proposed by the Tarrant's in their original submission. As the subdivision plan has been withdrawn, this aspect of the Tarrant's submission and the Riverside Estate (2008) Ltd further submission require no further comment.

It is noted that the Tarrant's oppose the road alignment on their land. However the Hearings Panel confirm the need to provide this road on its proposed alignment for the overall strategic development of the Plan Change area.

*h) Indicative Road - Extension to State Highway 1*

The New Zealand Transport Agency (NZTA) is concerned that the proposed through-road shown on the ODP within the existing Residential 1 zoned land could be extended to State Highway 1 (SH1). They submit that no planning mechanism exists to ensure compliance with the ODP. To overcome this concern, the NZTA suggest a notation on the Plan which states no extension of the internal road network onto SH1 should be permitted and a rule to ensure compliance with the ODP.

It is not the intent of the Plan Change to extend the internal roading to SH1 and there are no road links to State Highway 1 defined on the ODP map. To clarify the intention of PPC13, the Hearings Panel agrees with the NZTA submission and the ODP will be amended to specify that there will be no vehicular access to SH1 from the Plan Change area.

**Submissions relating to:**

**Wallingford Road and Road Widening**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
108950	Land Services Group Limited	Widening of Roads	Supports the intent of the proposed plan	No justification for requiring a 20m wide road reserve.	
109175	Shirley Helen McPherson	Road widening	Oppose	Road widening of Wallingford Road.	Clarification on how much land will be taken off property for road widening and compensation payable.
108847	Paul Kevin Stephens & 23 Residents of Wallingford Road	Widening of Wallingford Road	Oppose	Existing road berms are too rough to pass on-coming traffic. Increased traffic from new house building will exacerbate the situation.	That Wallingford Road is widened before subdivision
109252	Frances Christine Hughes	Widening of Wallingford Road	Oppose	Widening of Wallingford Road to occur prior to subdivision - increased traffic speed is dangerous to pedestrians; existing speed bumps have proven effective.	Retain speed bumps and provide an additional speed bump.
109361	Norman Trevor & Maureen Margaret Sherriff	General	Support	Do not remove trees from Donald Street as they provide high amenity value	Do not remove trees from Donald Street, as they provide high amenity value
109335	E. Hansen	Wallingford Road upgrade	Oppose in Part	Wallingford Road to be upgraded	Wallingford Road to be upgraded

**Decision:**

The submission of Land Services Group Limited is rejected.

The submission of Shirley Helen McPherson is accepted in part.

The submission of Paul Kevin Stephens & 23 Residents of Wallingford Road is accepted in part.

The submission of Frances Christine Hughes is accepted in part.

The submission of Norman Trevor & Maureen Margaret Sherriff is accepted.

The submission of E. Hansen is accepted.

**Reason:**

*a) General*

It is stipulated in the Plan Change that the existing roads will be upgraded at the time of subdivision. The increased residential accommodation that will occur through PPC13 means it is crucial the existing roads are upgraded to accommodate the escalation in traffic. To not upgrade the roads would give rise to safety and functionality problems. Over time and in response to the development occurring, the road upgrades will ensure that an integrated road network is provided, which facilitates safe and efficient vehicle and pedestrian movement.

It is a policy of the District Plan to improve capacity and safety of existing facilities in response to growth. Thus, there are a number of road improvement measures identified in the Traffic Impact Assessment (TIA) prepared as part of Plan Change, including the expansion of carriageway widths, provision of pedestrian facilities and erection of Give Way controls.

*b) 20 Metre Wide Road Reserve*

Land Services Group Limited questions the requirement for a 20m road reserve when the balance of the Residential 1 zoned land within the district only requires 16-17m wide road reserves.

The Land Transport Unit has advised that the District Plan refers to 'minimum' and 'recommended' widths. The number of utility services requiring corridor space is relatively consistent regardless of the road traffic volumes. Therefore 20 metre road reserve widths are necessary to accommodate the utility services and the road itself and to ensure they can be maintained without compromising functionality.

*c) Road Widening and Compensation*

Shirley McPherson seeks clarification on the extent of land to be acquired to achieve the required road widening and how much compensation will be paid for the land required.

Part D 8: Appendix 3, Section 8.3 (10) ODP of PPC13 specifies that at subdivision the developer will widen the seal width of Wallingford Road between 5-7 metres to a minimum of 11 metres. The road reserve width is to be increased to 20m by moving the western road reserve boundary to align with the western boundary on the northern section on Wallingford Road, where the road reserve is already 20m.

20 Wallingford Road, the submitter's property, is on the east side of the road. The road widening is to take place by moving the reserve to the west therefore properties on the east side of Wallingford Road are not affected.

The Plan Change requires the developer to undertake road widening at the time of subdivision. Council will impose a financial contribution towards the cost of road upgrading or acquiring land, or a combination of both. The form of payment is at the discretion of council.

*d) Wallingford Road Safety and Amenity*

Paul Stephens and others request that Wallingford Road is widened prior to subdivision. They consider the existing road berms are too rough to pass on-coming traffic, with increased traffic exacerbating the situation.

Frances Hughes also raises concerns with safety of pedestrians and children along Wallingford Road and requests that speed bumps are retained and that an additional speed bump at the northern end of Wallingford Road is installed.

Norman and Maureen Sheriff generally support the Plan Change but request the trees along Donald Street are retained. The Hearings Panel recognise that mature trees augment the amenity values of an area. When Donald Street is upgraded it will be in accordance with the Roading Plan and Cross Section, which incorporates trees within the streetscape.

The widening of that section of Wallingford Road which is not currently 20 metres will be driven by additional demand resulting from further development. Therefore, the upgrading of Wallingford Road will occur in conjunction with subdivision.

**Submissions relating to:  
Oxford Crossing Road**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
108950	Land Services Group Limited	Access to State Highway 1	Supports the intent of the proposed plan	Increased residential traffic can only use the Oxford Crossing Road / SH1 intersection.	
109467	New Zealand Transport Agency	Access to State Highway 1	Oppose in part	No mechanism in the Plan to stop vehicle accesses onto Oxford Crossing Road.  Concern that the proposed through-road shown on the Plan within the existing Residential 1 zoned land could be extended to SH1.	That a notation on the ODP is included to ensure that there is no vehicular access to Oxford Crossing Road.  The ODP is amended with a notation to ensure that the internal roading network is not extended to SH1 in the area between Donald Street and Oxford Crossing Road.
109361	Norman Trevor & Maureen Margaret Sherriff	General	Support		Continuation of Grant Street through to Oxford Crossing Road.

**Decision:**

The submission of Land Services Group Limited is accepted.

The submission of New Zealand Transport is accepted.

The submission of Norman Trevor & Maureen Margaret Sherriff is rejected

**Reason:**

*a) Access to State Highway 1*

Land Services Group Limited and the New Zealand Transport Agency cite concerns with vehicle access onto Oxford Crossing Road. To the contrary, Norman and Maureen Sherriff request the continuation of Grant Street through to Oxford Crossing Road.

The ODP map illustrates the internal road layout within the Plan Change area. This layout does not show new access to Oxford Crossing Road or State Highway 1.

The Hearings Panel anticipate that any new residential development will realise access from the indicative through-road that links to Donald Street. To accommodate the additional traffic on Donald Street, the carriageway width will be upgraded to 11m, the road reserve already being the requisite 20m.

Proposed Part D 8: Appendix 3 Section 8.3 Outline Development Plan, point 11 states, '*No additional access is to be obtained to Oxford Crossing Road*'. The Hearings Panel consider

the insertion of proposed rules within an 'Appendix' is not the appropriate method for implementing rules and does not conform with the current District Plan format. In response to the submissions a new Rule will be created and embedded into the District Plan to ensure both the text and the ODP map provide a mechanism for preventing vehicular access to Oxford Crossing Road.

The new Rule will ensure no further vehicular access is created to both Oxford Crossing Road and State Highway 1 from the Plan Change area.

In relation to proposed Part D 8: Appendix 3 Section 8.3 Outline Development Plan, The Hearings Panel believe there is ambiguity in relation to the status of the ODP within the District Plan. This matter is addressed in more detail in Section 4.3.7 'Planning Mechanism' of this report.

### Submissions relating to:

#### Rezoning

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109315	Jane Harding	Rezoning from Rural to Residential	Oppose	Currently developing land to rural criteria, as lifestyle block, and the rezoning will impact on quality of life.	Guidance on how Council will compensate landowners who oppose plan for change of land use and associated increase to noise & car pollution
109545	Kim Carter & Janine Tasker	Rezoning of land	Oppose	Changing to a residential zoning will restrict the range of lifestyle activities able to be undertaken, including the keeping of livestock.	To retain the 'north third' of the proposed rezoning as rural
109316	David John Frances Vincent	Rezoning from Rural to Residential	Oppose	Rezoning from rural to residential will result in devaluation of properties and an increased demand on already overloaded service infrastructure.	Clarification of costs incurred by Council and ratepayers
109253	Hamish & Jenny Johnson	Rezoning of land from Rural 1 & 2 to Residential 1	Oppose	Land will be affected by rezoning, which is used for farming purposes.  If land rezoned it will be subject to residential by-laws, having a prohibitive effect on farming activities - effect on both the land value and lifestyle.	Retain this block of land as rural or grant an exemption from the residential by-laws for duration of the ownership of the lands.
109365	Neville & Robyn Davidson	Blanket rezoning of area	Oppose	Property owners who do not buy into scheme will be confronted with unrealistic ratings and no recourse to a review and no beneficial services.	Place the proposed plan change on-hold and consider a residential extension on the north-east area of Temuka where there is local support.

**Decision:**

The submission of Jane Harding is rejected.

The submission of K Carter & J. Tasker is accepted in part.

The submission of D. J. Vincent is accepted in part.

The submission of H & J Johnston is accepted in part.

The submission of N & R Davidson is rejected.

**Reason:***a) Existing Use Rights and Council By-Laws*

The Hearings Panel acknowledges the submitters who are concerned that rezoning their land from rural to residential will constrain the rural activities they currently perform (J. Harding; Kim Carter & Janine Tasker; David Vincent; Hamish and Jenny Johnson).

If prior to a District Plan change an activity or use has been lawfully established, is ongoing and is the same or similar in character, intensity and scale, e.g. a change in zoning, the use can continue even though the new zoning does not provide for that use or activity. This is known as existing use rights and the relevant provisions are contained in Sections 10, 10A and 20A of the Resource Management Act 1991.

Landowners are also required to comply with Council By-Laws which run in parallel with the District Plan Rules. K Carter & J. Tasker, and Hamish and Jenny Johnson are concerned that rezoning will result in non-compliance with the Timaru District Consolidated By-law 2007 for activities currently occurring which are not permitted in the residential area, such as farming and the keeping of animals.

Rule 1.4 of the Residential 1 Zone permits the grazing of animals in accordance with Council Bylaws (except pig or poultry farming which are non-complying activities). Therefore the difference for keeping stock in a Residential zone compared to a Rural zone is that Pig keeping will require a land use consent, poultry must be kept in a properly constructed run and Bees must not create a nuisance under the Bylaws.

A staging programme for development of the plan change area is defined in the following section of this report. With staging, all lands identified with a 'deferred' zoning will retain the provisions of the existing land zoning, being either Rural 2 or Residential 1 until the provision of services to each defined stage occurs. For Stage 1 the Residential 1 zoning will have immediate effect however for Stages 1A and 2 the rezoning is deferred and thus will provide

an extra level of assurance to land owners within those areas who wish to continue their “rural” activities until the provision of services occurs.

(b) *Compensation*

Section 85 of the Resource Management Act 1991 states:

*Compensation not payable in respect of controls on land*

- (1) *An interest in land shall be deemed not to be taken or injuriously affected by reason of any provision in a plan unless otherwise provided for in this Act.*
- (2) *Notwithstanding subsection (1), any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision on those grounds—*
  - (a) *In a submission made under Part 1 of the First Schedule in respect of a proposed plan or change to a plan; or*
  - (b) *In an application to change a plan made under clause 21 of Schedule 1.*

There is no right to compensation under the RMA. Therefore the suggestion by J. Harding that compensation could be paid to landowners who oppose the plan cannot be considered in the context of the plan change.

c) *Staging*

The Hearings Panel has considered the submission from D. J. Vincent in relation to the provision of infrastructure to the Plan Change area and the costs of those services. The Plan Change area is not fully served by sewerage and potable water reticulation and significant new infrastructure will be required when residential density development occurs. When the provision of infrastructure is needed, council requires certainty from a majority of landowners in relation to payment for the required services prior to their land being developed. This payment has to be realised prior to the infrastructure being provided by council for the landowners, and thus before any residential density subdivision consents are granted Section 224 certification.

To facilitate the provision of infrastructure to the subject lands once rezoned, the Hearings Panel approves a series of stages which divides the subject land into three almost equal parts. The first stage will be rezoned Residential 1, whilst the rezoning of Stages 1A and 2 will be deferred until the provision of infrastructure occurs. Stages 1 and 1A can proceed independent of each other due to the location of the existing sewer network however Stage 2

is totally dependent on Stage 1A sewer along Grant Street being completed to realise access to the sewer network. In terms of providing infrastructure, defining discrete areas of land to be developed at each stage increases the certainty of logical and sequential development, as there are less landowner's involved. This will increase the probability of a service agreement being achieved between the developing landowners and council. In deferring some of the zoning the long-term use of the land is clearing demonstrated while providing for its interim use by existing activities.

Staged development ensures:

- provision of enough residentially zoned land to achieve strategic and efficient use;
- provision of infrastructure on an 'as required' and coordinated basis;
- a consolidated urban form;
- progressive change in the character of the area;
- limitation of the potential effects on existing uses;

Neville and Robyn Davidson seek to place the proposed plan change on-hold and for the Council to consider a residential extension on the north-east area of Temuka where there is local support.

Where a submission is determined to be outside the purpose (also referred to as scope) of the Plan Change it has been recommended that the submission be rejected. With respect to determining the scope of a submission reference is made to Clause 6 of First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

*"6. Making submissions*

*Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5."*

A submission on a plan change is therefore limited in that it must be "on" the plan change. The Panel considers this aspect of the Davidson submission is outside the scope of the Plan Change and therefore cannot be accepted.

## Submissions relating to:

### Residential Amenity

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109335	Eloise Patricia Hansen	Lot size  Height of new dwellings & buildings	Oppose in Part	Oppose 300sq.m lot size. No lot should be less than 980sq.m  Area should remain in keeping with existing properties to the east side of Grant Street.  Higher foundations will make finished building heights reasonably high. Limit finished building heights to ensure visual amenity of existing residents to the east of Grant Street are not diminished.	An increase in minimum lot sizes, with larger lots being available  Protection of views currently enjoyed by the owners of properties to the east of Grant Street
109316	David John Frances Vincent	Lot sizes	Oppose	Amendment to subdivision rule to allow lots as small as 300sq.m - may leave a low cost unemployment slum.	To leave sections at a reasonable size
109467	New Zealand Transport Agency	Reverse sensitivity	Oppose in Part	Land adjacent to SH1 allows for residential development, which raises the issue of potential reverse sensitivity in relation to noise.	
109315	Jane Harding	Lot sizes	Oppose	Amendment to size of sections will impact on services in the area.	To retain sections at an acceptable size, 500sq.m plus
109365	N. & R. Davidson	Amendment to subdivision rules for lots of 300sq.m in Residential 1 Zone	Oppose	Specific subdivision rules for one part of the Plan area, has potential to create 'ghetto' type area hidden away from mainstream ratepayers.	Place the proposed plan change on-hold and consider a residential extension on the north-east area of Temuka where there is local support.
108950	Land Services Group Limited	General	Support intent of the plan		Delete in full proposed rule Part D 6.3.8(2A).

### Decision:

The submission of E. Hansen is accepted in part.

The submission of D. J. Vincent is accepted in part.

The submission of New Zealand Transport Agency is rejected.

The submission of Jane Harding is accepted in part.

The submission of N & R Davidson is rejected.

The submission of Land Services Group Limited is accepted

**Reason:**

*a) Lot Sizes*

Eloise Hansen, David Vincent and Jane Harding submit in opposition to the provision of 300sq.m lot sizes, their concerns relate to smaller lot sizes reducing the overall amenity of the area and impacting on services.

Temuka currently has only one residential land use zoning, being Residential 1 (suburban residential). Within this zoning classification, subdivisions to 450 and 550sq.m can occur as a controlled activity. In some circumstances, subdivision of allotments down to 300sq.m can also occur, following the erection of a dwelling on a site.

The proposed amendment to the subdivision rules in terms of allotment size actually restricts the location where subdivision down to 300sq.m can be created within the Plan Change area. The proposed rule limits the creation of 300sq.m lots solely to land opposite or adjoining the Recreation 2 Zone. If this rule was not applied, allotments with a minimum size of 300sq.m could potentially be created throughout the entire subject lands. In this regard a more restrictive regime is to be introduced thereby protecting the amenity of the Plan Change area to a greater extent than if the current Residential 1 zoning was introduced.

It should be noted that all allotment sizes specified within the District Plan are minimum lot sizes. Allotment sizes greater than those specified can be established to cater for different lifestyle choices and demands.

*b) Reverse sensitivity*

Reverse sensitivity issues may be viewed as the inevitable consequence of urban growth and expanding residential development, however it is essential that reverse sensitivity is addressed as part of the planning process. Reverse sensitivity is particularly relevant to existing bucolic activities as they create effects which can extend beyond site boundaries and may not be able to be completely avoided or mitigated (for example noise and odour from animals). This leaves rural activities susceptible to complaints from more sensitive activities, such as residential developments, which have higher amenity expectations.

The rural land within the Plan Change area is being used for rural-lifestyle activities as opposed to commercial farming. The potential "rural" effects will therefore be less on any new residential use, but may still be at a level that has potential to create nuisance effects.

A number of submitters are concerned that rezoning their land will result in restrictions on activities they are currently undertake. Providing for existing activities and recognising their vulnerability to reverse sensitivity ensures consideration has been given to these effects when implementing the Plan Change. The counter to this is Council has identified the area for residential use so the new zoning should be capable of implementation with the least constraint possible. The Hearings Panel recognises the need to provide for a transition from rural to residential use.

The Hearings Panel has determined the Plan Change will occur in stages, with land being rezoned to Residential 1 in conjunction with infrastructure provision. The staging will defer the zoning of a significant portion of the subject lands, with the existing zone rules remaining as an interim measure. This will result in only a small portion of residential and rural zoned lands adjoining at any time.

NZTA submit that residential development in the Plan Change area will create the potential for reverse sensitivity to noise from the State Highway. The area immediately adjoining the State Highway is currently zoned Residential 1 and the Plan Change does not change that status.

*c) Building Heights*

Eloise Hansen submits the requirement for higher floor heights for residential buildings (being 150mm above the 0.5% AEP flood level) will make finished building heights 'reasonably high' and has concerns this could affect the visual amenity and value of properties on Grant Street.

The maximum height of buildings within the Residential 1 Zone is 10 metres. This is not being amended through the Plan Change. Therefore, the finished height of buildings in the subject lands will not be higher than those which could be built in the existing residential area. Under the current Rural zoning the maximum building height is 15 metres therefore the Plan Change will reduce the potential for amenity values to be compromised by structures.

*d) Fencing*

Land Services Group Limited also submits that proposed Rule 6.3.8 (2A) should be deleted as '*fencing is not required around this small area*'. This rule states:

*‘...if any fence is to be constructed between the site and the Recreation 2 Zone, such fence is to be of open construction to provide security for park users through passive surveillance accorded by the development.’*

This rule does not relate to the fencing of the neighbourhood reserve. It relates to the construction of dwellings on the land adjacent to the park and the type of fencing permitted around this housing. The intention is that the fencing facing the park should not be by solid fencing, whereby the occupiers of the house cannot view the park. As the text of this rule could be construed as ambiguous, the Hearings Panel accepts the Reporting Planners revised wording to ensure that views to the park can be realized, thus providing an element of passive surveillance.

**Submissions relating to:**

**Infrastructure**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109312	Riverside Estate (2008) Ltd	Service infrastructure	Oppose	Extension to the Temuka sewage network required to accommodate PPC13 would be unable to be completed by individual land owners, due to the large number of land owners involved & the timing of development.	TDC to complete the extension to the Temuka sewage network associated with PPC 13.
109335	E. Hansen	Transport infrastructure	Oppose in Part		Consideration of bus route between Temuka-Timaru provided on Grant Street when the area becomes developed.

**Decision:**

The submission of Riverside Estate (2008) Ltd is accepted in part.

The submission of E. Hansen is rejected.

**Reason:**

a) Sewer

Riverside Estate (2008) Limited request that the Council completes the necessary sewer upgrades associated with the Plan Change due to the number of land owners involved and the timing of development.

The Drainage and Water Unit of the Council have advised that the existing sewer system (from Cass Street south to Waitohi Road) has capacity issues and will require upgrading regardless of any increase in discharges due to the Plan Change land being developed. It is intended to carry out the upgrade at the time of the sewer renewal (approx 2024/25),

following the renewal and upgrade of the sewer system from the treatment plant to Waitohi Road. Currently the council has not budgeted to provide for the upgrade of the required services to the Plan Change area.

The Hearings Panel have determined a staging programme will ensure that development proceeds in a logical and sequential manner. This ensures minimal capital outlay will be required, as services will only be extended and upgraded as development occurs.

*b) Transport Infrastructure*

Eloise Hansen submits for a bus route running between Temuka and Timaru through the Plan Change area. Timaru District Council does not manage public transport or bus routes; this is administered by Environment Canterbury. Because of this situation the implementation of the requested bus route is not achievable within the scope of this proposed plan change.

**Submissions relating to:**

**Natural Hazards**

Sub. No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109312	Riverside Estate (2008) Ltd; D.T. Te-Ao-Rangi Jones & K.M. Jones; C.A. McSaveney; N.G Smith, D.J. Spencer & A. Wright; G.K. Gilbert & T.M. Keen	Natural Hazards	Oppose	More residential growth could be accommodated west of the HHSSA by requiring resource consent approval as a discretionary activity, whilst ensuring both TDC and Environment Canterbury requirements are satisfied.	Deletion of proposed new rule 4A.1 in Chapter 2.6.1 Rules for Residential 1 Zone  Deletion of proposed new rule 6.16.2.5 (3) (i) and amend ODP to provide for habitable and non-habitable buildings to be built beyond the 10m toe of the stopbank as a discretionary activity.  <i>Note: Prohibition of dwellings within the HHSSA – opposed by all submitters except N.G. Smith, D.J. Spencer &amp; A. Wright</i>
109312	Riverside Estate (2008) Ltd	Natural Hazards	Support	Ten metre setback from the toe of the Temuka River stopbank supported, to ensure unimpeded access for maintenance purposes for Environment Canterbury.  Proposed Rule 2.6.1.4A.2, which states all buildings within the SMA are prohibited.  Proposed Rule 6.162.5.(3)(ii), which states all buildings within the SMA are	

				prohibited, being all the land measured 10m landward from the toe of the stopbank.	
109335	E. Hansen	Erection of non-habitable buildings within the HHSSA	Oppose in Part	No buildings should be permitted from the toe of the stopbank or within the adjoining HHSSA area. Ground to the east of the stopbank is at times soggy from rising ground water and unsuitable for any form of building  No buildings should be erected in the natural swale, as this can fill with water.	No building located between the toe of the stopbank or in the HHSSA or the natural swale
108950	Land Services Group Limited	General	Support intent of the plan		<ul style="list-style-type: none"> <li>• Change proposed rule Part D 2.6.1 Clause 1.</li> <li>• Change proposed rule Part D 2.6.1 Clause 1.1B.</li> <li>• Proposed Part D 1.6.1 Clause 1.6 should be re-written.</li> <li>• Change proposed rule Part D 2.6.1 Clause 4A.1.</li> <li>• Change proposed rule Part D 2.6.1 Clause 4A.2.</li> <li>• Change proposed rule Part D 6.2.2(v) addition.</li> <li>• Change proposed rule Part D 6.16.2 Clause 1(1A).</li> <li>• Change proposed rule Part D 6.16.3.</li> </ul>

**Decision:**

The submission of Riverside Estate (2008) Ltd and others is rejected.

The submission of Riverside Estate (2008) Ltd is accepted.

The submission of E. Hansen is accepted in part.

The submission of Land Services Group Limited is accepted.

**Reason:**

Riverside Estate (2008) Ltd and others seek to have the prohibited status for dwellings within the HHSSA removed on the basis that more dwellings could be accommodated with the removal. They seek the status of dwellings in this area is amended to Discretionary.

The objectives and policies relating to natural hazards aim to avoid and minimise the potential risks resulting from built development in hazard prone areas. The objectives seek to avoid non-essential development in hazard prone locations, which will mitigate the effects of flooding. The policies aim to prevent new residential development in hazard prone areas, by directing future residential development away from flood prone sites. The rules proposed

within PPC13 limit the siting, design and location of residential and other buildings within the flood prone areas, which has regard to these policies and objectives.

When preparing PPC13, Environment Canterbury reviewed the flooding potential over the subject lands. Through their analysis, they were able to determine the potential flood risk of these lands on a more site specific basis. Their analysis has resulted in the identification of a 'high hazard stopbank setback area' (HHSSA). The HHSSA provides a considerable reduction in the current arbitrary distance relating to habitable buildings being 100 meters of the centreline of a stopbank and therefore provides greater land area for residential development. The Plan Change proposes that Household Units are Prohibited in the HHSSA. Mr Phillip Lees of Environment Canterbury notes:

*Stopbank breaches are not unusual in South Canterbury Rivers even in modest flood events. A breach of the Temuka River stopbank adjacent to this site could have disastrous consequences if dwellings are located within the HHSSA. The potential for loss of life is very real. There is adequate space for dwellings to be located outside the HHSSA and avoidance of the high flood hazard area for dwellings is the best mitigation option in this case.*

The submitters have not provided any expert evidence to counter the position of Environment Canterbury. In review the Hearings Panel is confident the prohibition of Household Units within the HHSSA is the correct position.

Riverside Estate (2008) Ltd submitted in support of the ten metre Stopbank Maintenance Area (SMA) and the prohibition of any buildings within that area. The Hearings Panel acknowledges the support of Riverside Estate (2008) Ltd.

E. Hansen submits that no buildings whatsoever should be permitted from the toe of the stopbank or within the adjoining HHSSA area or any natural swale. The HHSSA has been provided by Environment Canterbury to define the actual area of flood hazard risk to residential dwellings. Combined with a requisite floor height for every new residential dwelling, we are confident that habitable buildings outside this area will be safer. There should be minimal issues associated with non-habitable buildings within the HHSSA, as there is no risk to human life. The prohibition of all buildings within the Stopbank Maintenance Area ensures access to the stopbank is achievable at all times for maintenance purposes.

Land Services Group Limited submission recommends changes to the wording of a number of the proposed rules. The Hearings Panel accepts this submission, for the purpose of achieving greater clarity within the rules.

**Submissions relating to:**

**Walkway / Cycleway Links**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109312	Riverside Estate (2008) Ltd	The proposed cycleways/walkways	Oppose	Provision within the ODP is considered excessive.  Remove walkway /cycleway link from the recreation area west to the Temuka River – loss of privacy, potential vandalism, security and maintenance of walkway areas in proximity to residences.	Remove the proposed walkway /cycleway over Lots 1 & 4 DP 387529 from the ODP and Planning Maps 44 & 45.
109335	E. Hansen	Accessways and park	Oppose in Part	Access for pedestrians, cyclists & horse riders should be provided to/from the Temuka River over the stopbank without the need to negotiate SH1 between Donald Street and Springfield Road and over the Manse Bridge.	More consideration of accessways and possible users
109268	K.J. & R.E. Tarrant	Walkway on southern boundary of property	Oppose in Part	There is no room for a walkway on the southern boundary of site. Would oppose removal of trees that shelter existing property.	Do not provide walkway, as considered there are too many proposed.  Walkways should be for foot traffic & push bikes only and not for motorised vehicles or bikes, as they are destroying the stopbank.
109365	N. & R. Davidson	Cycleways & walkways	Oppose	Cycleways and walkways will be overtaken by motorcyclists who already race along the riverbeds.	Place the proposed plan change on-hold and consider a residential extension on the north-east area of Temuka where there is local support.

**Decision:**

The submission of Riverside Estate (2008) Ltd is accepted in part.

The submission of E. Hansen is rejected.

The submission of K. J. & R. E. Tarrant is accepted.

The submission of N. & R. Davidson is rejected.

## Reasons:

During the site visit the Hearings Panel walked over the proposed alignment of the walkway as it crossed the property of K. J. & R. E. Tarrant and reviewed the number and proposed location of the other proposed walkway/ cycleways.

The Plan Change, as proposed, identifies seven linkages to the Temuka River and stopbanks via legal roads or walkway/cycleways. The length of stopbank the walkways/ cycleways will access is approximately 1.3 kilometres in length. Three of the proposed accessways (Oxford Crossing Road, St Leonards Road and Cass St) are formed and currently provide access. The Plan Change will not change the status of those access points. In review the Hearings Panel considers the number of proposed walkways/ cycleways is excessive and has determined the proposed access across the Tarrant property shall be removed from the Outline Development Plan. In addition the delineation of St Leonards Road (from Wallingford Road to the stopbank) as a Walkway /Cycle link on the Outline Development Plan is erroneous and will be removed from the Outline Development Plan. That section of St Leonards Road is formed and provides vehicle access to the Temuka River.

The Hearings Panel considers the remainder of the defined cycleway / walkway links will provide sufficient riparian and stopbank accessibility to future and existing residents.

The Hearings Panel is cognisant of the concerns relating to the walkways/ cycleways being used by motor vehicles and motorcycles. Suitable entry point treatments such as bollards will ensure this cannot occur. To further ensure the walkways/ cycleways are maintained for their intended use, Council will designate the walkways for the exclusive use of walkers and cyclists under clause 741.1 of the Timaru District Consolidated By-law 2007. This designation allows for the use of walkways in a manner that *'will not impinge upon the enjoyment of others or cause damage to natural areas and improvements'*.

In regard to the concerns over loss of privacy, potential vandalism, security and the ongoing maintenance of walkway areas in proximity to residences, the Hearings Panel believes that astute allotment configuration at the time of subdivision should ensure that this is not an issue. The Reporting Planner recommended applying a maximum boundary height on all fencing and vegetation adjacent to pedestrian links (and the Recreation 2 zone) of 1.2 metres. In review and response to the evidence presented the Hearings Panel has resolved to increase this maximum height to 1.5 metres.

The Panel considered the submission and written evidence by Mr Rabbidge on behalf of Riverside Estate in regard to the proposed width of the cycleway / walkway links. In review the Hearings Panel considers a 6 metre width is excessive and unnecessary and therefore reduces it to 5 metres.

Eloise Hansen submits that access suitable for pedestrians, cyclists and horse riders should be provided to/from the Temuka River over the stopbank without the need to negotiate SH1 between Donald Street and Springfield Road and over the Manse Bridge. The Hearings Panel empathise with Eloise Hansen’s concerns; unfortunately the access referred to in this submission lies outside the subject lands. The pedestrian links identified in the ODP are all internal and for this reason the submission cannot be accommodated within the context of this Plan Change.

Neville and Robyn Davidson seek to place the proposed plan change on-hold and for the Council to consider a residential extension on the north-east area of Temuka where there is local support.

Where a submission is determined to be outside the purpose (also referred to as scope) of the Plan Change it has been recommended that the submission be rejected. With respect to determining the scope of a submission reference is made to Clause 6 of First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

*“6. Making submissions  
Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5.”*

A submission on a plan change is therefore limited in that it must be “on” the plan change. The Panel considers this aspect of the Davidson submission is outside the scope of the Plan Change and therefore cannot be accepted.

**Submissions relating to:  
Planning Mechanism**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109467	New Zealand Transport Agency	No planning mechanism which ensures development occurs in	Oppose in Part	Does not indicate how compliance with the ODP is to be achieved.	A rule is required to be inserted into the Plan to ensure compliance with the ODP is achieved.

		accordance with ODP			
108950	Land Services Group Limited	General	Generally Supports	All rules should be contained in the appropriate rules section of the District Plan and not in a separate appendix.	Delete proposed Appendix 3

**Decision:**

The submission of New Zealand Transport Agency: is accepted.

The submission of Land Services Group Limited: is accepted.

**Reason:**

The two submitters raise concerns on how compliance with the ODP is to be realized and the linkage to the ODP in Part D 8 Appendices, as new Appendix 3. Land Services Group Limited submits that all rules should be contained within the appropriate rule section of the District Plan and not in a separate appendix.

The Hearings Panel agrees with the submitters that clarification is necessary in order to ensure development occurs in accordance with the Outline Development Plan, to achieve effective implementation of the Plan Change. The Hearings Panel has determined that the requisite changes, as detailed in Appendix A of this decision, shall be made.

**Submissions relating to:**

**New Zealand Fire Service Requirements**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109585	New Zealand Fire Services (NZFS)	The provision of water supplies suitable for fire fighting purposes	Neutral	Proposal must take account of the operational requirements of the NZFS.  Preference is a reticulated supply which meets the New Zealand Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Code of Practice).  The plan change documents do not appear to mention water supply to the rezoned area.	Confirmation that water supply to the rezoned area will meet the Code of Practice, whether this is via reticulated supply or other means.

**Decision:**

The submission of the New Zealand Fire Service is accepted.

**Reason:**

The New Zealand Fire Service seeks to ensure that the proposed Plan Change takes into account the operational requirements of the Fire Service to adequately enable fire-fighting activities. This means ensuring that appropriate fire-fighting water supplies and access to properties are provided.

The Drainage and Water Unit have advised that the bulk water supply main from the Orari water source can support an increase of approximately 270 additional dwellings being connected. An upgrade of the bulk water supply is required to overcome leakage issues, meet the fire fighting requirement and the 2026 demand growth.

The Hearings Panel is therefore satisfied that appropriate water supplies and access will be available to meet the fire fighting requirements of the NZFS.

**Submissions relating to:****Compensation**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
109315	Jane Harding	Cost to ratepayers	Oppose	Suggests that ratepayers will have to pay for water/sewage, road upgrades, as only minimum number of land owners looking to develop land.	Questions how Council will compensate landowners who oppose plan for change of land use and associated increase to noise & car pollution.
109316	David John Frances Vincent	Cost to ratepayers	Oppose	Intention of developers to cut up rural plots to make maximum profit at the cost of the local community values and ratepayers as a whole.	Clarification of costs incurred by Council and ratepayers.
109334	R.S. Taylor	Proposed indicative road running through the land at 20 Donald Street	Oppose	The siting of the road on this lot as it would limit the potential for any dwelling to be built.	That the council purchase the land at QV for its recreation reserve.

**Decision:**

The submission of Jane Harding is rejected.

The submission of David John Frances Vincent is rejected.

The submission of R. S. Taylor is rejected.

**Reason:**

Section 85 of the Resource Management Act 1991 states:

*Compensation not payable in respect of controls on land:*

- (1) An interest in land shall be deemed not to be taken or injuriously affected by reason of any provision in a plan unless otherwise provided for in this Act.*
- (2) Notwithstanding subsection (1), any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision on those grounds—*
  - (a) In a submission made under Part 1 of the First Schedule in respect of a proposed plan or change to a plan; or*
  - (b) In an application to change a plan made under clause 21 of Schedule 1.*

There is no right to compensation under the RMA. Therefore the suggestion by J. Harding that compensation could be paid to landowners who oppose the plan cannot be considered in the context of the plan change.

David Vincent seeks clarification of the costs incurred by Council and ratepayers due to Plan Change 13. Timaru District Council has an operative Financial Contributions Policy set out in Part D, Section 6, Chapter 6.5 Water, Sewer, Stormwater and Open Space and Recreation Contributions of the District Plan. Financial contributions are provided for under the Resource Management Act 1991 and are used to offset or mitigate any adverse impacts on the natural and physical environment including utilities and services of a new development.

The existing Financial Contributions Policy allows the Council to apply a charge for water, sewer, stormwater and open space and recreation. The amount charged as a financial contribution for water supply, sewer and stormwater services is determined by Council at the time of development. The Open Space and Recreation contribution is taken as a fixed fee per new allotment created.

In the course of the Hearings Ken Tarrant raised the issue of the loss of land to walkways and there being no provision to remunerate the landowner for this land. The Hearings Panel recognise the inequity of this situation and have determined landowners will be paid for any land required for the purpose of establishing a walkway/ cycle way.

The Water and Drainage Unit advise that the Plan Change may hasten the need to upgrade sewer and water mains; however due to the minimum size of services required and assuming orderly development, there should be little or no direct capital cost to Council.

Financial contributions from subdivision and development will be used to recover the costs of any growth related infrastructure works. However, the full costs of upgrading the infrastructure may not need to be fully funded by Council upfront. Given the size and nature of the PPC lands and the existing infrastructure available, limited infrastructure upgrades to increase capacity may be undertaken by Council to facilitate development in a staged manner.

In terms of acquiring and establishing the proposed reserve, the Reserves Act, 1977 provides Council with the statutory authority to purchase land for reserves. The provision of this neighbourhood reserve creates an opportunity for public recreation within the subject lands and wider urban area. The location shape and size of the proposed reserve, as defined on the ODP, has been determined to be that most suitable for the inhabitants. Mr R. S. Taylor's property is unsuitable for a neighbourhood reserve due to its size and location. The Panel has therefore determined Mr Taylor's submission cannot be accommodated.

Based on these assertions and the financial contributions policy in place, there should be no initial cost to bear by the ratepayer as a result of providing sewer and water services.

**Submissions relating to:  
Canterbury Regional Policy Statement**

Submission No.	Submitter Name	Provision	Support/ Oppose	Summary of Submission	Decision Sought
107968	Environment Canterbury	The proposal in its entirety	Support	<p>Proposal is consistent with the RMA, the Canterbury Regional Policy Statement and the Timaru District Plan.</p> <p>Gives effect to Policies of the Regional Policy Statement</p> <p>Gives effect to provisions of the Timaru District Plan, addressing development in areas subject to flooding hazard, services &amp; roading and amenity &amp; recreation.</p> <p>Assists in achieving the Purposes &amp; Principles of the RMA.</p> <p>Will achieve the integrated management of the effects of the use</p>	That the Proposed Plan Change (PPC), as notified, is adopted.

				development & protection of land & associated natural and physical resources.	
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**Decision:**

The submission is accepted in part because modification to the notified Plan Change has occurred through the submission and hearings process.

**Reason:**

Environment Canterbury supports PPC13 in its entirety, specifically its consistency with the RMA, the Canterbury Regional Policy Statement and the District Plan. The Hearings Panel notes the support from Environment Canterbury.

Mr Bob Willis raises the matter of achieving consistency with the Outline Development Plan if the rezoning is to be staged (or deferred) with that staging being based on the provision of infrastructure. The integrity of the internal road alignment, the location of the reserve area and the High Hazard Stopbank Setback Area/ Stopbank Maintenance Area may be compromised if no controls are established prior to rezoning occurring.

The Panel recognise the validity of Mr Willis’s submission and make the following amendment (in bold).

Additional text shall be added to state:

**4B DEFERRED ZONES**

*4B.1 The Rules and Performance Standards applicable to the land zoned Rural 2 and Residential 1 at Temuka North West on Planning Maps 44 and 45 continue to apply to those relevant parts of that land shown as Residential 1 Zone (Deferred), (as set out in Appendix B of Part D 2), until a sewer outfall is available for this area.*

***The principal elements of the Outline Development Plan, such as the road alignment, cycleways/walkways, location of the neighbourhood reserve, HHSSA and SMA areas shall apply to all land within the ODP.***

**Conclusion**

In overview, the Hearings Panel considers it is desirable to rezone parts of the Plan Change area from Rural 1 and 2 to Residential 1 and apply specific rules to address the unique

situation. Plan Change 13 offers an opportunity for subdivision and consequential residential development within the defined area.

Aspects of the Plan Change require amendment to appropriately address matters raised by the Reporting Planner and the submitters. These include in particular:

- (i) Modifications to the Outline Development Plan, including the “Notes”.
- (ii) Modifications to the text of the Plan Change to provide greater certainty and consistency within the Timaru District Plan.

The Hearings Panel may make amendments to a Plan Change under Schedule 1, Part 1, Clause 10 (2)(b):

*The decision—*

*may include—*

- (i) *matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*
- (ii) *any other matter relevant to the proposed statement or plan arising from the submissions.*

In conclusion the Hearings Panel considers Plan Change No 13 has evolved and become attuned through the process of notification and the submission process. The Panel is of the opinion that with amendments now incorporated, the Plan Change provisions provide appropriately for subdivision and residential use of the land in a way that addresses the aspirations of the community in respect of this site, and gives effect to the purpose of the Resource Management Act 1991.

For the above reasons the Hearings Panel approves with modifications Proposed Plan Change No 13 - Temuka North West Residential Expansion.

The changes to the Timaru District Plan and the Outline Development Plan are as contained in Appendix A.

Dated this 1st day of April 2011



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Clr Michael Oliver  
**Chairman of the Hearings Committee**

## Appendix A

### Plan Change 13 within the District Plan incorporating the Hearing Panel Decisions.

Changes and additions are in red

## **2 RESIDENTIAL ZONES**

### **2.1 ISSUE 1**

The enhancement of the visual appearance and surroundings which contribute to the general amenity of residential areas throughout the District.

#### *Explanation*

*There is a need to enhance or improve the appearance of streetscapes, parks, reserves, and sporting facilities in residential areas. The visual appearance of some buildings is also a matter of concern especially those in a dilapidated state or out of character with their surroundings. The continuity and coherence of residential streetscapes is undermined in some areas where commercial activity has spread amongst residential properties. Structures such as overhead wires and signs also reduce the amenity of residential areas. The maintenance of privacy and outlook and reasonable access to sun and daylight in residential areas is also important.*

#### **2.1.1 OBJECTIVE**

- 2.1.1.1 Recognise the importance of maintaining and enhancing the amenity values of residential areas.

#### *Principal Reason*

*Acknowledges the value the community places on living in a pleasant environment and the importance of protecting residential activities from adverse environmental effects.*

#### **2.1.2 POLICIES**

- 2.1.2.1 To protect and enhance the visual appeal, coherence, and quality of residential areas.

#### *Explanation and Principal Reason*

*Seeks to maintain and where necessary improve the visual appearance of residential areas.*

- 2.1.2.2 To provide for a range of land use activities in residential areas while avoiding or mitigating the adverse environmental effects of these activities by way of the following zones:

*Explanation and Principal Reason*

*Residential Zones reflect the degree of servicing and the level of environmental effects which may be anticipated having regard to the nature of existing settlements. This policy is linked to the other policies for the Residential Zones.*

*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.*

- Residential 1 Zone (Suburban Residential; Timaru, Temuka, Geraldine, Pleasant Point)

*Explanation and Principal Reason*

*This zone includes the existing Residential areas of Geraldine, Pleasant Point and Temuka and suburban Timaru. It is intended to provide for residential activities of a moderate to low density and activities which service these residential activities.*

*There is limited provision for the establishment of commercial activities as these tend to reduce the level of amenity for residential activities and detract from the predominantly residential nature of this zone. A high standard of amenity is anticipated for this zone. Additional land to that which has previously been zoned Residential is included in this zone to provide for future residential expansion. Further land which is readily serviced and is compatible with the objectives and policies of the Plan will be considered for inclusion in this zone when the existing area of zoned land is nearing full development.*

- Residential 1 Zone (Temuka North West)

*Explanation and Principal Reason*

*The Temuka North West Residential Expansion - Outline Development Plan area is outlined in Appendix B of Part D 2 Residential Zones and comprises approximately 31 hectares of land situated west of King Street (State Highway 1) between Oxford Crossing Road in the north, the Temuka River Stopbank in the west,*

*Cass Street in the south and Grant Street and Wallingford Road in the east and also includes the existing Residential 1 Zoned land north of Donald Street.*

*The Outline Development Plan includes the configuration of land use zoning, roads, walkways, reserve and linkages throughout the site. The Rules and Performance Standards of the Residential 1 Zone shall apply to this zone.*

*The northern areas of this zone are labelled as 'deferred' zones, i.e. Stages 1A and 2. The Residential 1 Zone rules shall not apply to those deferred zones until a sewer outfall is available to these stages. These stages are intended to be developed sequentially, as the sewer will first service Stage 1 and 1A and then progress northwards to Stage 2. This is to enable Council to budget for the funds it may choose to contribute to the development of services, such as the extension of the sewer.*

*Staged development will also ensure:*

- strategic and efficient use of land;*
  - provision of infrastructure on an 'as required' and coordinated basis;*
  - consolidation of urban form;*
  - progressive change in the character of the area;*
  - limitation of the potential effects on existing uses;*
  - provision of enough zoned land within the urban area to counter the demand for rural lifestyle developments.*
- Residential 2 Zone (High Density Residential; Timaru only)

#### *Explanation and Principal Reason*

*High density inner city living is provided for in this zone which is centrally located in Timaru. Smaller allotment sizes and more concentrated development are provided for in this zone where amenity standards are more permissive than the Residential 1 Zone. There is also some limited provision for commercial activities.*

- Residential 3 Zone (Township; other than the four major towns)

#### *Explanation and Principal Reason*

*This zone provides for residential activities in the small townships of Acacia Drive, Cave, Orari, Pareora, Winchester, Peel Forest and Woodbury which have a different character from larger settlements. Residential allotments are generally of a larger size than in the main settlements. A mix of residential and some non residential activities is possible although non residential activities should be controlled to protect the residential activities in this zone. Urban levels of services will not necessarily be available. These areas may be supplied by rural water supplies.*

- Residential 4 Zone (Low Density Residential; Timaru only)

*Explanation and Principal Reason*

*This is a low density zone provided for at several locations in Washdyke. Amenity values are intended to be of as high a standard as is compatible with its location near an industrial area. An integrated building location and planting regime is to be provided to detail means of achieving maximum visual amenity.*

- Residential 5 Zone (Future Residential; Timaru and Geraldine)

*Explanation and Principal Reason*

*This zone is located at Gleniti in Timaru, and at Geraldine. While residential development is provided for the largely rural character will be maintained until such time that servicing for roading, water, stormwater and sewage can be provided for in an efficient manner and the land will be rezoned in stages as the demand for residential land occurs.*

- Residential 6 Zone (Medium Density at Gleniti)

*Explanation and Principal Reason*

*This is a medium density zone at suburban Gleniti in Timaru that provides for integrated residential development having regard to urban design guidelines for the management of stormwater and the provision of other services that are both visually appealing and environmentally sustainable. As an initial guideline, an indicative Development Plan showing the location of the new Residential 6 Zone, potential neighbourhood parks, collector roads and walkways, stormwater swales, detention dams, and waterways (sufficient to deal with a 50 year storm event) is appended to the Residential 6 Zone rules.*

*The central and western areas of this zone are labelled as deferred zones, ie Residential 6(a) and Residential 6(b). The Residential 6 Zone rules are not applicable to those deferred zones until a sewer is available to these zones or until 2010 for the Residential 6(a) Zone and 2015 for the deferred Residential 6(b) Zone. This is to enable the Council to budget for the funds it may choose to contribute to the development of services such as the extension of the sewer.*

*The deferred zoning also addresses the concerns of some landowners and developers who had proposed subdivision and development on the basis of the requirements of the Residential 1 or 5 Zones prior to notification of Proposed Plan Change 1. This effectively gives them a transition period within which they can develop land under the existing zone rules prior to the new rules*

taking effect. The existing zoning is shown on planning maps 29, 30, 33 and 34.

### **2.1.3 METHODS**

2.1.3.1 List activities provided for in the zones and require compliance with performance standards or rules for:

- servicing for water supply, stormwater and effluent disposal
- bulk and location of buildings
- flood hazard avoidance
- visual appearance
- open space and privacy
- parking
- lighting
- hazardous substances
- intensity of development

(See Rules for Residential Zones and General Rules 6.5 and 6.16).

#### *Principal Reason*

*Listing activities and setting performance standards should provide greater certainty to people about the types of activities and the resulting environmental effects they can anticipate in residential areas. Requires those activities using the servicing infrastructure to contribute to the cost of providing and maintaining these services and encourages the efficient use of services.*

2.1.3.2 A financial contribution shall be required to recover the cost of providing services including open space and recreational facilities for the benefit of people throughout the District (see General Rule 6.5).

#### *Principal Reason*

*Ensures there is land or funding for open space and recreation facilities prior to residential development commencing.*

2.1.3.3 Continue progressive undergrounding of overhead wires in the main urban areas through the annual plan process and requires rules on undergrounding for new subdivision (see Part B, 11 (c); performance standards in Rules for Residential Zones; and General Rule 6.3.8).

#### *Principal Reason*

*Improves streetscape appearance by reducing the congestion of services at street level. There is also a benefit in reducing accident potential and reducing disturbance of services within the road reserves such as street trees, footpaths, and kerbs.*

- 2.1.3.4 Encourage tree planting through education programmes and the provision of a tree or shrub to those residents establishing new homes.

*Principal Reason*

*Promotes tree planting throughout residential areas of the District.*

## **2.2 ISSUE 2**

Sound levels may have a very detrimental effect on people in residential areas who are seeking to rest or carry out quiet residential and recreational activities.

*Explanation*

*Environmental noise is a major environmental and health issue. The adverse effects of noise which people have no control over or which are not produced naturally (like the sea) are especially stressful at times when most people are trying to rest (night time) or relax (outside normal work hours).*

### **2.2.1 OBJECTIVE**

- 2.2.1.1 That as far as practical residential zones should be areas where people are able to find rest and relaxation with a minimum of interference from unwelcome noise.

*Principal Reason*

*People's homes should provide an environment where they can escape the stresses brought about by industrial, commercial and recreational activities. Not all noise, such as that from transportation systems - the Port of Timaru, Main South Railway and arterial roads, can be readily isolated from residential areas. Noise from vehicles operated on roads is not a matter which can be addressed under the Resource Management Act. Other temporary generators of noise such as lawn mowing or construction which are of limited duration have to be accepted unless at a time or at sound levels which are unreasonable.*

### **2.2.2 POLICY**

- 2.2.2.1 To only provide for those activities which are unlikely to add significantly to noise levels in residential areas.

*Explanation and Principal Reason*

*Industrial, commercial and some recreational activities often give rise to noise either from the activity itself or the traffic they attract over and above what one would anticipate from a residential activity.*

*Some existing non-residential activities are provided for to make sustainable use of existing physical resources.*

### **2.2.3 METHOD**

- 2.2.3.1 Zoning areas for residential purposes, and within those zones to only provide for those activities which are unlikely to give rise to noise levels over and above residential activities (see Rules for Residential Zones).

#### *Principal Reason*

*Not having noise producing activities in the Residential Zones avoids the likelihood of noise. Accordingly no noise levels are set for these zones.*

### **2.2.4 POLICY**

- 2.2.4.1 (a) To control the operating hours of activities in Residential Zones between 10.00pm and 7.00am.
- (b) When considering applications for resource consents to establish new activities or increase the scale of existing activities, Council shall have regard to the impact of the proposal, including:
- the hours of operation proposed
  - traffic and pedestrian effects including noise
  - the residential character and amenity of the area
  - the presence of other non residential activities on adjacent sites and the anticipated cumulative environmental effects

#### *Explanation and Principal Reason*

*There are a number of existing small shops and other commercial premises within residential zones. The extension of trading hours with associated traffic and people movements at times has an adverse effect on the noise environment when most people are seeking rest. Any business seeking longer hours should consider relocating to commercial or industrial zones.*

### **2.2.5 METHOD**

- 2.2.5.1 Include non residential activities as discretionary activities in residential zones (see Rules for Residential Zones). Conditions can be attached to consents where changes from the existing character, scale, and intensity of effects occur.

## **2.3 ISSUE 3**

There are other environmental effects such as odour, and dust emissions, lighting or traffic effects which can arise from activities which impact on the amenity of residential areas.

### *Explanation*

*Such effects can frequently have an adverse effect on other residents and residential character without being quantifiable or measurable in a practical way. Activities such as schools and medical centres can produce significant traffic effects but need to be located in residential areas for ease of access and convenience. Light spill from commercial, industrial, and sporting facilities can also have an adverse effect on residential activities.*

### **2.3.1 OBJECTIVE**

2.3.1.1 The retention of residential character and a high standard of amenity.

#### *Principal Reason*

*To provide for a quality of life that allows people to rest and enjoy their homes without suffering significant adverse effects from other land uses.*

2.3.1.2 (See Objective 2.1.1.1).

### **2.3.2 POLICIES**

2.3.2.1 To ensure that activities which would have an adverse effect on residential character or amenities are located in other zones with exceptions eg schools or public utilities.

#### *Explanation and Principal Reason*

*Separates activities producing adverse effects from residential areas while protecting the quality of life in residential areas. Activities which are not compatible with residential character can be located in other zones. Some other activities which provide important services to residential zones are provided for in the lists of permitted, controlled or discretionary activities in those zones.*

2.3.2.2 (See Policy 2.1.2.1).

### **2.3.3 METHODS**

2.3.3.1 (See Method 2.1.3.1).

## **2.4 ISSUE 4**

Residential activities produce adverse environmental effects which give rise to a demand for reticulated services such as stormwater and sewerage and which create a demand for water.

### *Explanation*

*Utility services such as water for domestic use and fire fighting, sewerage and stormwater provision, footpaths, roads, streetlighting, and rubbish disposal facilities, are required where intensive residential development occurs. The level of servicing reflects the concentration of development, the ability of the environment to absorb the effects of residential use, and the expectations of the community for services. Natural areas or areas of more versatile land (Class I and II land) require protection from residential activities. The last point is consistent with the Regional Policy Statement and Part II of the Resource Management Act.*

### **2.4.1 OBJECTIVE**

2.4.1.1 (See Objective 2.1.1.1).

### **2.4.2 POLICY**

2.4.2.1 To avoid or mitigate the adverse environmental effects of residential land use.

### *Explanation and Principal Reason*

*Provides for residential land use while recognising that there may be adverse effects which compromise the quality of the natural environment or the character of rural areas.*

- 2.4.2.2 (a) To establish a minimum allotment and/or site area within the Residential 6 Zone of 700 square metres.
- (b) To limit allotment and/or site coverage with buildings in the Residential 6 Zone to a maximum of 45%.

Development proposals at less than the above standards will require an application for resource consent, which shall be assessed against all relevant objectives and policies together with any mitigating or compensatory measures that address stormwater generation such as rain gardens and stormwater holding tanks.

### *Explanation and Principal Reason*

*Failure to remedy or mitigate additional stormwater run-off has the potential to compromise the integrity of the public stormwater system*

*in the Residential 6 Zone which is to be designed having regard to low impact urban design guidelines.*

*Property owners or developers wishing to reduce the minimum allotment size of 700 square metres and/or increase the maximum area of imperviousness for buildings and structures requiring building consent from 45% should be assessed through the resource consent process at the time of subdivision and/or development. If approval is given conditions may be imposed that require the installation and maintenance of run-off mitigation such as rain gardens, partially impervious surfaces and/or stormwater water holding tanks that slowly release the water or allow the water to be stored then used for irrigation at a later date.*

(See also Policy 10 in Liquid Waste Management section of Part B for more details).

- 2.4.2.3 Ensure that staging of development in the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2) is efficient, sequential, coordinated and supported by adequate services; and that development is otherwise deferred until the required upgrading of the sewer has occurred.

### **2.4.3 METHODS**

- 2.4.3.1 (See Methods 2.1.3.1 - 2.1.3.3).

## **2.5 ISSUE 5**

Some residential areas are situated in parts of the District where there is a significant flood hazard.

### *Explanation*

*Historically many settlements have located close to rivers or the coast in areas vulnerable to flooding. Reductions in Central Government funding for natural hazard protection and compensation for damage resulting from natural hazards has imposed greater responsibility on communities to address the issue of hazard avoidance.*

*A recent study has shown a marked increase in rainfall intensity has occurred in Timaru since 1977, which has created stormwater management issues (High Intensity Rainfalls in Timaru; Opus International Consultants; April 1999). This study has been expanded to include Temuka and Geraldine.*

## **2.5.1 OBJECTIVE**

- 2.5.1.1 Avoid the occurrence of new residential development in areas with a significant flood hazard potential and reduce the risk of damage for new development in existing residential areas.

### *Principal Reason*

*Reduces the potential for future residential development to locate in areas where human life and property are subject to an unnecessary level of risk.*

## **2.5.2 POLICY**

- 2.5.2.1 To provide for residential activities based on existing settlements while avoiding areas:

- with a significant risk of flood hazard;
- of versatile land (Class I and II land); or
- where it is impractical to provide efficient servicing, particularly where additions to residential zones are provided.

### *Explanation and Principal Reason*

*Reduces the incidence of flood damage in residential areas, protects high quality soils for primary production (see Regional Policy Statement) and requires servicing to be provided for in an efficient manner.*

## **2.5.3 METHODS**

- 2.5.3.1 (See Method 2.1.3.1).

## **2.6 RULES FOR RESIDENTIAL ZONES**

### **2.6.1 RESIDENTIAL 1 ZONE**

#### **1 PERMITTED ACTIVITIES**

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules.

- 1.1 Household units.

- 1.1A In Temuka North West, (as set out in Appendix B of Part D 2), one household unit per site.**

**NOTE:** See General Rule 6.16

- 1.2 Boarding or lodging houses, community care facilities (unrestrained), or hostels or travellers accommodation providing for up to 10 people.

- 1.3 Market gardening other than retail sales.
- 1.4 Grazing of animals in accordance with Council Bylaws except pig or poultry farming.
- 1.5 Open space or its use for recreational purposes other than motor sports.
- 1.6 Accessory buildings to any of the above.
- 1.6A Accessory buildings to any of the above, within the High Hazard Stopbank Setback Area at Temuka North West (as set out in Appendix B of Part D 2).
- 1.7 Utility services.
- 1.8 Road and bridge construction and maintenance within road reserves.
- 1.9 Home occupations.
- 1.10 A building not exceeding 30 square metres floor area situated on the same site as a residential building and used for the storage only of plant and materials in connection with a business used for the home occupation.
- 1.11 Those activities provided for in the General Rules as permitted activities.

## **2 CONTROLLED ACTIVITIES**

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules with the exercise of Council's discretion restricted to the matter(s) specified.

- 2.1 Additions to existing educational establishments, day care centres, or hospitals. Council shall restrict its discretion to the environmental effects associated with traffic access.
- 2.2 Boarding houses or hostels associated with educational establishments. Council shall restrict its discretion to the environmental effects associated with open space, noise, parking, and traffic access.
- 2.3 Additions to existing Emergency Services Facilities. Council shall restrict its discretion to the environmental effects associated with height, parking and traffic access.
- 2.4 Telecommunication facilities and radio communication facilities. The Council shall restrict its discretion to potential visual effects.

- 2.5 Those activities provided for in the General Rules as controlled activities.

### **3 DISCRETIONARY ACTIVITIES**

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

- 3.1 Boarding or lodging houses, or hostels, or community care facilities or travellers accommodation not provided for as a permitted activity.
- 3.2 New educational establishments or day care centres.
- 3.3 Consulting rooms for health practitioners.
- 3.4 Places of assembly which are not licensed under the Sale of Liquor Act.
- 3.5 Extensions to existing shops up to 100 square metres total floor area.
- 3.6 Hospitals.
- 3.7 Public utilities.
- 3.8 Sale of goods or services produced on the site ancillary to a home occupation or market garden on the site.
- 3.9 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone, **except as prescribed in Section 3A.**
- 3.10 Licensed premises existing at 7 October 1995.
- 3.11 Those activities provided for in the General Rules as discretionary activities.
- 3.12 Accessory buildings to any of the above.
- 3.13 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

### **3A RESTRICTED DISCRETIONARY ACTIVITIES**

The following is a Restricted Discretionary Activities provided that they are not listed as a Prohibited, Non-Complying or Discretionary Activities and they comply with all the relevant Zone Performance Standards:

- 3A.1 Residential activities not in compliance with the Temuka North West Residential Expansion - Outline Development Plan (as set out in Appendix B of Part D 2). Discretion shall be limited to the matter(s) not complied with.

#### **4 NON-COMPLYING ACTIVITIES**

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

#### **4A PROHIBITED ACTIVITIES**

The following are Prohibited Activities:

- 4A.1 Household units within the High Hazard Stopbank Setback Area identified on the Temuka North West Residential Expansion - Outline Development Plan (as set out in Appendix B of Part D 2).
- 4A.2 All buildings within the Stopbank Maintenance Area identified on the Temuka North West Residential Expansion - Outline Development Plan (as set out in Appendix B of Part D 2).

#### **4B DEFERRED ZONES**

- 4B.1 The Rules and Performance Standards applicable to the land zoned Rural 2 and Residential 1 at Temuka North West continue to apply to those relevant parts of that land shown as Residential 1 Zone (Deferred), (as set out in Appendix B of Part D 2), until a sewer outfall is available for this area.

The principal elements of the Outline Development Plan, such as the road alignment, cycleways/walkways, location of the neighbourhood reserve, HHSSA and SMA areas shall apply to all land within the ODP.

#### **5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight, Outlook and Visual Amenity**

- 5.1 The maximum height of buildings shall be 10 metres. The maximum height for hose drying and radio communication towers in respect of Emergency Services Facilities shall be 15 metres.
- 5.2 All buildings shall be contained within a building envelope constructed by recession planes as set out in Appendix 2.
- 5.3 The recession plane in Appendix 2 shall apply between any two detached household units on the same site and will be calculated from an imaginary boundary between adjoining detached household

units or from a point corresponding with the division between the land allocation of each unit.

5.4 All buildings other than as provided for in paragraph 5.5 shall be set back a minimum of 5 metres from road boundaries. In respect of existing buildings sited not less than 4.5 metres from the road boundary, these buildings can be extended, provided no part of the extension is closer than 4.5 metres from the road boundary and all other rules are complied with.

5.5 Parking spaces for up to 2 vehicles may be located within the front set back.

One of these spaces may be in the form of a garage or carport.

5.6 Non-residential buildings other than residential accessory buildings shall be set back a minimum of 5 metres from boundaries with adjoining residential activities.

5.7 A building sited within 6 metres of a boundary on the subject site shall not exceed an overall dimension of 30 metres measured parallel to any site boundary, excluding a 600 millimetre projection of eaves.

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

5.9 Renewal, replacement or upgrading of existing overhead services (other than transmission lines) of more than 50 metres in length shall be located underground.

5.10 One household unit shall be allowed for each 300 square metres of site area (exclusive of entrance strips for rear sites).

- **Open Space**

5.11 All household units shall have an area of open space provided on any of the north, west, or east sides of any household unit located at ground level and be of a minimum area of 50 square metres with a minimum dimension of 5 metres. In respect of multi-unit household units which are part of a community care facility where common facilities/open spaces are provided, the minimum open space area can be reduced to 25 square metres for each unit.

5.12 Doors from adjoining units shall not open onto the open space area provided for another household unit on the same site.

5.13 Open space areas shall be provided for the exclusive use of the subject household unit and shall remain unobstructed by vehicular access, manoeuvring, parking or service areas.

- 5.14 Up to 25 square metres of the open space area under Performance Standard 5.11 may be occupied by an attached structure which is predominantly made of glass and which has the purpose of providing for the indoor/outdoor utilisation of this area eg conservatories/ glasshouses.
- 5.15 Within multiple household units those units entirely on the first floor level or above shall have a balcony of a minimum area of 12 square metres, and an open space area of a minimum of 35 square metres, which shall be provided adjoining any of the north, west or east sides of the household unit for the exclusive use of that household unit. Doors from adjacent units may not open onto the balcony or open space area of an adjoining household unit.
- 5.16 Open space shall be unobstructed from the ground level upwards except where a roof or other part of a building, which is a minimum of 2 metres above the ground level of the open space, may overhang the open space by up to 1 metre or where a balcony of a minimum area of 12 square metres overhangs the open space of the same household unit.

- **Obtrusive Light from Artificial Lighting**

- 5.17 Exterior lighting shall be directed away from neighbouring sites and roads.
- 5.18 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 boundary of any other residential zoned sites between the hours of 10.00pm and 7.00am and 20 lux at all other times.

- **Traffic Safety at Intersections**

- 5.19 Notwithstanding any other provision in the Plan no person shall construct or reconstruct any building, accessory building, structure, erection or fence, (except for the maintenance and minor upgrading of utility services' poles) or shall permit to grow a hedge, tree or other growth, whether on the boundary or not, over 900 millimetres in height above the average ground level within 6 metres of a road intersection, except for clear stemmed trees, which are pruned to maximise visibility for traffic safety.
- 5.20 Road boundary fences shall be a maximum height of 2 metres.

**5A Supplementary Performance Standards for All Activities at Temuka North West (as set out in Appendix B of Part D 2):**

- 5.A.1 Any persons seeking to erect non-habitable buildings within the High Hazard Stopbank Setback Area, in close proximity to the Stopbank Maintenance Area boundary, shall be required to submit to Council a certificate from a licensed cadastral surveyor which establishes that

the proposed location of the building is not located within the Stopbank Maintenance Area. Where there is doubt as to where the toe of the stopbank lies, advice shall be sought from Environment Canterbury for the defined landward extent of the High Hazard Stopbank Setback Area.

5.A.2 The Neighbourhood Reserve and the defined cycle ways/ walkways shall be funded from financial contributions from development at the rate set by the District Plan in Part D General Rules 6.5.2.2.

5.A.3 Any boundary fence abutting the Recreation 2 Zone and all pedestrian links shall not be more than 1.5 metres high;

In addition, landscaping along the length of any boundary abutting the Recreation 2 Zone and all pedestrian links shall not be more than 1.5 metres high.

## 6 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES

### (a) **Water, Sewer, Stormwater and Reserves Contributions**

See General Rule 6.5.

### (b) **Vehicle Access and Loading**

See General Rule 6.7.

### (c) **Parking**

See General Rule 6.8.

### (d) **Hazardous Substances**

See General Rule 6.9.

### (e) **Signs**

See General Rule 6.15.

### (f) **Natural Hazards**

For land subject to flooding or coastal inundation see General Rule 6.16 and the Regional Coastal Environment Plan for rules relating to coastal erosion.

### (g) **Noise**

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

(h) **Filled Sites**

See General Rule 6.18.

(i) **Roading Hierarchy**

See General Rules 6.6.

## **6 GENERAL RULE**

### **6.3 SUBDIVISION**

#### **6.3.1 ISSUES, OBJECTIVES, POLICIES AND METHODS FOR SUBDIVISION**

See Part B, 1-4, 5 (b) & (c), 7-9 and 11(b).

#### **6.3.2 GENERAL PROVISIONS FOR SUBDIVISION IN ALL ZONES**

All applications are subject to the requirements set out in the Resource Management Act, with particular reference to sections 106, 219, 220 and 230-237G.

#### **6.3.3 PERMITTED ACTIVITIES IN ALL ZONES**

There shall be no permitted activities.

#### **6.3.4 CONTROLLED ACTIVITIES IN ALL ZONES**

- (i) Any subdivision which complies with all Performance Standards and General Rules shall be a controlled activity and shall be non notified with the exercise of Council's discretion restricted to the matter(s) specified.
- (ii) Subdivision for utility services, public utilities, telecommunication facilities and radiocommunication facilities is a Controlled Activity in all zones except in the Recreation 1 Zone.

Council shall restrict its discretion to the environmental effects associated with:

- the provision of physical services other than for unstaffed utility services, unstaffed public utilities, unstaffed telecommunication facilities and unstaffed radiocommunication facilities
- traffic access and circulation
- the provision of esplanade reserves or esplanade strips (see General Rule 6.4)
- whether the site is of a regular shape and able to accommodate the proposed activity
- vulnerability of the site to natural hazards
- the protection and enhancement of natural habitats identified in Part C Planning Maps
- the location, size and extent of roads, walkways, cycleways, parks/open space areas, sewer, water and/or stormwater services and/or other necessary incidental equipment
- potential noise effects from the airport and associated airport activities on noise sensitive activities within the 1000 metre buffer beyond the Airport Noise Boundary

### **6.3.5 DISCRETIONARY ACTIVITIES IN ALL ZONES**

The following are discretionary activities in all zones subject to complying with the General Rules.

- (i) Any subdivision which does not comply with one or more of the Performance Standards for subdivision, **except as prescribed in Section 6.3.5A.**
- (ii) Any subdivision of any site which contains a Heritage building, or structure, or archaeological site, or significant tree, or natural habitat shown on the Planning Maps.
- (iii) Adjustments of boundaries of two or more separately saleable existing allotments which have separate Certificates of Title and where the number of allotment is not increased.
- (iv) Subdivision for utility services, public utilities, telecommunication facilities and radiocommunication facilities not provided for as a controlled activity.
- (v) Any subdivision which involves the creation of a new road intersection with any state highway.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for subdivision and for the Zone.

### **6.3.5A RESTRICTED DISCRETIONARY ACTIVITIES**

The following shall be Restricted Discretionary Activities provided that they are not listed as a Prohibited, Non-Complying or Discretionary Activity, and they comply with all the relevant Zone standards:

- (i) Any subdivision not in compliance with the Temuka North West Residential Expansion - Outline Development Plan (as set out in Appendix B of Part D 2). Discretion shall be limited to the matter(s) not complied with.
- (ii) Any subdivision, in the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2), without council approved connection to the reticulated sewage system.

### **6.3.6 NON-COMPLYING ACTIVITIES IN ALL ZONES**

The following are non-complying activities in all zones unless they are provided for by a General Rule:

- (i) Any other subdivision which is not provided for as a controlled or discretionary activity.

- (ii) Any subdivision within the Airport Noise Boundary.

**6.3.7 PERFORMANCE STANDARDS FOR SUBDIVISION IN ALL ZONES**

- (1) All relevant performance standards applicable within the zone shall be complied with or consent to a discretionary or non-complying activity shall be obtained.
- (2) Sites shall be of a regular shape so as to facilitate the efficient use of the land except where an alternative would better satisfy the objectives or policies of the Plan and where recognition is given to natural features on the site.
- (3) For allotments for access, utilities, telecommunication facilities and radiocommunication facilities, reserves and roads there shall be no minimum allotment size, diameter, or frontage in any zone.

**6.3.8 PERFORMANCE STANDARDS FOR SUBDIVISION IN RESIDENTIAL ZONES**

- (1) No allotments created by subdivision, shall have an area less than the minimum specified for each zone below.

<b>Minimum Allotment for Residential Zones</b>	<b>Front Site</b>	<b>Rear Site (Net Area)</b>
Residential 1	450m <sup>2</sup>	550m <sup>2</sup>
Residential 2	350m <sup>2</sup>	450m <sup>2</sup>
Residential 4	1,500m <sup>2</sup>	1,500m <sup>2</sup>
Residential 5	1.5ha	1.5ha
Residential 6	700m <sup>2</sup>	700m <sup>2</sup>

Residential 3

- (a) On land with a proven 1 metre thick clay base either:
  - (i) A site area of 1.5 hectares to 2 hectares (exclusive of accessways) shall be provided to ensure that a range of waste water disposal options is available; or
  - (ii) On sites of a minimum area of 5,000 square metres and less than 1.5 hectares (exclusive of accessways) a specifically designed effluent disposal system shall be provided, and the provision and maintenance of the system shall be the subject of a consent notice registered against the Certificate of Title.
- (b) On land where there is a proven high degree of permeability (including most of the Plains) a site area of 1,000 square metres to 2 hectares will be required but discharges of sewage

effluent are required to be treated by one of the following means:

- (i) A specifically engineered effluent disposal system; or
- (ii) A package plant of approved design; or
- (iii) Any other approved alternative which meets the standards required by any rule of a Regional Plan.

The provision of specifically designed effluent disposal systems will be the subject of a consent notice registered against the title.

- (c) The requirements in (a)(ii) and (b) shall not apply where a new site of less than 1.5 hectares is created and that site contains an existing dwelling and effluent disposal system which is working satisfactorily. In all cases, however, a consent notice shall be registered to ensure that in the event of a system failure, a new system shall be installed in accordance with (a)(ii) or (b).
- (2) Except that in the Residential 1 and 2 Zones where an allotment is to be created after the erection of a building for the purposes of affecting cross leases or company leases or issuing separate unit titles under the Unit Titles Act 1972 or separate freehold titles, including easements over common walls, the respective minimum areas may be reduced to 300 square metres and 200 square metres respectively provided all relevant rules applicable within the zone and General Rules are complied with by the building, and/or resource consents are obtained in relation to those rules.
  - (2A) Except in the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2), such allotments and development may only be constructed on land adjoining the Recreation 2 Zone. Where an allotment of a minimum 300 square metres is to be created for the purposes of affecting cross leases or company leases or issuing separate unit titles under the Unit Titles Act 1972 or separate freehold titles, including easements over common walls, a joint land use and subdivision application must be applied for showing how the development proposal will comply with all relevant rules, General Rules and those rules applicable within the Residential 1 Zone.
  - (3) Apart from in the Residential 5 and 6 Zones for any subdivision in a Residential Zone no more than 1 allotment shall have an area in excess of 2000 square metres (this includes any balance area remaining after a subdivision).
  - (4) The dimensions of allotments created by subdivision in Residential Zones shall be such that they can accommodate a circle of a diameter of 15 metres except where exempted from this rule.

- (5) In the Residential 4 Zone all subdivisions shall comply with a comprehensive development plan for the contiguous land in the same zone, unless the sites have access to Doncaster or Martin Streets, or are on the south or east side of Old North Road, Blair Street or Mahoneys Hill Road, where the development plan need relate only to the existing allotment being subdivided.
- (6) For all subdivision in the Residential 1, 2, 4, 5 (at Gleniti) and 6 Zones, lines and pipes associated with utility services, and telecommunication facilities shall be located underground.
- (7) Where a corner allotment is included in any subdivision the corner shall be cut off to a distance, along the road frontages, of not less than 6 metres from the intersection and vested as road.
- (8) Any subdivision of Part Lot 2 DP 5635 or Lot 1 DP 24034 at Talbot Street, Geraldine, shall be carried out with a common shared access point to Talbot Street within each existing site, to be shared by all new allotments.
- (9) Where fill is to occur in the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2) a certificate in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development shall be provided in relation to the location, depth and nature of any fill. In addition, a report from a suitably qualified person is required confirming that the placement of fill will not create a flood hazard.
- (10) In Temuka North West (as set out in Appendix B of Part D 2) any boundary fence abutting the Recreation 2 Zone and all pedestrian links shall not be more than 1.5 metres high.  
  
In addition, landscaping along the length of any boundary abutting the Recreation 2 Zone and all pedestrian links shall not be more than 1.5 metres high.
- (11) At the time of subdivision, new through-roads shall be constructed in general accordance with the layout shown on the Temuka North West Residential Expansion - Outline Development Plan map (as set out in Appendix B of Part D 2). It is the developer's responsibility to:
  - (a) Construct the portion of road contained within their land to be subdivided prior to Council's granting certification under section 224 of the Resource Management Act 1991.
  - (b) Design and construct these roads in general accordance with the Roding Plan and Cross Section (as set out in Appendix B of Part D 2) and in accordance with Council's standards for urban subdivision. New through roads shall have a road reserve no less than 20 metres wide.

- (c) Ensure no methods are used to hinder or restrict the ability for adjoining land to link to the new road.
  - (d) Locate the intersection of new roads onto the existing road network at least 85m from a 90 degree corner or an intersection, in order to ensure that appropriate sight distances are maintained in the 50km/h speed limit area.
- (12) At the time of subdivision, the walkway/cycleway links defined the layout shown on the Temuka North West Residential Expansion - Outline Development Plan map (as set out in Appendix B of Part D 2) shall vest to Council
- (13) In Temuka North West (as set out in Appendix B of Part D 2), all applications for subdivision consent shall be required to provide a financial contribution in accordance with Section 6.6.5 of the District Plan for the following purposes:
- (i) Widening of the existing carriageway on Wallingford Road to a minimum width of 11 metres. The road reserve width shall be increased to 20 metres, by Council acquiring land to the west of Wallingford Road at the time of subdivision.
  - (ii) Widening of the existing carriageway width of Donald Street, Grant Street and the portion of Lachlan Street, west of Wallingford Road, to 11 metres.
  - (iii) Installation of a 1.5 metre wide footpath along Donald Street, Grant Street, Lachlan Street and Wallingford Road.
  - (iv) Installation of any required street lighting along Donald Street, Grant Street, Wallingford Road and the portion of Lachlan Street, west of Wallingford Road, in accordance with Section 6.6.4.
  - (v) Installation of any required utility services along Donald Street, Grant Street, Wallingford Road and the portion of Lachlan Street, west of Wallingford Road, in accordance with Section 6.6.4.

## **6 GENERAL RULE**

### **6.6 ROADING HIERARCHY**

#### **6.6.1 ISSUES, OBJECTIVES, POLICIES AND METHODS**

See Part B(8).

#### **6.6.2 RULES FOR ROAD WIDTHS**

- (1) National Routes, Regional Arterials and District Arterials shall have a width and form consistent with the goals of the national land transport strategy but in no case shall their reserve width be less than 20 metres.
- (2) Principal roads shall have a minimum reserve width of 19 metres but this can be increased where the traffic facilities required on the road demand it.
- (3) Secondary road (includes Collector and Local roads, and Service Lanes) reserve widths shall conform with Table 6.6.2(5).
- (4) Any roads which require construction, reconstruction, widening or any other structural works shall be designed and constructed by the subdivider to the standards stated in the National Roads Board State Highway Pavement Design and Rehabilitation Manual, July 1989. These plans shall be required as a condition of subdivision consent.
- (5) See Table 6.6.2(5).
- (6) The classification of roads is indicated on the Planning Maps (see Volume II). Where classification of the roading hierarchy is required refer to Table 6.6.2(5).

#### **6.6.3 DISCRETIONARY ACTIVITIES**

- (1) In Local Urban Residential cul-de-sacs of 100 metres length or less and where there are less than 20 household units it shall be a discretionary activity to provide only one footpath (generally on the southern side of the road). The footpath shall be contiguous with the berm and be of a width of 1.5 metres.
- (2) In Local Urban Residential cul-de-sacs exceeding 100 metres in length, any reduction of the road widths as specified in Table 6.6.2(5) shall be a discretionary activity.
- (3) Any proposal which does not comply with any Rule regarding road widths of private accesses or roads.

### **6.6.3A NON-COMPLYING ACTIVITIES**

The following are non-complying in the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2):

- (1) Any new vehicular access from the Outline Development Plan lands to Oxford Crossing Road.
- (2) Any new vehicular access from the Outline Development Plan lands to State Highway 1, specifically between Oxford Crossing Road and Donald Street.

## **6 GENERAL RULE**

### **6.16 NATURAL HAZARDS**

#### **6.16.1 ISSUES, OBJECTIVES, POLICIES AND METHODS**

See Part B(4) and relevant zone provisions.

#### **6.16.2 RULES FOR NATURAL HAZARDS**

##### **6.16.2.1 RULES FOR FLOOR HEIGHTS**

(1) All household units and other residential activities shall be constructed with a floor height such that the risk of flood waters rising to that level shall not exceed 0.5% in any year, except that this rule shall not apply to extensions of existing household units and other residential activities where the extension will not increase the total floor area by more than 20%.

(2) The 20% referred to in 6.16.2.1(1) shall apply from 7 October 1995. Any subsequent extensions to existing household units shall require a resource consent and shall be required to comply with 6.16.2.1.

(3) In the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2), household units and other residential buildings shall be constructed with a floor height 150mm above the 0.5% Annual Exceedence Probability flood level. Applications are to be accompanied by a flood hazard assessment from a suitably qualified person.

Note: AEP (Annual Exceedence Probability) is the probability of a certain sized flood occurring in any one year. The 0.5% flood event represents a 1 in 200 year return period flood.

##### **6.16.2.2 RESTRICTED DISCRETIONARY ACTIVITIES**

The following shall be Restricted Discretionary Activities provided that they are not listed as a Discretionary, Non-Complying or Prohibited Activities, and they comply with all the relevant Zone standards.

(1) Household units not in compliance with Section 6.16.2.1 (3). The exercise of the Council's discretion is restricted to flood hazard.

##### **6.16.2.3 DISCRETIONARY ACTIVITIES**

The following are discretionary activities subject to complying with the other General Rules:

(1) Other than for non-habitable accessory buildings, public utilities and utility services the erection of a building or structure on the

landward side of a Regional Council stopbank within 100 metres of the centreline of that stopbank identified on the District Plan maps.

- (2) The erection of a building or structure other than in the Recreation 1 Zone on land subject to a risk of flooding which exceeds 2.0% in any year. This rule does not apply to:
- (a) The maintenance of existing buildings or structures or to the minor upgrading of existing public utilities, utility services, telecommunication facilities or radiocommunication facilities; or
  - (b) Public utilities, utility services, telecommunication and radiocommunication facilities or non-habitable buildings ancillary to public utilities, utility services, telecommunication facilities and radiocommunication facilities.
- (3) The reconstruction of existing household units at Milford Huts which fail to meet the timeframes specified in section 10 of the Resource Management Act (ie existing use rights).

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for the zone.

#### **6.16.2.4 NON-COMPLYING ACTIVITIES**

The following is a non-complying activity:

- (1) Any residential activity with a floor height which does not meet the requirements of 6.16.2.1 except at Milford Huts and Temuka North West (as set out in Appendix B of Part D 2).

#### **6.16.2.5 PROHIBITED ACTIVITIES**

The following are prohibited activities in all zones for which no resource consent shall be granted.

- (1) Household units and other residential activities on the river side of a Regional Council stopbank.
- (2) Household units and other residential activities within any area identified in the planning maps as subject to coastal inundation, except those provided for as discretionary activities in the Recreation 1 Zone at Milford Huts only.

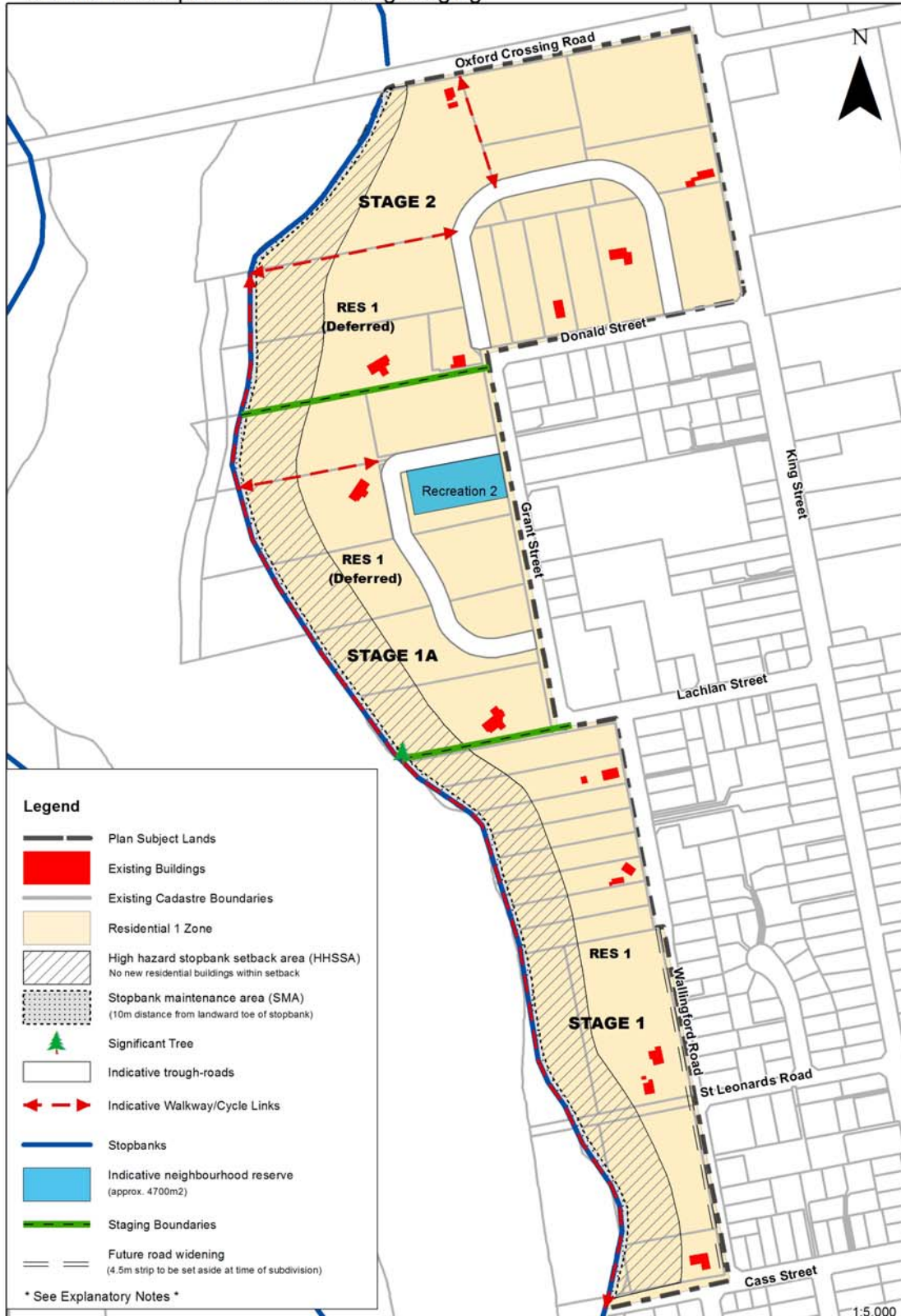
NOTE 1: This applies to either new or replacement household units or huts; existing dwellings can remain.

NOTE 2: For rules affecting activities seaward of the 100 year Coastal Erosion Line (as marked on the Planning Maps in Volume II) see Rules in the Regional Coastal Environment Plan.

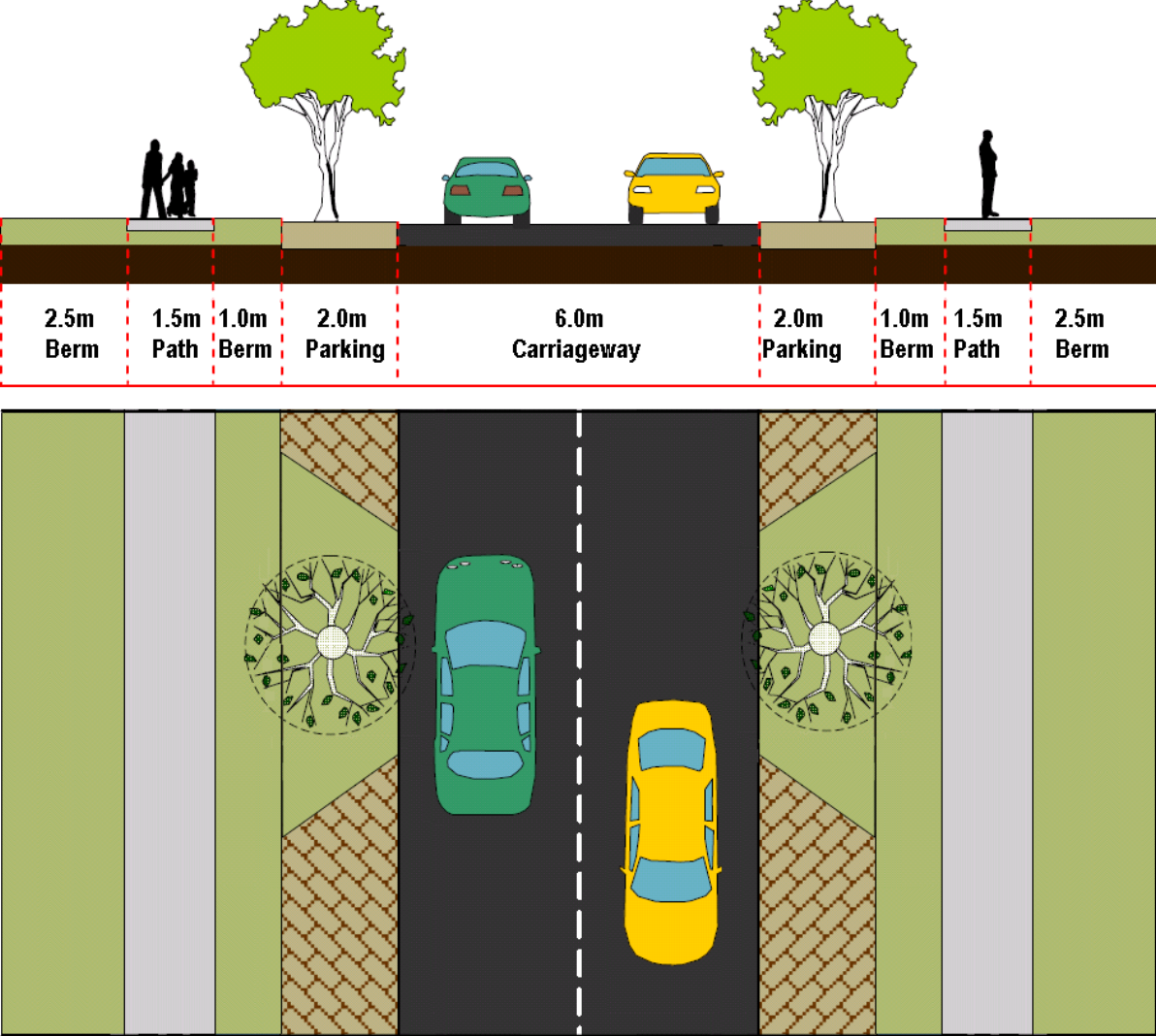
- (3) In the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2), the following applies:
- (i) household units are prohibited within the High Hazard Stopbank Setback Area identified on the Outline Development Plan; and
  - (ii) all buildings are prohibited within the Stopbank Maintenance Area, being identified as all that land measured 10 metres east of the toe of the stopbank.

Appendix 2: Temuka North West Residential Expansion - Outline Development Plan.

Outline Development Plan Including Staging



# Temuka North West Residential Expansion - New Road Plan & Cross Section



## **Explanatory Notes to the Temuka North West Residential Expansion – Outline Development Plan**

*The following elements shown on the ODP are to be interpreted in conjunction with the corresponding provisions in the District Plan:*

- **The HHSSA extends eastward from the Regional Council stopbank, covering the area shown on the ODP.** The HHSSA represents the area identified by Environment Canterbury as being subject to a higher hazard potential for flooding. Household units are Prohibited Activities within this area. The HHSSA line represents a more specific no development area than the setback identified in the District Plan, as being 100 metres from the centre of the stopbank, and only relates to the Residential 1 Zone (Temuka North West). The HHSSA line is measured from the landward toe of the stopbank.

Where there is doubt as to where the landward extent of the HSSA lies, advice will be sought from Environment Canterbury.

- **A 10m Stopbank Maintenance Area (SMA) setback line measured from the landward toe of the stopbank.** No buildings, including non-habitable buildings, are to be constructed within this 10m SMA. The purpose of the 10m setback is to enable Environment Canterbury unimpeded access to the stopbank for maintenance and repair activities and to ensure building construction and placement does not affect the stopbank.
- **Walkways / cycleways** are provided for from Cass Street in the south, along the top of the stopbank to within 250m of Oxford Crossing Road in the north where it detours eastwards, following property lines to end at Oxford Crossing Road and Donald Street. Other linkages are shown from the proposed reserve to the stopbank; and from St Leonards Road to the stopbank. The walkways / cycleways are designated under Council by-law and no motor vehicles are permitted to use them. The defined cycleway between Lot 2 DP 74887 and Pt RS 2735 may not be required should walkway / cycle link be continued north to Oxford Crossing Road in the future.
- **A neighbourhood reserve** of approximately 4,700sq.m to be provided on Lot 1 Deposited Plan 387529 fronting Grant Street. The location, size and shape of the reserve are to be confirmed through discussions with Council. The reserve is to have three road frontages.
- **Indicative roading layout** showing the local through roads within the area. Other minor roads will link to these local through roads as development occurs. New roads are to be constructed in general accordance with the Roding Plan and Cross Section.