

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Plan Change No. 14–WASHDYKE
INDUSTRIAL EXPANSION to the Timaru District Plan

**DECISION OF COMMISSIONER ALLAN CUBITT ON BEHALF OF TIMARU DISTRICT
COUNCIL**

1. Background and Introduction

I was appointed by the Timaru District Council to hear and consider the submissions made on Plan Change Number 14 ("PPC14") to the Operative Timaru District Plan. My appointment as Hearings Commissioner was made pursuant to Section 34A of the RMA. That delegation was made to ensure an appropriate separation is maintained between the Council's role as the regulatory authority that has promoted the plan change and its position as a landowner affected by the plan change.

The Council's intention is to identify sufficient areas of appropriately zoned land to provide for industrial growth in the foreseeable future. Council considers that this area of Washdyke can accommodate such demand, so that future industrial growth can be sustainably managed.

Accordingly, the stated purpose of PPC14 is to increase the availability of industrial zoned land in Timaru by rezoning approximately 73Ha of land at Washdyke. The subject lands have an area of 120Ha, 47Ha of which is already zoned Industrial L and Industrial H. The subject lands are generally located east of State Highway 1 (hereafter referred to as 'SH1') and south of Aorangi Road at Washdyke.

The main emphasis of the PPC14 is the rezoning of land currently zoned Rural 1, Rural 2 and Recreation 2 to Industrial L and Industrial H. PPC14 substitutes the existing operative provisions of the Rural 1 and Rural 2 Zones with the existing operative provisions of the Industrial L and H Zones, along with some area specific rules and performance standards. The area currently zoned Recreation 2 is privately owned and is not able to be utilised for public recreation purposes. It is therefore proposed to apply the Industrial L Zone to the Recreation 2 zoned land.

My role in this process is to consider the submissions received on PPC14, the evidence presented at the hearing, and the advice of the Council Planner before making a decision on the submissions. In this capacity I have the option to accept or reject the submissions, or accept the submissions in part. I have chosen to address the submissions by grouping them according to the matter to which they relate as was done in the Section 42A report, subject to some re-ordering. As required by the Act, my decision gives reasons for accepting or rejecting the submissions and also includes the consequential alterations to PPC14 arising from the decision. The decision adopts a similar format to that contained within the Section 42A for ease of reference.

Once the appeal period has ended, the full Council provides final approval to the plan change and any subsequent amendments to the plan change that have been made.

2. The Process

PPC14 was publicly notified on Saturday 5 December 2009, with submissions closing on Friday 19 February 2010. One hundred and forty-one submissions were received during the first notification period. A report which summarised the decisions requested in these submissions was publicly notified on 20 March 2010, closing on 6 April 2010. Five further submissions were received on the decisions requested in the submissions.

The table below provides the names of those who made a submission on PPC14.

Table 1: Submitters Details

Submitter Name	Subn ID / Mail No.	Submitter Name	Subn ID / Mail No.
1) Meadows Road Trustees	4.3.5; 4.3.13; 4.3.17	2) Thompson Investment Trust	4.3.5; 4.3.13
3) Transpower NZ Limited	4.3.18	4) Raewynn Gail Campbell	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
5) Simon Manson	4.3.1; 4.3.10; 4.3.11; 4.3.13	6) Kathrin Manson	4.3.1; 4.3.10; 4.3.11; 4.3.13
7) Maria Magdalena Johanna Swarepoel	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	8) Gillian Miskelly	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
9) Stephanie Joy Horne	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	10) Rachael Laura Vincent	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
11) Monique Reynecke	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	12) James Basil Arps	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
13) Corey Joseph Arps	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	14) Philip Frances Pain	4.3.1; 4.3.3; 4.3.10; 4.3.11
15) Janet Rebecca Pain	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	16) Rodney James Kerrison	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
17) Gemma Margaret Elizabeth Silke	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	18) Helen Louise WilliaMs.	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
19) Michella Ho Brosnahan	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	20) Leona Macartney	4.3.1; 4.3.10; 4.3.11; 4.3.13
21) Kayo Middlemass	4.3.1; 4.3.10; 4.3.11; 4.3.13	22) Glen Lloyd Middlemass	4.3.4; 4.3.13
23) Olivia Mary Simpson	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	24) Clifford Anderson	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
25) Matthew Simpson	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13	26) Mark Theodore Pavelka	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13

Submitter Name	Subn ID / Mail No.	Submitter Name	Subn ID / Mail No.
27) Lisa Joy Bowman	4.3.1; 4.3.2; 4.3.44.3.10; 4.3.11; 4.3.13	28) Vivienne Wilson	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13
29) Marc Hageman	4.3.1; 4.3.10; 4.3.11	30) Geoffrey & Anne Uys	4.3.1; 4.3.10
31) New Zealand Transport Agency (NZTA)	4.3.14	32) Jack Harrison Law	4.3.7
33) Southern Packers Limited	4.3.17	34) Philip & Raewyn Bensemann	4.3.4
35) Anthony Aloysius & Suzanne Denise Blackstock	4.3.4; 4.3.13	36) Sandra Ann Falvey	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13; 4.3.16
37) Colin Ross Iggo	4.3.1; 4.3.2; 4.3.5; 4.3.8; 4.3.10; 4.3.11; 4.3.12; 4.3.13; 4.3.16	38) Washdyke Action Group Incorporated	4.3.1; 4.3.2; 4.3.5; 4.3.8; 4.3.10; 4.3.11; 4.3.12; 4.3.13; 4.3.16
39) Robert Walter Mackay	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13; 4.3.15	40) Barry Jonathan Angel	4.3.1; 4.3.2; 4.3.11; 4.3.13; 4.3.15; 4.3.16
41) Kirstie Elenor Mackay	4.3.2	42) Simon Cullimore	4.3.1; 4.3.5; 4.3.11; 4.3.15
43) Helen Joy Cooke (submission also on behalf of S. Wills; J. Cooke; and D. Hoare)	4.3.1; 4.3.2; 4.3.3; 4.3.5; 4.3.6; 4.3.10; 4.3.11; 4.3.12; 4.3.13; 4.3.15; 4.3.16	44) David Swaney	4.3.1; 4.3.2; 4.3.5; 4.3.11
45) Andrew William Vosper	4.3.2; 4.3.5	46) Irene Swaney	4.3.1; 4.3.2; 4.3.5; 4.3.10; 4.3.11; 4.3.12; 4.3.13
47) Carolyn Mary Mackay	4.3.2; 4.3.5	48) Trevor Laws	4.3.2
49) Andrew Derek Workman	4.3.1; 4.3.11	50) Joanne Marie Peat	4.3.1; 4.3.2; 4.3.11
51) Jeffery Peat	4.3.11; 4.3.16	52) Antoinette Maree Iggo	4.3.1; 4.3.2; 4.3.4; 4.3.11; 4.3.13
53) Leona Ferguson	4.3.1; 4.3.11; 4.3.13	54) Morris Frank Billington	4.3.1; 4.3.11
55) George Henry Edgeler	4.3.1; 4.3.2; 4.3.4; 4.3.11	56) Andrea Ferguson	4.3.1; 4.3.11
57) Dennis Matayae	4.3.1; 4.3.10; 4.3.11	58) Selina Joy Hetherington	4.3.1; 4.3.11
59) Dave Berry	4.3.1; 4.3.2; 4.3.10; 4.3.11	60) Terry Penamone	4.3.1 4.3.11
61) James David Drake	4.3.11; 4.3.13	62) Walter Kenneth Penman	4.3.1;
63) Rodger John Smyth	4.3.1; 4.3.11	64) Julian Graham	4.3.16
65) Elizabeth Fay Shand	4.3.1; 4.3.2; 4.3.11	66) Gary Allan Shand	4.3.2; 4.3.11
67) Rodd Ashley Darrech	4.3.10; 4.3.11; 4.3.13	68) Thomas Hartley	4.3.1; 4.3.11
69) Christine Hartley	4.3.1; 4.3.11	70) Jennifer June Eddington	4.3.2; 4.3.11
71) Ray Alec Waters	4.3.11	72) Audrey Lilian Waters	4.3.11
73) Deirdre Margaret Whitley	4.3.2; 4.3.11	74) Mary Bernadette Barker	4.3.3; 4.3.4; 4.3.5; 4.3.11; 4.3.13
75) Valerie Fay Angel	4.3.4	76) Zela Margaret Barlow	4.3.11
77) Dorothy Merryl Henke	4.3.5; 4.3.11; 4.3.13	78) Rachael Fearn	4.3.11; 4.3.13
79) Andrew Fearn	4.3.1; 4.3.11; 4.3.13	80) Diane Maisie Welch	4.3.1; 4.3.11; 4.3.13

Submitter Name	Subn ID / Mail No.	Submitter Name	Subn ID / Mail No.
81) Donald Sommerville Welch	4.3.1; 4.3.11; 4.3.13	82) Ida May Johnson	4.3.1; 4.3.2; 4.3.6; 4.3.10; 4.3.11; 4.3.12; 4.3.13; 4.3.15; 4.3.16
83) Richard Broomhall	4.3.1; 4.3.11; 4.3.13	84) Louise Broomhall	4.3.1; 4.3.11; 4.3.13
85) Peter Fairbairn	4.3.1; 4.3.6; 4.3.13	86) Pam Fairbairn	4.3.1; 4.3.6; 4.3.11; 4.3.13
87) Joanne Everett	4.3.11	88) Eric Percival Parker	4.3.1; 4.3.3; 4.3.10; 4.3.11; 4.3.13
89) Jocelyn Martha Phiskie	4.3.1; 4.3.11	90) William Donald Phiskie	4.3.1; 4.3.11
91) Margaret Josephine Gallagher	4.3.1; 4.3.6; 4.3.11	92) Reon James Keenan	4.3.1; 4.3.11; 4.3.13
93) Megan Elizabeth Hughes	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13; 4.3.15; 4.3.16	94) Rachel Anne Hughes	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.13; 4.3.15; 4.3.16
95) Anne Marie Hughes	4.3.1; 4.3.2; 4.3.3; 4.3.10; 4.3.11; 4.3.13; 4.3.16	96) David John Hughes	4.3.1; 4.3.2; 4.3.3; 4.3.10; 4.3.11; 4.3.13; 4.3.16
97) Graham Dean Welford	4.3.1; 4.3.2; 4.3.11	98) Phil Christie	4.3.2; 4.3.11
99) Arthur Raymond Welford	4.3.2	100) Rose Welford	4.3.1; 4.3.2; 4.3.11; 4.3.13
101) Deborah Jackson	4.3.2; 4.3.11	102) Gary Neville Jackson	4.3.1; 4.3.2; 4.3.11
103) Carl Francis Rapsey	4.3.1; 4.3.11; 4.3.13; 4.3.16	104) Carl Francis Rapsey	4.3.2; 4.3.6
105) Leolie Ennis	4.3.1; 4.3.2; 4.3.6; 4.3.11; 4.3.12; 4.3.13	106) Gerald Ennis	4.3.2; 4.3.11; 4.3.13
107) Raymond Noel Colvill	4.3.2	108) Philip & Julie Reese Jones	4.3.1; 4.3.2; 4.3.11
109) Robert Newton	4.3.4	110) Debbie Ennis	4.3.2; 4.3.11
111) Philip John Luscombe	4.3.1; 4.3.11; 4.3.13	112) Lory Luscombe	4.3.1; 4.3.11; 4.3.13
113) Dave Fraser	4.3.2	114) Scott Anderson Mackay	4.3.11; 4.3.15
115) Trevor John Brosnahan	4.3.1; 4.3.2; 4.3.11; 4.3.13	116) Jack Simmons	4.3.1; 4.3.2; 4.3.6; 4.3.11; 4.3.13
117) Scott Justin Berry	4.3.1; 4.3.11; 4.3.13	118) Alan Gibbs	4.3.2; 4.3.10; 4.3.11
119) Morris Family	4.3.2	120) Fraser B Ross	4.3.2; 4.3.4; 4.3.5; 4.3.15; 4.3.17
121) Richard Douglas Thomas Scott	4.3.1; 4.3.2; 4.3.4; 4.3.10; 4.3.11; 4.3.13	122) Ken Robinson	4.3.1; 4.3.10; 4.3.11; 4.3.13; 4.3.15
123) Dorothy Merle Robinson	4.3.1; 4.3.10; 4.3.11; 4.3.13; 4.3.15	124) Aoraki Development Trust & the South Canterbury Chamber of Commerce	4.3.4; 4.3.9
125) Ian Lachlan Howie	4.3.4	126) Michael Coffey	4.3.1; 4.3.2; 4.3.4; 4.3.9; 4.3.11; 4.3.13
127) Thornhill Holdings Limited	4.3.4	128) Land Services Group Limited	4.3.7; 4.3.18
129) Rooney Holdings Limited	4.3.9; 4.3.13	130) Pauline Greta Berry	4.3.1; 4.3.2; 4.3.11; 4.3.13

Submitter Name	Subn ID / Mail No.	Submitter Name	Subn ID / Mail No.
131) Christopher David Swaney	4.3.2; 4.3.11	132) Ian Russell & Janice Louise Geary	4.3.1; 4.3.2; 4.3.4; 4.3.5; 4.3.6; 4.3.11; 4.3.13
133) M.S & E.A Gregerson	4.3.1; 4.3.2; 4.3.10; 4.3.11; 4.3.12; 4.3.13	134) Philip James Drake	4.3.1; 4.3.11
135) Jan Ellen Colvill	4.3.2; 4.3.11; 4.3.13	136) G. P. Brown	4.3.10; 4.3.11; 4.3.13
137) Patrick Joesph David Daly	4.3.1; 4.3.2; 4.3.11; 4.3.16	138) Dawn Reihana	4.3.4; 4.3.11; 4.3.12
139) Hermann G Frank	4.3.15	140) PrimePort Timaru Limited	4.3.4; 4.3.9; 4.3.13
141) Proteus Holdings Ltd (c/o Mark Edward Woodward)	4.3.4		

The general breakdown of submissions is:

- Unconditional support: 2 submissions
- Conditional support: 7 submissions
- Outright opposition (reject PPC14): 101 submissions
- Conditional opposition: 30 submissions
- Neutral: 1 submission

The main comments in support are:

- Support for the general intent and underlying principles of PPC14.
- Support for the full provisions of PPC14.
- Support for the concept of increasing the Industrial L and Industrial H zone land.
- Provides for industrial growth, which is a catalyst for growth.
- There is support for the roading plan and the development of the greenways.
- Strategic location of lands to SH1, main trunk rail, airport, PrimePort and the population of the South Island.
- The location of the proposed industrial area supports the service industry to the rural sector.

The main issues in opposition are:

- **Devaluation of property:** Address compensation.
- **Residential and visual amenity:** Loss of rural outlook, privacy, security.
- **Buffer zone:** No buffer proposed on re-zoned lands; reinstatement of buffer between residential and industrial.
- **Land use and alternative sites:** Better suited to housing or farming.

- **Consultation:** Inadequate consultation carried out with landowners.
- **Cost to ratepayers**
- **Resource management issues**
- **Signage:** Potential for inappropriate signage.
- **Economic issues**
- **Recreation:** Loss of recreational area for residents.
- **Nuisance and pollutants:** Potential for health issues to humans, animals and plants from increased traffic, construction and industry.
- **Hazardous substances / Fire Risk:** Residents need protection from hazardous substances.
- **Traffic and safety:** Increased traffic and risk to pedestrians and cyclists.
- **State Highway Network:** Proposal will absorb more than the remaining capacity in the State Highway network; effects on key intersections; does not give effect to section 31 of the Act; do not meet requirements of section 75(1) or section 76(1)(b) of the Act; inhibits the NZTA of meeting its statutory responsibilities; does not achieve objectives or policies of the District Plan; does not give effect to the CRPS.
- **Ecology:** Loss of local ecology, particular concern over effects to skink population.
- **Groundwater quality**
- **Stormwater**
- **National Electrical Grid:** Ensure compliance with the provisions of the Act.

3. The Hearing

The hearing of the Plan Change and the submissions received was conducted at the office of the Timaru District Council in Timaru on 5 and 6 September 2011.

Monday the 5th September, 2011

The following appearances were recorded:

Timaru District Council Staff

- Gemma Conlon - Reporting Planner
- Grant Hall - Drainage & Water Manager (TDC)
- Andrew Dixon - Land Transport Manager (TDC)

Submitters

- Mr Bob MacKay, spokesperson for Washdyke Rezoning Action Group Inc. ("RAGE").

- Mr Bruce Speirs on behalf of Meadows Road Trustees Ltd and Land Services Group Ltd.
- Michael and Anne Gregerson
- Mr Michael Coffey
- Ian and Janice Geary
- Mr Colin Iggo
- Mr Mike Hurley representing Transpower NZ Ltd.
- Mr Trevor Brosnahan
- Mrs Michella Brosnahan
- Mrs Swaney
- Mr Blackstock
- Mr Patrick Daly

After welcoming everyone to the hearing and outlining the procedure to be followed, I then asked **Ms. Conlon** to introduce her Section 42A report. This report was taken as read however Ms.Conlon advised that she wished to make a number of small amendments as follows:

1. The reference to the community open day in Section 4.3.5 of the report (page 55) should read 2008 and not 2010.
2. Recommendation number 4 made in Section 4.3.18.3 of the report (page 138) makes reference to Section 6.3.8.13 (i) to (vii) of the District Plan. This reference should actually read, ‘...Section 4.2.1 (3.7)’, which relates to the Industrial L Zone list of discretionary matters.

Note: Reference page 29 of appendices.

3. Recommendation number b) made in Section 4.3.2.3 of the report (page 42) relates to controlled activities in the Industrial L Zone. She suggested that the wording of this rule be amended to alter the reference ‘Any building located within 20 metres of the northern boundary...’ to, ‘*Any development or activity undertaken within 20 metres of the northern boundary...*’.

Note: Reference page 13 of appendices.

4. Recommendation number 1 made in Section 4.3.18.3 of the report (page 137), Rule 5.20 relates to Transpower being considered an affected party. She suggested that this Rule be changed to a Note to read as follows:

Note: The relevant electricity provider shall be considered an affected party as a consequence of non-compliance with Performance Standard 5.20, and for any activity requiring consent under Rules 3.7 and 4.1 of the Industrial L Zone.

Ms. Conlon also drew to my attention to two letters received from submitters. **Primeport** advised that they could not attend the hearing and that they stood by the points they made in their submission. **Mr. Hermann Frank** advised that he could not attend the hearing due to work commitments and provided comment on the lizard population living in the area north of Randwick Place. He made a number of suggestions on how the proposed plan change could better provide for lizard habitat.

Mr. Mackay, on behalf of **RAGE**, was the first submitter to speak. He tabled the Action Groups written submission and spoke to a number of key points. In terms of environmental effects, he expressed concern over noise, vibration, odour, visual amenity, traffic and dust. He illustrated his concern about noise by drawing my attention to noise created at night from the existing industrial site to the north of the residential area. He indicated that this noise came from loader buckets being dropped on the ground. He also raised concerns with shading, noting that the existing dwellings were only 5 to 6 metres from this boundary. In terms of access into the proposed industrial area, Mr. Mackay considered the old Seedlands site should be used. Mr. Mackay also believed that the site was flood prone.

Mr. Mackay then went on to comment on the consultation process and advised that the group did not want the walkway originally proposed but would prefer the buffer zone to be extended rather than removed. Mr. Mackay also expressed concern with the tenor of some of the information sent out. He believed it to be intimidating.

In response to the access issue, **Mr. Dixon** noted the Seedlings site access was not designed to accommodate the traffic this proposal would generate. **Ms. Conlon** also advised that the mail out Mr. Mackay referred to as intimidating was merely highlighting what uses could already occur as of right on the land adjoining the residential zone under its current rural zoning.

Mr. Speirs then addressed the hearing in relation to the **Meadows Road Trustees Ltd** submission. His main concern centered on the lack of rules relating to financial contributions for roading in industrial zones and that the officer's report had not addressed this issue. He considered the indicative roading pattern as it related to his clients property to be inequitable as it would require them to form a significant length of road for little benefit to them and with no opportunity to seek contributions from those who benefit. He believes that TDC must undertake further consultation on the indicative roading pattern with the affected parties.

Mr. Speirs then addressed the submission of **Land Services Group Ltd** (his company). The main focus of his submission related to Transpower's request to include a transmission corridor within the plan change. He felt this was beyond what was required under the relevant legislation and is effectively an attempt to acquire an interest in private property without paying compensation. Mr. Speirs also suggested a Residential buffer zone be created between the existing residential enclave at Randwick Place and the Rooney Holdings site. He promoted a "no industrial building zone" of 63 metres in this area. He felt that no one would want to build in this location so it would automatically provide a buffer to the industrial site further to the north.

Mr. and Mrs. Gregerson were next to address the hearing. They tabled a written statement and advised that they lived approximately 9.1km to the north of the site on Seadown Road. Their main concern related to the impact of industrial development on the neighbouring residential area, in particular the "social downgrading" that may occur. They felt that the proposed buffer, with 15 metre high planting, would create shading issues and should be significantly wider. Mr. and Mrs. Gregerson were also concerned at the rezoning of recreational land to industrial. They believe that the TDC have an obligation to safeguard this land for recreational purposes. They also felt the proposed new rail crossing would be unsafe and that the zoning presented a threat to ground water quality. **Mr. Dixon** responded that the existing rail crossing was considered unsafe and that right angled rail crossings are considered safer. **Ms. Conlon** noted that the proposed planting within the buffer zone had a maximum height limit of 5 metres, not 15 metres.

Mr. Coffey, of 54 Seadown Road, was the next submitter to speak. Mr. Coffey opposes the rezoning of the land west of Seadown Road. He advised that he lived next door to the proposed industrial zone and that his house is built to take advantage of the rural views currently provided by the site. He provided photos that illustrated these views. Mr. Coffey then commented on the consultation process and the fact that he only received information on the hearing two weeks before it was due to commence. He noted that he was not included in the Section 42A report as being a submitter who requested a buffer zone. Mr. Coffey's main concerns centered on devaluation of property; loss of rural outlook; disruption due to noise; the need for a large buffer; alternative uses for the site; the closure of the existing rail crossing and additional heavy traffic in the area. Mr. Coffey was concerned that TDC does not react quickly enough when noise complaints are made. **Ms. Conlon** noted that the hearing documentation was sent out a week earlier than the Act required.

Mr. and Mrs. Geary were the next submitters to speak and also opposed therezoning of the land west of Seadown Road. Mr. Geary advised that their property is located directly north of the Rooney Holdings site and contains three dwellings, an orchard and a vineyard. Dust was of major concern to him and he set out the history of issues they had experienced with the neighbouring property owners, Rooney Holdings. Mr. Geary suggested there was some collusion between Council and Rooney holdings as Rooney Holdings are the major beneficiary of the proposal. He believed they will now suffer more effects from noise, dust and water pollution and expressed concern that TDC will not deal with these effects appropriately. Mr. Geary was also concerned that their water supply would suffer as a result of the proposed zoning. **Mr. Hill** clarified the water supply position.

Mr. Colin Iggo then addressed the hearing. He tabled and read from a comprehensive written submission in opposition to therezoning of the land west of Seadown Road. Mr. Iggo lives next door to this particular area of land and provided a number of photos that illustrated his view of the subject land. Mr. Iggo presented a detailed submission on a number of concerns he had with the proposed rezoning to industrial land, given that it neighbours residential land. The main concerns he addressed were noise and vibration effects from an increase in traffic, construction and industrial activity; air quality (including dust) particularly given his family is asthmatic; the potential for a reduction in property values in his community; the loss of visual amenity, in particular his outlook over what is currently farmland; the impact of industrial traffic on a school bus route; pollution of groundwater; loss of sunlight due to shading from industrial buildings on his boundary; loss of privacy and security; the potential for odour effects; the loss of a recreational area; the potential fire risk and the risk associated with hazardous substances; the impact on the skink population in the area; and the general degrading of the townscape. Mr. Iggo highlighted a number of provisions within the Timaru District Plan which he felt supported his case. He also tabled a 1997 Council report that he submitted did not support the rezoning of this land. Mr. Iggo also criticized the consultation process undertaken by Council and submitted that TDC should compensate residents for loss of amenity if the plan change proceeds.

Mr. Mike Hurley then presented submissions on behalf of Transpower NZ. Mr. Hurley provided some background on Transpower and the assets they own within proposed plan change area. He then detailed the provisions of the National Policy Statement on Electricity Transmission and advised on Transpower see that being implemented via a corridor management process. He went on to detail what Transpower thought was appropriate in this particular area. He then discussed the Electrical Code of Practice and how it works in practice. He advised that Transpower supported the planning officer's recommendations.

Mr. Hurley also tabled evidence of **Mr. David Le Marquand**, a planning consultant with Burton Planning Consultants Ltd, supporting the Transpower submission. Mr. Le Marquand requested that I adopt the provisions outlined in the officer's report.

Mr. Trevor Brosnahan was the next submitter to speak. He advised that he lived on Seadown Road, next to Morrison Park. He advised that the zoning change would affect half of their property boundary, disrupting their rural lifestyle. He was greatly concerned that industrial traffic could be a threat to the safety of their children given Seadown Road was a school bus route. In addition to this, he was concerned with the loss of Morrison Park as an area where people could walk their dogs and as a wet weather playing surface. Mr. Brosnahan also raised a number of concerns with the activities occurring on an adjoining property. He also advised that he had seen plenty of skinks on his land. Mr. Brosnahan stated that he could only agree to the proposal if a 100-metre green belt was planted and that some sort of compensation was offered.

Mrs. Michella Brosnahan then addressed the hearing after her husband. Her concerns centered on the loss of rural outlook; the loss of Morrison Park to the community; pollution and traffic concerns; and the potential for their property to be devalued. She requested that the current zonings remain in place.

The next submitter I heard from was **Mrs. Irene Swaney**. She advised me that she has lived in Randwick Place for 31 years and believed the rezoning would permanently change her quality of life. Mrs. Swaney stated that they had built their home to take advantage of the rural outlook and views of the mountains. She was particularly concerned with the 3 to 4 metre high vegetation on her boundary; constant noise from industry; odour; and extra traffic that may impact on the school bus route. She believed there were other options to allow industrial development. Mrs. Swaney also had concerns with the consultation process. She requested that if the rezoning goes ahead, consultation with RAGE should occur to allow some common ground to be reached.

Mr. Blackstock was the last submitter to appear on day one of the hearing. He advised me that he lived approximately 8kms from the land subject to the proposal. He could not understand how the existing residential zone could be surrounded by industrial development. He referred to a number of District Plan provisions to make his point. He submitted that if the rezoning goes ahead, residents should see transparency at every stage and that a rigorous complaints system is put in place. Mr. Blackstock was also concerned at the rezoning of what he called prime agricultural and horticultural land for industrial purposes. Again he referred to

provisions within the District Plan to support his opposition to the proposal. He also stated his opposition to the closing of the existing rail crossing on Seadown Road as he believed this would re-direct residential traffic through industrial streets. Mr. Blackstock also raised ecological concerns and noted that low-lying areas are subject to flooding.

Mr. Patrick Daly then addressed the hearing. He noted that he lived on a small site in the midst of the new zone and that he originally opposed the rezoning. However he went on to say that TDC had been good to him and once he was ready, he would sell his place to them at the right price.

After the conclusion of submitter presentations, I undertook a site visit of the area proposed for rezoning.

Tuesday the 6th September, 2011

The following appearances were recorded:

Timaru District Council Staff

- Gemma Conlon - Reporting Planner
- Grant Hall - Drainage & Water Manager (TDC)
- Andrew Dixon - Land Transport Manager (TDC)

Submitters

- Mr. Andrew Rabbidge (Milward Finlay Lobb Ltd) on behalf of Thornhill Holdings
- Mr. Welford, 9 Randwick Place
- Mr. Arthur Welford, 12 Devon Street
- Mr. Reese Jones, 14 Flemington Street
- Mr. Brown on behalf of Rooney Holdings

Mr. Rabbidge, on behalf of Thornhill Holdings, was the first submitter to appear on day two of the hearing. He advised that Thornhill Holdings are generally supportive of the plan change but would rather see more consideration given to existing industrial and commercial land use. Mr. Rabbidge provided a locality plan that identified land approved or currently being considered for industrial purposes. He submitted that the remaining Residential 4 land within the Washdyke area north of Washdyke Flat Road and west of the State highway be rezoned Industrial L and the Industrial L zoning be deleted from planning maps 22, 25, and 26.

Mr. Graham Welford was next to speak at the hearing. He lives at 9 Randwick Street and has owned this property since 1983. His main concerns related to a loss of property value; the loss of rural views; and the effects of odour, noise and dust. He was concerned that the Council would not enforce any standards put in place.

Mr. Arthur Welford followed his son Graham and supported his stance on the proposed plan change. He advised me that he had been in a similar situation in another part of town. He would not want to live next to an industrial complex. The only compromise would be if there was a large buffer zone.

The next submitter to appear was **Mr. Philip Reese Jones**. He had similar concerns to other residents in the area including devaluation of property; loss of visual amenity and concern over noise and dust effects. He suggested a 75 metre buffer zone and a number of other restrictions if the zoning was to go ahead. Of particular concern to Mr Jones was whether Flemington Street was to be used for access. **Mr Dixon** advised that it would not. He also highlighted the noise issue and commented that TDC do not control it now so wondered how they can be expected to control it in the future.

The final submitter to appear at the hearing was **Rooney Holdings Limited**, who was represented by **Mr. Brown**, a solicitor with Meares Williams. Mr. Brown detailed the Rooney Holdings land affected by the plan change proposal and stated that they are probably the largest affected land owner. Rooney Holdings are broadly supportive of the plan change. Mr. Brown also advised that Rooney Holdings owns Morrison Park, which is therefore not managed by Council as a recreational resource for the public despite being leased out as public grounds. Rooney Holdings supports the rezoning of Morrison Park to Industrial L.

Notwithstanding their support, Mr. Brown did advise that Rooney Holdings have some residual concerns with the planning officer's recommendations. In relation to the controls proposed for the residential – industrial interface, he believed these were unduly restrictive especially when compared with the baseline. He highlighted a number of plan provisions that he believed illustrated that the Industrial L zoning was a transition area between residential and Industrial H. Mr. Brown also highlighted some concern with the Staging approach suggested by the planning officer. Given the nature of the existing environment and the fact that it can be serviced from the existing development, he believed that the area immediately to the south of the Recreation 2 land should form part of any Stage 2W development as opposed to Stage 3W development. Mr. Brown also addressed the closure of Seadown Road

and believed it to be a retrograde step which will not bring benefit to the industrial zone or rural zone residents who live north of the proposed zone.

4. Decisions - Submissions and Further Submissions

4.1 Submissions relating to: Approve Plan Change for Social and Economic Benefits and Locational Attributes (identified as “Economic” issues in the section 42A report)

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
Rooney Holdings Limited (107850)	PPC will provide for future industrial growth, generating economic and social wellbeing for the people and community of the district	Support	TDC allow the PPC to provide for rezoning
PrimePort Timaru Limited (109235)	<p>Freight advantages pertain to Washdyke and Timaru:</p> <ul style="list-style-type: none"> - within 200km of 75% of south island; - proximity to SH1, main trunk rail, airport, PrimePort; - land and services with capacity to expand. <p>Considers that the industrial area proposed is insufficient for future growth:</p> <ul style="list-style-type: none"> - scope of the plan needs a vision that is 50 years plus; - 48Ha of new industrial land may be adequate or next 10 years, but it is not sufficient to meet the longer term; - investments by other regions demonstrates that the Timaru district needs to maintain competitive options. <p>Aggregating waste disposal and other services in one area is practical.</p>	Support	<p>Approve PPC</p> <p>Extend plan area to be designated Industrial L and H.</p> <p>Plans should be redrawn incorporating significantly greater zones of Industrial L and H (as far as Kennel’s Road).</p> <p>The plan should designate proposed zones of land use in addition to the located in designations as shown. This would provide a buffer and protect against future development which would otherwise preclude future industrial use. This option would ensure a staged development.</p> <p>Reverse sensitivity is a real issue that needs to be addressed to ensure industrial development is not hindered.</p>
Aoraki Development Trust and the South Canterbury Chamber of Commerce (109317)	<p>Further residential development would hamper further industrial development in this area.</p> <p>Need sufficient industrial zoned land to accommodate industrial growth – provides a catalyst for growth in the district.</p> <p>Areas required to lure new business ventures to Timaru.</p>	Support	Fully supports the proposal.

Further Submitter Name and Number	Original Submission this Further Submissions Relates to	Submission in support or opposition to specific provisions and the reasons for these views	Decision Sought
M. Coffey (110874)	Aoraki Development Trust and the South Canterbury Chamber of Commerce (109317)	Oppose: The increasing of Industrial L and H land, which requires rezoning. They say to provide jobs etc., but if it was zoned residential or recreational it would also create jobs. If a large storage shed was built there would not be many jobs. The zoning plan change introduced. They would not like heavy traffic past their homes daily.	Leave as is or change to residential or recreational. MorrisonPark could be extended. Industry and housing don't go together.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Rooney Holdings Limited (107850)	Accept
PrimePort Timaru Limited (109235)	Accept in part
Aoraki Development Trust and the South Canterbury Chamber of Commerce (109317)	Accept in part
M. Coffey (110874)	Reject

Reason:

The three original submissions dealt with here all support the proposed plan change and request that it be approved. The submissions identify the need for the rezoning, the positive benefits of the rezoning and the locational attributes of the land to be zoned. Having reviewed the supporting documentation and the section 42A report, I accept that the Timaru District Council is in a position where it must plan and provide for the future expansion of the Districts Industrial zone and that this is an appropriate location for that expansion. No submitter presented evidence that called into the question the findings of the various reports commissioned by Council to address this issue.

With respect to the future demand for industrial land within the Timaru District, Ms. Conlon's report contains the following summary of the relevant assessments:

"The Property Economics Report estimates demand for industrial land within the Timaru District. Two different scenarios were assessed, the first being the industrial land demand associated with trended employment projections, and the second assesses the potential for Timaru to attract additional national and international orientated industrial activity above trend.

The trended employment growth scenario gives an estimated industrial land demand up to 2021 in the order of 2.7Ha. The small scale of additional land demand is

derived primarily by the overall anticipated drop in the construction sector, along with new technological advancements with the potential to reduce the amount of land required per employee through increasing productivity. The report clarifies that the fall in land demand experienced by certain sectors are 'paper' falls only, and not anticipated to be realised. Technological improvements will make a minimal impact on existing buildings sizes and the nature for industrial businesses to hold large reserves of land. It is summarised that, on balance, the increased land demand is potentially in the order of 15-20Ha¹.

The second scenario assesses the additional ability for industrial areas to attract above trend industrial activity. The 'Timaru Transportation Study – Issues Identification Report' (TTS), prepared by Abley Transportation Consultants is used as the basis to assess this additional demand. Land demand has been estimated by applying the anticipated activity growth rates to the amount of current industrial land used for industrial purposes in the Washdyke area. Based on the TTS, it is anticipated that the area east of SH1 will have an annual increase in activity of around 2% per annum, which equates to approximately a 35% increase in total activity over the 2006-2021 period. The western area of Washdyke is anticipated to have a 50% increase by 2016, and grow to a 75% increase by 2031, equating to a 60% increase by 2021².

According to the TTS, the Washdyke east area demonstrates a shortfall of developable industrial land of approximately 26Ha. Overall, the level of industrial land demand that may occur above the current trend is approximately 71Ha by 2021. Comparing the two scenarios sees additional industrial land demand for between 15-20Ha to 85-90Ha between 2006 and 2021. The report summarises that there is potential that additional land may need to be rezoned for industrial use.

Ms. Conlon went on to consider the recent earthquake events in Christchurch and how that may have an impact on the population and industrial land projections for Timaru. She noted that “[i]t is possible there may be an influx of new residents, with a resultant demand for jobs and employment opportunities. There may also be demand for the relocation of industrial based economic activities in the short, medium and/or long-term. We have already seen a demand for retail space in the city centre as a result of Christchurch businesses wishing to establish a trading base while their premises in Christchurch are re-established.”

¹Timaru District Retail, Industrial and Residential Strategy Draft Discussion Document, Property Economics, 2007, Section 13.1, page 47

²Timaru District Retail, Industrial and Residential Strategy Draft Discussion Document, Property Economics, 2007, Section 13.2, page 48

Mr.Coffey's further submission in opposition was based on the proposition that the rezoning of land to industrial use is not the only avenue for job creation. He submitted that residential or recreational land also creates jobs, and stated that a large storage shed would not create many jobs.

Mr. Coffey is obviously right - there are a range of activities that create employment opportunities.However that is no reason to not plan and provide for an essential component of a Districts social and economic growth. Industrial activities are important to the economic fabric of any district and it is a critical resource management function to ensure that there is an adequate supply of industrially zoned land available within a district. This not only provides certainty for existing activities to operate and expand in confidence, but also provides suitably located and serviced land for new industrial activities to establish in the future. Zoning provides certainty to the wider community about the location of industrial activities and where the character of environmental effects may be expected to differ.

Mr. Coffey's submission seems to be suggesting that the current use of the land to be rezoned is preferable to that proposed. However I accept and agree with the submitters in support that this is an appropriate location for industrial development.Ms. Conlon's report referred to a number of studies that also came to this conclusion. She refers to The Property Economics Report which summarised the findings of an industrial market assessment in the Timaru District, stating:

*'Washdyke, with its strategic transport linkages and availability of land, with limited reverse sensitivity potential at this stage, has enabled the node to operate as the preeminent industrial location in the District, with the dominance in industrial employment the result.'*³

Ms. Conlon also noted that the Property Economic Report identified the key locational criteria that determine business location. These were summarised in her report as follows:

- Provision of infrastructural and utility services;
- Access to broadband;
- Close proximity / good access to transportation hubs;
- Proximity to an appropriate labour supply;
- Location of customers / target markets (domestic and international);
- Access to major road corridors;

³Timaru District Retail, Industrial and Residential Strategy Draft Discussion Document, Property Economics, December 2007

- Location of suppliers;
- Room for potential expansion and growth on the site;
- Potential to secure resource consent;
- Level of congestion at peak times; exposure / profile.

Ms. Conlon believes that from this list of criteria Washdyke ticks most (if not all) of the boxes which are instrumental in determining good business locations. Given the nature of the surrounding area, which is already heavily influenced by industry, I agree. Extending the zone northwards into flat land that also retains these locational advantages makes good resource management sense. Environmental effects can be managed in one specific area rather than spreading the effects throughout different parts of the District.

The PrimePort Timaru Limited submission requested that the Plan Change include additional land for rezoning. However that is outside the scope of any decision I can make. As Ms. Conlon noted, should the uptake of rezoned land be quicker than anticipated, then another plan change can be undertaken in response to the demand.

Amendments to Proposed Plan Change

No changes have been made as a result of this decision. However it should be noted that changes made to Plan Change 14 in response to other submissions have changed the detail of the Plan Change to a degree.

4.2 Submissions relating to: Residential Amenity - Loss of Rural Outlook / Visual Amenity / Lifestyle / Privacy / Security

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
R. Campbell (109495); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); S. Falvey (109446); B. Angel (109413); K. Mackay (109370); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); E. Shand (109438); G. Shand (109439); J. Eddington (109443); D. Swaney (109374); A. Vosper (109371); I. Swaney (109373); T. Laws (109422); J. Peat (109423); C. Mackay (109451); A. Iggo (109425); G. Edgeler (109428); D. Berry (109432);. G. Welford (109392); P. Christie (109391); R. Welford (109389); G.	Loss of rural outlook / lifestyle / privacy / security; loss of existing townscape; residential amenity; devaluation of and disruption to lifestyle; protection of existing residential area; change in character from residential to industrial; change of environment; disruption to sleep	Oppose	Do not rezone

Jackson (109385); D. Jackson (109388); A. Gibbs (109367); P. Berry (109408); J. Simmons (109369)			
C. Iggo (109447)	Residential and visual amenity – loss of rural outlook; privacy; security; degrading of townscape	Oppose	Do not rezone If PPC does proceed, measures which mitigate against the effects of rezoning the land between the Residential 1 area and the proposed Industrial L area are outlined in a petition.
Washdyke Action Group Incorporated (109448)	Residential and visual amenity – loss of rural outlook; privacy; security; degrading of townscape	Oppose in part	Compensation to be arranged to those affected.
D. Whitley (109450)	Adverse effects on residential amenity	Oppose	Rezone Washdyke Flat Road instead as it will not affect as many residents.
R. Mackay (109449)	Visual amenity, aesthetics – disruption of views and rural outlook. Privacy and security	Oppose in part	Do not rezone Rural 1 land between SH1 and Seadown Road. Submit an acceptable alternative proposal.
M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); I. Johnson (109409)	Disruption of views and rural outlook; privacy; security	Oppose in part	Do not rezone Rural 1 and recreation lands to Industrial L.
A. Welford (109389)	Does not want to live beside industrial land	Oppose	N/A
C. Rapsey (109381)	Inconvenience to residential dwellers.	Oppose	Withdrawal of PPC.
L. Ennis (109383); G. Ennis (109382)	Loss of rural outlook; loss of privacy and security; loss of winter sun	Oppose	Do not rezone. If approved, provide minimum 50m buffer having regard to site specific flora and fauna.
D. Fraser (109375)	Residential surrounded by industrial use	Oppose	N/A
T. Brosnahan (109372)	Visual impact on residential lifestyle	Oppose	TDC to consider compensation to landowners. 100m buffer zone north of residential area.
Morris Family (109366)	Effect on Washdyke community	Oppose	Do not rezone – leave for farming.
F. Ross (109364)	Loss of residential amenity	Oppose	Do not rezone Rural 1, Rural 2 and Recreation Zones. If approved: maintain and enhance residential amenity of existing residents; provide amenity roadside planting.
R. Scott (109353)	Loss of quality of life for existing residents	Oppose	Do not rezone; if permitted control industrial activity to retain residential habitat; install double glazing and other noise

			reducing measures; install clean air burners or heat pumps.
R. Colvill (109380)	Loss of visual amenity	Oppose	Suspend proposal to allow further consultation. Restrict hours of operation from 7.30am – 5.30pm Monday to Friday, to limit effects of noise, dust and traffic.
P. & J. Jones (109454)	Loss of visual amenity	Oppose	No rezoning west of Seadown Road; buffer and screening for residential area; no earth stockpiling; 10m limit on building height; enforcement of District Plan rules.
D. Ennis (109378)	Loss of outlook and winter sun	Oppose in part	Minimum 100m buffer between residential area and new industrial.
M. Coffey (109173)	Visual outlook	Oppose in part	Need buffer between residential and industrial uses of at least 200m and raised to protect visual impact.
C. Swaney (109386)	Affect on rural outlook; interruption to sleep; loss of privacy	Oppose in part	N/A
M. & E. Gregerson (108969)	Residents need protection from invasion of privacy, mental stress, visual impact	Oppose	Do not rezone Rural 1 lands west of Seadown Road.
I. & J. Geary	Loss of amenity and view	Oppose	Review the proposal. Provide scientific facts supporting the plan change.
J. Colvill (109379)	Loss of rural views; residential safety	Oppose	Protect rural views.
P. Daly (109164)	Loss of views; loss of rural life	Oppose	TDC to purchase property if selling.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
R. Campbell (109495); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); S. Falvey (109446); B. Angel (109413); K. Mackay (109370); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); E. Shand (109438); G. Shand (109439); J. Eddington (109443); D. Swaney (109374); A. Vosper (109371); I. Swaney (109373); T. Laws (109422); J. Peat (109423); C. Mackay (109451); A. Iggo (109425); G. Edgeler (109428); D. Berry (109432); G. Welford (109392); P. Christie (109391); R. Welford (109389); G. Jackson (109385); D. Jackson (109388); A. Gibbs (109367); P. Berry (109408); J. Simmons (109369)	Accept in part
C. Iggo (109447)	
Washdyke Action Group Incorporated (109448)	
D. Whitley (109450)	
R. Mackay (109449)	
M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); I. Johnson (109409)	

A. Welford (109389)
C. Rapsey (109381)
L. Ennis (109383); G. Ennis (109382)
D. Fraser (109375)
T. Brosnahan (109372)
Morris Family (109366)
F. Ross (109364)
R. Scott (109353)
R. Colvill (109380)
P. & J. Jones (109454)
D. Ennis (109378)
M. Coffey (109173)
C. Swaney (109386)
M. & E. Gregerson (108969)
I. & J. Geary
J. Colvill (109379)
P. Daly (109164)

Reason:

This raft of submissions address one of the key issues in relation to this proposal – the impact the rezoning will have on both the residentially zoned land between Seadown Road and the Hilton Highway and on rural-residential neighbours to the north. Ms. Conlon’s report summarised the main points raised by these submitters and I will not repeat them here. Suffice to say that the main concerns related to the loss of rural outlook and the impact that industrial activities may have on the amenity values currently enjoyed by residents in this area. These concerns were reiterated by all submitters that appeared at the hearing.

Numerous residents also referred to on-going issues with the existing industrial activity in this area and a lack of enforcement action on behalf of the Council to deal with what residents perceived as non-compliance with the existing resource consent for this activity. The majority of submitters requested that the rezoning west of Seadown Road be rejected. In the alternative, if the rezoning proposal was to be approved most submitters requested that a buffer zone, of various widths, be put in place to ensure their amenity was protected.[This issue has also been specifically dealt with as a separate topic at Decision 4.3]

There were also submitters (including Rooney Holdings; PrimePort Timaru Limited; Aoraki Development Trust and the South Canterbury Chamber of Commerce) who supported the proposed plan change and requested that it be approved. These submissions were addressed within in a separate section of the Section 42A report but I must deal with the Rooney Holdings submission here, as they addressed the issues in relation to the land to the west of Seadown Road at the hearing. Rooney Holdings expressed concern with the mitigation measures recommended in Ms. Conlon’s report in relation to the land to the west of Seadown Road. While she recommended that the rezoning be confirmed, she did recommend a number of policy and rules changes that she considered would mitigate any potentially significant adverse environmental effects on the neighbouring residential

properties. Rooney Holdings Counsel at the hearing, Mr. Brown, submitted that these measures were unduly restrictive especially when compared with the baseline.

I have already accepted in Decision 4.1 above that the Plan Change, as a whole, should be confirmed and that the subject land is suitable for industrial development. However it is acknowledged and accepted that the rezoning of this particular piece of land will have an effect on the amenity values currently enjoyed by some residents within the adjoining residential zone. Clearly the character of the land will change if developed for industrial purposes.

However is this impact sufficient to warrant the proposed rezoning being removed from this particular piece of land? With the appropriate mitigation in place, I believe the answer to that is no. This residential zone is already heavily influenced by the surrounding Industrial Zone and the State Highway. To the east of the Residential Zone are lands zoned Industrial L, with industrial activities currently being carried out on these lands. To the south are commercial and industrial lands and activities. To the west there is a mixture of land zonings including Residential 4, Residential 1 and Industrial L. However, the main character and nature of activities in the area is industrial and commercial.

The Rural zoned land directly north of the residential boundary is still pastoral in nature but the north-eastern portion of this land is occupied by a large industrial activity. If it is accepted that it is appropriate to extend the industrial zone further north to the east of Seadown Road as proposed, then this area of land will be of limited use for rural purposes. It also retains the locational attributes identified above for the wider area and currently contains an industrial activity.

While the immediate residential neighbours do enjoy a rural, open pastoral outlook, the District Plan does not guarantee that outlook. The permitted baseline comparison contained in the Section 42A report clearly illustrates the impact that permitted rural development would have on the adjoining residential neighbourhood. I was also informed that at least one of the large sheds comprising the existing industrial activity in the north east corner of this site was built under the Rural Zone rules. The maximum height of buildings permitted in the Rural 1 Zone is 15m (compared to 10m in the Industrial L Zone) with the setback from internal boundaries a minimum of 3m (compared to 5m in the Industrial L Zone). Hence this building could have been erected 3 metres from the residential boundary.

However the zoning as proposed does reflect the existence of this residential node by rezoning the land Industrial L rather than Industrial H. Both Ms. Conlon's Section 42A report and Mr. Brown's submission on behalf of Rooney Holdings drew my attention to the provisions of the District Plan in relation to the Industrial L zone.

Ms. Conlon noted that "[t]he District Plan states that the Industrial L Zone is, '*intended to provide for industrial activities having minor to moderate environmental effects and that these effects should be mitigated for neighbouring zones to the extent that is practical*⁴'. The zoning of these lands for Industrial L purposes provides a level of certainty to future developers about the character of activities expected and the environmental effects these activities may produce. In this regard the District Plan states:

*'The Industrial L Zone provides for a range of industrial and some commercial activities having less noxious actual or potential effects. In some localities this zone will provide a transition area between a residential area and the Industrial H Zone.'*⁵"

Mr. Brown also highlighted these passages.

So it appears that the District Plan does anticipate the Industrial L zone to border residential zones and that this zone would act as a transition between residential and the heavy industry zone. Given the character and nature of the environment we are dealing with here, this is one location where it could be considered reasonable to adopt this planning approach.

However Ms. Conlon accepted that the current Industrial L rules do not perhaps provide the level of mitigation appropriate in this situation and suggested the use of a controlled activity status for activities within a certain distance of the residential zone boundary. This approach was in response to submitters request for a buffer zone of some type although most requested a no-build zone. Mr. Brown was of the view that the Industrial L rules were adequate and that Ms. Conlon had gone too far.

While I do not agree that a no build zone should automatically be put in place - that would have its own set of issues as alluded to by a number of submitters - I do accept Ms. Conlon's and the submitters view that some additional mitigation should be incorporated into the plan change.

I have therefore refined Ms. Conlon's approach by requiring a level of control for development on the lands located within 50 metres of the northern boundary of the Residential 1 Zone

⁴Timaru District Plan, Part D4 Industrial Zones, Section 4.1.2.2 Policies

⁵Timaru District Plan, Part D4 Industrial Zones, Section 4.1.2.2 Policies

lands. Controlled activity status for activities in this zone will ensure the residential amenity of the existing residents is maintained to an appropriate level (bearing in mind the current provisions of the plan), whilst also enabling developers to establish appropriate uses and activities on their lands. While this will not ensure the current amenity derived from an outlook over rural pasture is retained, it will ensure that the level of amenity the District Plan seeks to provide for in residential areas will be retained.

Amendments to Plan Change

- a) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, 4.2.1.5 Performance Standards For All Activities In This Zone, by inserting new Rule '5.9A' after Rule '5.9' as follows:

5.9A In Washdyke Industrial Expansion Area, (as set out in Appendix 2 of Part D4), provide the following landscaping within the landscape strips indicated on the Outline Development Plan:

- *provide a 5 metre wide planted area along the southern boundary of the Industrial L Zone adjacent to the Residential 1 Zone. This shall be provided by planting evergreen plants that grow to a height of 3-4 metres, giving the effect of a continuous screen of vegetation[Note: Additional landscaping may be required in this area by a resource consent granted pursuant to Rule 2.2];*
- *provide a 3 metre wide planted area along the frontage of State Highway 1. One tree shall be planted for every 10m of road frontage. These trees shall have a minimum stem diameter of 40mm at the time of planting and shall grow to at least 5 metres high at maturity;*
- *indicate planting species, heights and spacing of plants;*
- *sufficient ground preparation and mulching to ensure good establishment and rapid growth.*

- b) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, 2 Controlled Activities, by inserting new Rule 2.2 after Rule 2.1 as follows:

2.2 Any development or activity located within 50 metres of the northern boundary of the Residential 1 Zone at Washdyke Industrial Expansion Area (as set out in Appendix 2 of Part D4) that complies with the Performance Standards for

the zone and the General Rules shall be a controlled activity and shall not be publicly notified. The Council shall restrict its control to the following matters:

- The location, orientation and bulk (including height) of buildings to avoid or mitigate adverse effects on adjoining residential uses including effects on views from residential properties, effects on access to sunlight and effects on privacy;
- Hours of operation;
- Any landscaping over and above that required under the Performance Standards for the zone and the general Rules that may be needed to screen built form from adjoining residential areas and maintain visual amenity while ensuring there is no overshadowing;
- The location and standard of construction of access, roads, parking, loading and manoeuvring areas;
- The provision of utility services and infrastructure;
- The provision, height and design of boundary fencing;
- The location, extent, appearance and type of screening of outdoor storage areas and security fencing;
- The provision for, and screening of, rubbish/waste storage and/or collection areas;
- The effects of noise, glare and external lighting;
- Signage;
- The effects of, and timing of, construction;
- The payment of financial contributions in accordance with Section 6.5.3.2(4) of this plan.

- c) Amend Part D4 Industrial Zones, 4.1.2 Policies, by inserting new Policy 4.1.2.3A after Policy 4.1.2.3 as follows:

4.1.2.3.A To ensure the development of the Washdyke Industrial Expansion area (as set out in Appendix 2 of Part D4) where it adjoins the Residential 1 Zone is undertaken in a manner that avoids, remedies or mitigates any significant adverse effects on the residential amenity values found within that zone.

- d) Provide the following as, '*Explanatory Notes to the Washdyke Industrial Expansion Outline Development Plan*' to be located in Appendix 2 of Part D4:

Explanatory Notes:

- **Landscape strips** are to be established prior to any industrial development occurring in accordance with the Performance Standards relevant to this land.

4.3 Submissions relating to: Buffer Zone

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
P. Pain (109485)	No buffer zone provided on rezoned lands	Oppose in Part	100m buffer zone created on land proposed for rezoning.
J. Pain (109483); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); E. Parker (109402)	No buffer between rural and light industrial Reinstatement of buffer zone in front of Randwick Place residents (min. 50m)	Oppose	Do not rezone
M. Barker (109401); M. Coffey (109173)	Lack of buffer between residential and industrial sites.	Oppose	Do not rezone. If approved, provide a buffer zone between the residential and industrial areas.
A. Hughes (109394); D. Hughes (109393)	Reinstatement of buffer zone in front of Randwick Place	Oppose in part	Do not rezone Rural 1 and recreation lands to Industrial L

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
P. Pain (109485)	Accept in part
J. Pain (109483); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); E. Parker (109402)	
M. Barker (109401); M. Coffey (109173)	
A. Hughes (109394); D. Hughes (109393)	

Reason:

Ms. Conlon's Section 42A report noted that the original Outline Development Plan used for consultation purposes indicated a '*Planted / Mounded Buffer between Residential & Industrial*'. She advised that there were a number of views on the buffer planting raised by the community during the consultation process. These were outlined in 'Appendix 3: Consultation Report' of the Section 32 RMA Plan Change Report prepared by Opus International Consultants Limited. Ms. Conlon's report summarised these concerns as follows:

- *Planting between residents and industry will not solve the problem;*
- *Concerns over the height of the planted buffer and shading of properties;*
- *Concerns over the setback of planting from the boundary;*

- *The planted mound is seen as a ‘token gesture’ to try to satisfy local residents to minimise the expenditure to future businesses;*
- *The buffer between the Residential 1 and Industrial L should be greater than 50m, and shouldn’t block out the sun with trees;*
- *Create a cul-de-sac 50m from the boundary of the existing Residential 1 Zone, so residents can access the back of their sections.*

Ms. Conlon also advised that a greenway and walk/cycleway was indicated in conjunction with the buffer zone but that the location of the walkway raised concerns in terms of vandalism, anti-social behaviour, privacy and security.

On the basis of these concerns, it would seem that both the proposed planted buffer and the greenway were removed to address these concerns.

In relation to the submissions received on the point, Ms. Colon suggested that a balance could be achieved to ensure residential amenity is maintained. She referred to the existing set back and fencing performance standards that, in conjunction with the controlled activity criteria for all activities within a certain distance of the boundary, she believed would protect an appropriate level of residential amenity. I agree and the decision made in 4.2 above incorporates the controlled activity buffer zone into the plan change.

Amendments to Proposed Plan Change

The amendments required as a result of this decision are provided for by the amendments made under Decision 4.2 above.

4.4 Submissions relating to: Land Use and Alternative Sites

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
G. Middlemass (109476)	Land better suited to housing or farming.	Oppose	Do not rezone
L. Bowman (109471)	Close proximity to housing and farMs..	Oppose	
A. & S. Blackstock (109460)	Rezoning of Rural 1 lands bound by SH1 and Seadown Road. Residential area almost surrounded by industrial zoned land. Encroachment of Rural 1 and 2 Zoned land.	Oppose in part	No rezoning of rural land and Morrison Park – or industrial development within this block. No heavy or light industrial development on Rural 2 Zone land.
A. Iggo (109425)	Rezoning of lands to Industrial L.	Oppose	Reject PPC14
G. Edgeler (109428)	Loss of agricultural land.	Oppose	Do not rezone

M. Barker (109401)	Industrial adjacent to residential activities.	Oppose	Do not rezone If approved, provide a buffer between the residential and industrial areas.
R. Newton (109455)	No industrial development west of Seadown Road.	Oppose	Keep all development east of Seadown Road.
F. Ross (109364)	Loss of food producing soils. Industrial development non-sustainable use for the land. Alternative sites not examined.		Do not rezone the Rural 1, Rural 2 and Recreation Zones. If approved, Rural 1 lands between SH1 and Seadown Road to remain Rural 1 or zoned residential.
R. Scott (109353)	Lands east of Meadows Road already zoned for industrial use should be utilised first. Loss of potential for expansion of residential area. Rural 1 land north of Randwick Place should remain rural to limit potential for industrial expansion.	Oppose	Do not rezone the rural land north of Randwick Place.
I. & L. Geary (109352)	Rezoning of Rural 1, Rural 2 and Recreation to Industrial L and H.	Oppose	Review the proposal. Provide scientific facts supporting the plan change.
D. Reihana (109418)	Rezoning not required.	Oppose	Do not rezone
PrimePort Timaru Limited (109235)	In full support of the need and objectives to be delivered by the rezoning. Planning for other industrial lands needs to be resolved now – Washdyke provides the logical choice. Ideally located to support service industry for the rural sector. If not identified for industry now, residential or lifestyle development would develop as a ribbon around the existing or proposed zone. Use of adjacent land irrespective of planning Rules becomes an issue of reverse sensitivity. Acquiring land that is residential or developed as lifestyle will not be economic in comparison to the current rural use.	Support	Approve PPC14 The plan should designate proposed zones of land use in addition to the locked in designations as shown. This would provide a buffer and protect against future development which would otherwise preclude future industrial use. This option would ensure a staged development. Reverse sensitivity is a real issue that needs to be addressed to ensure industrial development is not hindered.
V. Angel (109417)	Rezoning Rural 1 and recreational lands to light industrial.	Oppose	N/A
I. Howie (109237)		Oppose	An explanation for the justification of any zone

			change.
Thornhill Holdings Limited (109147)	Alternative locations for Industrial L land to be given more consideration, especially between Washdyke Flat Road and SH8, and the land between SH1 and SH8.	Generally support	Delete the proposed Industrial L Zone amendments to part C Planning Maps 22, 25 and 26.
P. and R. Bensemam (108322); Proteus Holdings Ltd (109087)	Submission relates to rezoning land outside the PPC area, being the area zoned Residential 1 and Residential 4 located between SH1 and SH8.	Support	To rezone the lands currently zoned Residential 1 and 4 located between SH1 and SH8 to industrial L and Commercial.

Further Submitter Name and Number	Original Submission this Further Submissions Relates to	Submission in support or opposition to specific provisions and the reasons for these views	Decision Sought
M. Coffey (110875)	PrimePort Timaru Limited (109235)	Oppose: Their endorsement of rezoning from rural to Industrial L and H. The effect on housing is great and shows that Council does not care about rate payers. Supports: Thinking ahead – planning.	Open up whole new area (of industrial land) north of Timaru, or if needed buy all homes or relocate people to new area. Make whole area industrial.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
G. Middlemass (109476)	Reject
L. Bowman (109471)	
A. & S. Blackstock (109460)	
A. Iggo (109425)	
R. Newton (109455)	
F. Ross (109364)	
R. Scott (109353)	
G. Edgeler (109428)	
I. & L. Geary (109352)	
M. Coffey (110874)	
Thornhill Holdings Limited (109147)	
P. and R. Bensemam (108322); Proteus Holdings Ltd (109087)	
D. Reihana (109418)	
M. Barker (109401)	
PrimePort Timaru Limited (109235)	
M. Coffey (110875)	
Aoraki Development Trust and the South Canterbury Chamber of Commerce (109317)	Accept

Reason:

The main emphases of the submissions made on this topic are based on the incompatibility of industrial uses adjacent to the existing residential and agricultural land uses. I have already determined under Decision 4.1 above that the location is suitable for the rezoning

proposed and that any adverse effects that may arise from industrial development adjoining the Residential 1 zone can be adequately mitigated (Decision 4.3). While some submitters have suggested that the area is better suited to residential development, the nature of the existing environment, which is already heavily influenced by industrial activities, would suggest otherwise. Reverse sensitivity issues would almost certainly arise if the area was developed for residential purposes.

Submitters have also claimed that the land is better suited to farming with some concerned with the loss of agricultural land and food producing soil. In the context of the Timaru District, the loss of this small area to agricultural production would seem relatively insignificant. Ms. Conlon's report noted that the Ecological Assessment report commissioned by the Council clearly indicated that the subject lands are not utilised for intensive agricultural activities. My site visit tended to confirm this and in fact highlighted the industrial nature of the area. I also note that the land is zoned Rural 1, not Rural 2 which contains the District's high quality land.

As I have already noted in previous decisions, the various reports commissioned by the Council concluded that Washdyke provides the greatest opportunity for strategic industrial development within the district. Inevitably the expansion of the urban boundary, whether it is for residential, commercial or industrial purposes, will see some level of conflict with existing land uses. In this case the uses permitted under the plan change, and their associated effects, are not new to the area.

One submitter listed in this group (R. Scott) submits that the lands east of Meadows Road already zoned for industrial use should be utilised first while others (PrimePort Timaru Limited, Thornhill Holdings Limited, P. and R. Bensemman and Proteus Holdings) request that alternative areas also be rezoned either in addition to, or in substitution for, some of the land rezoned here. Staging the development of the zone for other purposes has been incorporated into the change (see the following Decision 4.4). However the submissions seeking additional land to be rezoned are not within the ambit of the decision making framework. A further plan change process would need to be instigated to achieve this.

Amendments to Proposed Plan Change

No changes have been made as a result of this decision. However it should be noted that changes made to Plan Change 14 in response to other submissions have changed the detail of the Plan Change that does, to some degree, address some of the concerns raised here.

4.5 Submissions relating to: Cost to Ratepayers

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); P. Fairbairn (109405); P. Fairbairn (109404); M. Gallagher (109398); C. Rapsey (109381); J. Simmons (109369); L. Ennis (109383)	Financial cost to ratepayers; increased rates	Oppose	Do not rezone
I. Johnson (109409)	Financial cost to ratepayers	Oppose in part	Do not rezone Rural 1 and Recreation lands to Industrial L
I. and J. Geary (109352)	Cost to ratepayers	Oppose	Review the proposal; Provide scientific facts supporting the plan change

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); P. Fairbairn (109405); P. Fairbairn (109404); M. Gallagher (109398); C. Rapsey (109381); J. Simmons (109369)	Accept in part
I. Johnson (109409)	Accept in part
I. and J. Geary (109352)	Accept in part

Reason:

A number of submissions were received regarding the implications of PPC14 in terms of the financial cost to ratepayers, and potential for increased rates. In acknowledgment of what is potentially a serious issue for the ratepayers of the District, Ms. Conlon's report has considered a range of options to address this matter. In a detailed assessment of the financial implications of developing the subject lands for industrial purposes, Ms. Conlon recommended two approaches to ensure the area can be developed and serviced in a sustainable way. She recommended a staged approach to the development in combination with some changes to the way financial contributions would apply to the land subject to the Plan Change.

I do not need to set out the detail of Ms. Conlon's recommendations here but accept that it is both an appropriate and necessary approach to the development of the subject lands. The staging of development significantly reduces the initial expenditure required. It is considered that the orderly and cost efficient staging of these lands will be achieved through the progressive construction of infrastructure. The amendments proposed by Ms. Conlon to the financial contribution section of the plan will ensure that ratepayers are not burdened with the cost of providing this infrastructure.

Ms. Conlon advised that a number of staging options were considered through consultation between Council's Planning and District Services Units. The staging proposed in her report acknowledges the location and capacity of existing infrastructure in the industrial area of Washdyke and reflects Council's current longer-term infrastructure planning. The proposed staging strategy makes explicit the steps required to move into the next stage, which should encourage investment into these areas.

The only concern raised with the staging approach proposed came from Rooney Holdings Ltd. At the hearing, Mr. Brown requested that the area of land immediately to the south of Morrison Park be included in any Stage 2W of the development rather than as part of the Stage 3W development as proposed by Ms. Conlon. This request was made on the basis that this land can be serviced from the adjoining land to the west that contains Rooney Holdings existing development. I agree that this is a sensible approach and note that this area is likely to be developed first given the location of the existing Rooney Holding development. It will also provide a reasonable transition period until the land immediately adjoining the residential zone is developed. I have amended Ms. Conlon's staging plan accordingly.

Amendments to Proposed Plan Change

- 1) Amend Part D6 General Rules, 6.5 Water, Sewer, Stormwater and Open Space and Recreation Contributions, Section 6.5.1 Water Supplies, Clause 6.5.1.2 Rules for Financial Contributions for Water Schemes by adding a new rule after Rule (2) to read as follows:

(3) Controlled Activity

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

Development and activities within the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4), where water from a water network utility service is able to be delivered to the development. All such development and activities are a controlled activity in respect to financial contributions.

A financial contribution in the form of cash, land or a combination of both shall be payable. The costs shall be calculated in accordance with Section 6.5.1.2 (1) of this plan. Council shall advise the amount of contribution at the time of development.

- 2) Amend Part D6 General Rules, 6.5 Water, Sewer, Stormwater and Open Space and Recreation Contributions, Section 6.5.3 Stormwater Systems for Urban Areas, Clause 6.5.3.2 Rules on Financial Contributions by adding new Rules (7) and (8) after Rule (6) to read as follows:

Washdyke Industrial Expansion Area

(7) Controlled Activity

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

Development and activities within the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4), where stormwater utility services are able to be delivered to the development. All such development and activities are a controlled activity in respect to financial contributions.

A financial contribution in the form of cash, land or a combination of both shall be payable. The costs shall be calculated in accordance with Section 6.5.3.2 (4) of this plan. Council shall advise the amount of contribution at the time of development.

- (8) Rules no. (2) to (5) in this section shall apply to all land use development in the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4).*

- 3) Amend Part D6 General Rules, 6.5 Water, Sewer, Stormwater and Open Space and Recreation Contributions, Section 6.5.4 Sanitary Sewer System, Clause 6.5.4.2 Rules on Financial Contributions by adding new Rules (7) and (8) after Rule (6) to read as follows:

Washdyke Industrial Expansion Area

(7) Controlled Activity

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

Development and activities within the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4), where sanitary sewer utility services are able to be delivered to the development. All such development and activities are a controlled activity in respect to financial contributions.

A financial contribution in the form of cash, land or a combination of both shall be payable. The costs shall be calculated in accordance with Section 6.5.4.2 (6) of this plan. Council shall advise the amount of contribution at the time of development.

(8) Rules no. (2) to (6) in this section shall apply to all land use development in the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4).

4) Amend Part D7 Definitions to include the following new definition as follows:

- **Development and activities** (For the purpose of determining financial contributions in the Washdyke Industrial Expansion Outline Development Plan area): Means any subdivision, development or re-development of a site and includes the construction, erection, establishment or alteration of any building or activity that generates a demand for reserves, network infrastructure, or community infrastructure.

5) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone by inserting a new section '4A Deferred Zones' after '4 Non-Complying Activities' as follows:

4A DEFERRED ZONES

4A.1 *The Rules and Performance Standards applicable to the land zoned Rural 1, Rural 2 and Recreation 2 at Washdyke Industrial Expansion area continue to apply until such a time as the prerequisite of the staged development steps have been achieved in each of the applicable previous stages (as set out in Appendix 2 of Part D4).*

The principal elements of the Outline Development Plan, such as the road alignment, greenway and walk/cycleways and new railway crossing shall apply to all land within the Outline Development Plan.

6) Amend Part D4 Industrial Zones, 4.2.2 Industrial H Zone by inserting a new section '4A Deferred Zones' after '4 Non-Complying Activities' as follows:

4A DEFERRED ZONES

4A.1 *The Rules and Performance Standards applicable to the land zoned Rural 1, Rural 2 and Recreation 2 at Washdyke Industrial Expansion area continue to apply until such a time as the prerequisite of the staged development steps have been achieved in each of the applicable previous stages (as set out in Appendix 2 of Part D4).*

The principal elements of the Outline Development Plan, such as the road alignment, greenway and walk/cycleways and new railway crossing shall apply to all land within the Outline Development Plan.

7) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, Non-Complying Activities by inserting new Rule '4.1' as follows:

4.1 *Any activity out of sequence with the Stages identified within the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4).*

NOTE: When considering applications for out of sequence development, the following shall apply:

- *developers to fund the full cost of infrastructure;*
- *developers to provide at their own cost an internal buffer from surrounding rural land use activities.*

- 8) Amend Part D4 Industrial Zones, 4.2.2 Industrial H Zone, 4 Non-Complying Activities by inserting new Rule '4.1' as follows:

4.1 Any activity out of sequence with the Stages identified within the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4).

NOTE: When considering applications for out of sequence development, the following shall apply:

- developers to fund the full cost of infrastructure;*
- developers to provide at their own cost an internal buffer from surrounding rural land use activities.*

- 9) Amend Part D6 General Rules, Chapter 6.3 Rules for Subdivision, 6.3.6 Non-Complying Activities In All Zones, by inserting new Rule '(iii)' after existing Rule '(ii)' as follows:

(iii) Any subdivision out of sequence with the Stages identified within the Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4).

NOTE: When considering applications for out of sequence development, the following shall apply:

- developers to fund the full cost of infrastructure;*
- developers to provide at their own cost an internal buffer from surrounding rural land use activities.*

- 10) Provide the following as, 'Explanatory Notes to the Washdyke Industrial Expansion Outline Development Plan' to be located in Appendix 2 of Part D4.

Explanatory Notes:

Staged Development shall be undertaken in the sequence specified on the ODP. For example, Staged Development Step 2 will not commence until not less than 60% of the total number of lots across Stage 1 have received section 224 Certification, or not less than 60% of the entire land area within that stage has been developed. Staged Development Step 3 will not commence until not less than 65% of the total number of lots across Stages 1 and 2 have received section 224 Certification or not less than 65% of the entire land area within these stages has been developed.

Staged Step	Development	Prerequisite (no. of lots with section 224 certification, building consent, resource consent)
1		None
2		Stage 1 = not less than 60%
3		Stage 1+2 = not less than 65%

Stage 1: This area can facilitate the development and expansion of the road and water services immediately. Once the Industrial Main Trunk sewer has been completed (programmed for 2013) the industrial wastewater lateral pipe will be installed from the trunk main, westwards towards Meadows Road. It is not Council's intention to extend the industrial wastewater pipeline west of Meadows Road, past the Main South Railway Line. The domestic wastewater pipeline will be installed from the domestic trunk main towards Meadows Road in conjunction with the industrial wastewater pipeline. This domestic pipeline will need to be extended west of Meadows Road to service Stage 1.

These lands are currently zoned for predominately Industrial H activities, with a small portion of Industrial L zoned land to the west, along Seadown Road. There is already existing and future development demand in the western and central area of this Stage.

Stage 2: Stage 2 (west) can be developed once Stage 1 is sufficiently occupied, as services will only be brought up to these lands following the uptake of services in Stage 1. The development of this stage will provide for Industrial L type activities.

The central portion of the Stage 2 lands provide for the completion of the internal roading and railway crossing, to link with the lands to the east. This will allow permeability through the lands and the filtering of traffic down to the SH1/Seadown Road intersection. The railway crossing to the north should remain open until the new railway crossing is constructed and complete.

Stage 3: The release of this land for development is deferred due to costs of servicing and the potential for an excess availability of land in the previous stages. This area is also reliant on the rail crossing being in place to facilitate integrated road access. Stage 3 (east) is also delayed due to the costs associated with the upgrade of

Aorangi Road, and to ensure there is sufficient demand on this road to justify an upgrade.

- 11) Amend the Staging Plan to incorporate that area of land directly to the south of Morrison Park that adjoins the existing industrial activity at this site (currently operated by Rooney Holdings Ltd) into Stage 2W as opposed to Stage 3W.

4.6 Submissions relating to: Devaluation of Property / Reduction in Property Values / Resale Value

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S. Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); M. Hageman (109469); G. & A. Uys (109461); C. Iggo (109447); R. Mackay (109449); S. Falvey (109446); B. Angel (109413); S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109373); A. Workman (109465); J. Peat (109423); A. Iggo (109425); L. Ferguson (109426); M. Billington (109427); G. Edgeler (109428); A. Ferguson (109429); D. Matayae (109430); S. Hetherington (109431); D. Berry (109432); T. Penamone (109433); W. Penman (109435); R. Smyth (109436); E. Shand (109438); T. Hartley (109441); C. Hartley (109442); A. Fearn (109414 / 109457); D. Welch (109411); D. Welch (109410); R. Broomhall (109407); L. Broomhall (109406); P. Fairbairn (109405); P. Fairbairn (109404); E. Parker (109402); M. Gallagher (109398); R. Keenan (109397); G. Welford (109392); R. Welford (109389); G. Jackson (109385); L. Ennis (109383); J. Simmons (109369); S. Berry (109368); P. Berry (109408)	Devaluation of property / Reduction in property values / Resale value	Oppose	Do not rezone
P. Pain (109485)	Devaluation of property / Reduction in property values / Resale value	Oppose	Create buffer zone on land proposed to be rezoned.
Washdyke Action Group Incorporated (109448)	Devaluation of property / Reduction in property values / Resale value	Oppose in Part	Compensation to be arranged to those affected.
J. Phiskie (109400); W. Phiskie (109399); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); P. Luscombe (109377); L. Luscombe (109376); I. Johnson (109409)	Devaluation of property / Reduction in property values / Resale value	Oppose	Do not rezone Rural 1 and recreation lands to Industrial L
C. Rapsey (109384)	Devaluation of property / Reduction in property values / Resale value	Oppose	Withdrawal of PPC14

P. & J. Jones (109454)	Devaluation of property / Reduction in property values / Resale value	Oppose	No rezoning west of Seadown Road; buffer and screening for residential area; no earth stockpiling; 10m limit on building height; enforcement of District Plan rules.
T. Brosnahan (109372)	Devaluation of property / Reduction in property values / Resale value	Oppose	TDC to consider compensation to landowners; buffer north of residential area.
R. Scott (109353)	Devaluation of property / Reduction in property values / Resale value	Oppose	Do not rezone; if permitted control industrial activity to retain residential habitat; install double glazing and other noise reducing measures; install clean air burners or heat pumps.
M. Coffey (109173)	Devaluation of property / Reduction in property values / Resale value	Oppose	Keep land north of residential area rural, recreational or residential.
M. & E. Gregerson (108969)	Devaluation of property / Reduction in property values / Resale value	Oppose	Do not rezone Rural 1 lands west of Seadown Road
P. Drake (108848)	Devaluation of property / Reduction in property values / Resale value	Oppose	Do not rezone Rural 1 lands
P. Daly (109164)	Devaluation of property / Reduction in property values / Resale value	Oppose	TDC to purchase property if selling.
K. Robinson (109337); D. Robinson (109336)	Devaluation of property / Reduction in property values / Resale value	Oppose	N/A
D. Swaney (109374)	Need to address compensation for devaluation of property.	Oppose	Do not rezone
I. & J. Geary (109352)	Compensation for loss in property value	Oppose	Review the proposal. Provide scientific facts supporting the plan change.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); M. Hageman (109469); G. & A. Uys (109461); C. Iggo (109447); R. Mackay (109449); S. Falvey (109446); B. Angel (109413); S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109373); A. Workman (109465); J. Peat (109423); A. Iggo (109425); L. Ferguson (109426); M. Billington (109427); G. Edgeler (109428); A. Ferguson (109429); D. Matayae (109430); S. Hetherington (109431); D. Berry (109432); T. Penoamone (109433); W. Penman (109435); R. Smyth (109436); E. Shand (109438); T. Hartley (109441); C. Hartley (109442); A. Fearn (109414 / 109457); D. Welch (109411); D.Welch (109410); R. Broomhall (109407); L. Broomhall (109406); P. Fairbairn (109405); P. Fairbairn (109404); E. Parker (109402); M. Gallagher (109398); R. Keenan (109397); G. Welford (109392); R. Welford (109389); G. Jackson (109385); L. Ennis (109383); J. Simmons (109369); S. Berry (109368); P. Berry (109408)	Reject

P. Pain (109485)	
Washdyke Action Group Incorporated (109448)	
J. Phiskie (109400); W. Phiskie (109399); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); P. Luscombe (109377); L. Luscombe (109376); I. Johnson (109409)	
C. Rapsey (109384)	
P. & J. Jones (109454)	
T. Brosnahan (109372)	
R. Scott (109353)	
M. Coffey (109173)	
M. & E. Gregerson (108969)	
P. Drake (108848)	
P. Daly (109164)	
K. Robinson (109337); D. Robinson (109336)	
D. Swaney (109374)	
I. & J. Geary (109352)	

Reason:

As is often the case with proposals of this nature, the issue of property values is raised by some submitters. However the Resource Management Act does not consider the effect that a proposal may have on the value of nearby properties as an effect to be considered unless it results in an economic effect upon the district. While the Courts (see Chen v Christchurch City Council C102/97, Goldfinch v Auckland City Council A66/95 and Giles v Christchurch City Council 92/2000) have noted that a change in property values may be a symptom of actual or perceived amenity effects, they have generally concluded that taking into account such effects is tantamount to double counting. The Courts consider such effects to be secondary or derivative.

In this case I have acknowledged above that industrial activities can potentially create significant effects on the immediate and wider environment and I must have regard the environmental effects themselves, rather than on notional property values. I have done this under the submissions above that directly address amenity related issues (see Decision 4.2).

In any event it is a very difficult matter to assess without any real evidence. Mr. Iggo produced part of a letter from what appeared to be a Valuation Company (although it was not clear from the information presented who wrote the letter) that he suggested supported his argument on the matter. However the part he highlighted in that letter appeared to indicate that the existing industrial nature of the location already had an effect property values. No evidence was produced on what effect the proposed rezoning, over and above the existing industrial nature of the area, would have on property values.

With respect to compensation for loss in property values, should that occur, Ms. Conlon rightly pointed out there is no right to compensation under the Act in these circumstances.

Amendments to Proposed Plan Change

No changes are necessary as a result of this decision.

4.7 Submissions relating to: Consultation

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
Meadows Road Trustees (109542 / 109543); Thompson Investment Trust (109541)	Inclusive consultation process should be undertaken to determine how stormwater or other service contributions are calculated, along with compensation to affected landowners.	General support	As described.
S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); D. Swaney (109374); I. Swaney (109373); C. Mackay (109451); M. Barker (109401); D. Henke (109415);	Lack of consultation	Oppose	Do not rezone
C. Iggo (109447)	Due process not followed	Oppose	
Washdyke Action Group Incorporated (109448)	Due process not followed	Oppose in part	Lack of consultation with land owners and immediate adjacent community – expect involvement in formulation and design of all above points (i.e. noise; obtrusive light; dust; aesthetics; suitability of roads; sunlight/daylight; indigenous fauna habitat; fire risk; loss of Morrison Park as a recreation area; property values, loss of outlook and changed townscape, loss of privacy and security)
F. Ross (109364)	Inadequate consultation	Oppose	Independent commissioner to oversee hearing to avoid any potential conflicts of interest.
I. & L. Geary (109352)	Lack of meaningful consultation	Oppose	Review the proposal. Provide scientific facts supporting the plan change.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Meadows Road Trustees (109542 / 109543); Thompson Investment Trust (109541)	Reject
S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); D. Swaney (109374); I. Swaney (109373); C. Mackay (109451); M. Barker (109401); D. Henke (109415);	Reject
C. Iggo (109447)	Reject
Washdyke Action Group Incorporated (109448)	Reject
F. Ross (109364)	Accept in part
I. & L. Geary (109352)	Reject

Reason:

As Ms. Conlon noted in her report, consultation is a mandatory requirement in the plan change process under Clauses 2-3C of the First Schedule of the Act. These clauses set out the statutory requirements for consultation which must occur before the notification of any proposed plan. The Courts have also stated that “consulting involves the statement of a proposal not yet finally decided upon, listening to what others have to say, considering their responses and then deciding what will be done” (see *West Coast United Council v Prebble* (1988) 12 NZTPA 399 (HC) at 405).

Ms. Conlon’s report detail’s the consultation process undertaken by Council and also identifies a number of areas where the communities view has been taken into account and the proposed plan change amended as a result. Having reviewed this process, I am satisfied that an adequate consultation process was undertaken. I also note that the submission period was extended beyond the minimum statutory timeframe of 20 days, owing to the notification period falling over the Christmas holiday period. By doing so, the Council has provided every opportunity for the public to be involved in the process.

I note that some submitters (Meadows Road Trustees and Thompson Investment Trust) seek an inclusive consultation process to determine how stormwater contributions are calculated, along with compensation to affected landowners. Meadows Road Trustees Ltd also raised the issue of consultation on the indicative roading pattern and how that can be fairly provided for by the Plan Change. This issue has been dealt with under Decision 4.13 that follows.

The Washdyke Action Group Incorporated submission requested involvement in the formulation and design of all matters relating to residential amenity. The effect of the plan change on residential amenity has been considered in Decision 4.2 above. The minutiae of design issues are only addressed when a resource consent application is assessed. Accordingly, public involvement in that process will be determined on a case by case basis.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

4.8 Submissions relating to: Resource Management Issues

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
J. Law (109464)	That PPC 14 is: - Inappropriate; - Will not promote the sustainable management or efficient use of natural	Oppose	That the PPC be rejected. In the event that the PPC is adopted:

	<p>and physical resources;</p> <ul style="list-style-type: none"> - Is inconsistent with sound resource management practice; - Is inconsistent with the purposes and principles of Part 2 of the Act. <p>Reasons:</p> <ul style="list-style-type: none"> - PPC indicates the new boundary between the Industrial Zones and the current Rural 1 Zone running through the centre of Mr. Law's property, dividing his 6038sq.m property into three different zones, Rural 1, Industrial L and H. This is considered unreasonable, making the on-going use and development of the property difficult. - Existing dwelling sits in the proposed industrial H Zone, resulting in any redevelopment of the house being a non-complying activity. - Adverse amenity effects, including noise, odour and visual effects. 		<ul style="list-style-type: none"> - that his property at Seadown Road not be rezoned and instead be retained as Rural 1 zoning. - That landscaping be required along the edge of the new zoning boundary to mitigate the adverse effects of development of his property.
Land Services Group Limited (109148)	Supports the intent of the proposed plan	General support	<ul style="list-style-type: none"> • All Rules should be contained in the appropriate Rules section of the District Plan and not in a separate appendix • Delete proposed Part D 4.1.3.5 new bullet • Delete proposed Part D 4.2.1.15 • Delete proposed Part D 4.2.2.13 • Delete proposed Part D 8 Appendix 4 – the indicative roading pattern & stormwater management criteria could readily be shown in Part C (Planning Maps) of the District Plan • Delete the proposed Industrial L Zone amendments to Part C Planning Maps 22, 25 & 26

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
J. Law (109464)	Accept in part
Land Services Group Limited (109148)	

Reason:

With respect to Mr. Law's submission, his main concern is the fact that PPC14 will alter the zoning of his property from Rural 1 to a split zoning of Rural 1, Industrial L and Industrial H. This would obviously present some significant difficulty for the on-going use and development of the property. Ms. Conlon accepted that the split zonings across the submitter's property could potentially limit future development potential and recommended that the PPC14 boundary be extended to encompass this entire landholding. While received after the conclusion of the hearing, Mr. Law's agent (Mr. Cameron Law) advises that they agreed with Ms. Conlon's conclusions and accepted that the property should be rezoned for industrial use (given its size, possible uses and proximity to future industrial sites).

The submission by Land Services Group Limited requested that all the Rules be contained in the appropriate Rule section of the District Plan and not in a separate appendix. While generally supporting the intent of the plan change, the submission also requested the deletion of practically all of the proposed amendments to the District Plan as a result of PPC14. Ms. Conlon accepted, and I agree, that all Rules should be contained in the appropriate Rules section of the District Plan and changes to achieve that have been made. It has also been accepted that the ODP should be contained within the appropriate section of the District Plan. The other changes suggested are not considered appropriate or necessary to give effect to the submission.

Amendments to Proposed Plan Change

- 1) Amend Timaru District Planning Map 22 as follows:
 - *Extend the plan change boundary to include the entire allotment of 146 Seadown Road (SEC 1 SO 16911 / RS 42122).*
 - *The lands shall be zoned Industrial L and Industrial H, providing an extension to the proposed zonings.*

- 2) Amend the Washdyke Industrial Expansion Outline Development Plan as follows:
 - *Extend the 'Site Boundary' to include the entire allotment of 146 Seadown Road (SEC 1 SO 16911 / RS 42122).*

- 3) Change all references to, 'within the Washdyke Industrial Development boundary (generally east of State Highway 1 and south of Aorangī Road) as shown in the Washdyke Industrial Expansion Outline Development Plan (ODP) in Appendix 4 in Part D8 of the District Plan' to, 'within the Washdyke Industrial Expansion Outline Development Plan (as set out in Appendix 2 of Part D4)'.
- 4) Amend Part D4 Industrial Zones, 4.1.3 Methods, Clause 4.1.3.5 by adding a new bullet point after 'filled sites' to read as follows:
- development in the Industrial L Zone and Industrial H Zone within the Washdyke Industrial Development boundary (generally east of State Highway 1 and south of Aorangī Road) as shown in the Washdyke Industrial Expansion Outline Development Plan (ODP) in Appendix 4 in Part D8 of the District Plan Washdyke Industrial Expansion Outline Development Plan area (as set out in Appendix 2 of Part D4), occurring in general accordance with the ODP Outline Development Plan.
- 5) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, by inserting a new section '3A Restricted Discretionary Activities' after section 3.6 as follows:
- 5.15 Development within that part of the Industrial L Zone that lies within the Washdyke Industrial Development boundary (generally east of State Highway 1 and south of Aorangī Road) as shown in the Washdyke Industrial Expansion Outline Development Plan (ODP) in Appendix 4 in Part D8 of the District Plan, shall occur in general accordance with that ODP.

3A Restricted Discretionary Activities

The following are restricted discretionary activities provided that they are not listed as a permitted, controlled, discretionary or non-complying activity and they comply with all the relevant Performance Standards and General Rules:

- 3A.1 *Development not in compliance with the Washdyke Industrial Expansion Outline Development Plan (as set out in Appendix 2 of Part D4). Discretion shall be limited to the matter(s) not complied with.*

- 6) Amend Part D4 Industrial Zones, 4.2.2 Industrial H Zone, by inserting a new section '3A Restricted Discretionary Activities' after section 3.3 as follows:

~~5.13 Development within that part of the Industrial H Zone that lies within the Washdyke Industrial Development boundary (generally east of State Highway 1 and south of Aorangi Road) as shown in the Washdyke Industrial Expansion Outline Development Plan (ODP) in Appendix 4 in Part D8 of the District Plan, shall occur in general accordance with that ODP.~~

3A Restricted Discretionary Activities

The following are restricted discretionary activities provided that they are not listed as a permitted, controlled, discretionary or non-complying activity and they comply with all the relevant Performance Standards and General Rules:

3A.1 Development not in compliance with the Washdyke Industrial Expansion Outline Development Plan (as set out in Appendix 2 of Part D4). Discretion shall be limited to the matter(s) not complied with.

- 7) Amend Part D6 General Rules, 6.3 Rules for Subdivision, 6.3.5A Restricted Discretionary Activities, by inserting a new clause as follows:

(iii) Any subdivision not in compliance with the Washdyke Industrial Expansion Outline Development Plan (as set out in Appendix 2 of Part D4). Discretion shall be limited to the matter(s) not complied with.

- 8) ~~Amend Part D8 Appendices by adding the ODP as a new Appendix 4 entitled "Washdyke Industrial Expansion Outline Development Plan".~~

Insert the Outline Development Plan Map as 'Appendix 2 of Part D4'.

- 9) Proposed 'Part D8: Appendix 4, Outline Development Plan – Washdyke Industrial Expansion' shall be amended in accordance with Decision 4.8.2 above and transposed into the District Plan.

- 10) Amend Part D4 Industrial Zones, 4.1.2 Policies, Clause 4.1.2.2 by adding a new paragraph after 'Industrial H' to read as follows:

The Washdyke Industrial Expansion Outline Development Plan (ODP) includes a conceptual layout of through roading, its connection to the wider roading network, intersection treatments, existing and proposed rail crossings, and ~~walkways~~ greenway and walk/cycle ways ~~and stormwater management~~ throughout the Washdyke Industrial Development boundary shown in the ODP subject lands.

The land is to be developed in accordance with the Staging Plan indicated on the ODP. The Staging recognises the sequential, orderly and progressive development of these lands in conjunction with the ability to provide service infrastructure.

The planning maps are supplemented by the ODP. Development is required to be in general accordance with the ODP.

- 11) Provide the following as, 'Explanatory Notes to the Washdyke Industrial Expansion Outline Development Plan' to be located in Appendix 2 of Part D4. These points have been lifted from proposed 'Part D8: Appendix 4, Outline Development Plan, Washdyke Industrial Expansion' of PPC14.

The following elements within the ODP are indicative only and are to be provided generally in the location shown on the plans.

Explanatory Notes:

- **Indicative roading layout** showing the local through roads within the ~~area~~ illustrates the collector and local roads within the subject lands. Other internal roading will link to these through roads as development occurs.
- ~~**Stormwater management** showing the design concept for stormwater collection, treatment and disposal which shall be provided at the subdivision stage in accordance with the stormwater management system consented by Environmental Canterbury.~~

- 12) Amend District Plan Planning Maps 22, 25, 26 and 28 as they relate to the Washdyke Industrial Expansion Outline Development Plan, as follows (see **Appendix 3**):

- Apply the Industrial L and/or Industrial H Zone (Deferred) to all those properties that lie outside of proposed Stage 1;
- Retain the Rural 1, Rural 2 and Recreation 2 Zone as the underlying zoning to all those properties that lie outside of proposed Stage 1;
- Indicate the proposed roading layout, as per the Outline Development Plan.

~~Amend District Plan Planning Maps 22, 25 and 26 by removing the existing Rural 1, Rural 2 and Recreation 2 Zones generally east of State Highway 1 and south of Aorangi Road and applying the industrial L and industrial H Zones as shown on the Proposed Rezoning Map and the proposed new District Plan planning Maps 22, 25 and 26.~~

4.9 Submissions relating to: Signage

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
C. Iggo (109447); Washdyke Action Group Incorporated (109448)	Potential for inappropriate signage	Oppose	Do not rezone

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
C. Iggo (109447); Washdyke Action Group Incorporated (109448)	Reject

Reason:

Ms. Conlon's report noted that the District Plan includes provisions relating to signage in the industrial zones while the Timaru District Consolidated By-law 2007 also controls signage in relation to public places. She went on to advise that the methods of controlling signage in the industrial zone include Rules relating to the location of signs adjacent to roads and the type of activity or service being provided for on-site. She noted that these rules prevent signs from being erected in places that are distracting or obscure traffic signals and signs. She further noted that there is also a specific Performance Standard that prevents the use of 'intermittent or revolving lights if visible from a Residential Zone or erected on or adjacent a state highway'⁶.

Ms. Conlon was of the view that the existing Rules and Performance Standards in the District Plan are reasonable to facilitate the signage requirements of the industrial users whilst

⁶Timaru District Plan, Part D6, Section 6.15 Signs, Clause 6.15.2.5 (2)(e)

minimising impacts on surrounding land uses. I agree and do not consider any additional changes are necessary to the District Plan on this issue.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

4.10 Submissions relating to: Recreation

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S. Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); M. Hageman (109469); G. & A. Uys (109461); S. Falvey (109446); C. Iggo (109447); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109373); D. Matayae (109430); D. Berry (109432); R. Darrech (109440); E. Parker (109402); A. Gibbs (109367)	Loss of MorrisonPark for recreation	Oppose	Do not rezone
P. Pain (109485)	Loss of MorrisonPark for recreation	Oppose in Part	KeepMorisonPark for recreation.
Washdyke Action Group Incorporated (109448)	Loss of MorrisonPark for recreation	Oppose in part	The open area between Randwick Place and the industrial area to be turned into parklands. New parkland to be created in consultation with community. A cycle/walkway to be hard against the base of the embankment.
R. Mackay (109449)	Loss of MorrisonPark for recreation	Oppose in part	Do not rezone Rural 1 land between SH1 and Seadown Road Resubmit an acceptable alternative proposal
K. Robinson (109337); D. Robinson (109336); G. Brown (109310)	Loss of MorrisonPark for recreation	Oppose	N/A
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); M. & E. Gregerson (108969)	Loss of recreation area; Best drained sports field in Timaru and should be retained	Oppose in part	Do not rezone Rural 1 and recreation lands to Industrial L
R. Scott (109353)	Loss of MorrisonPark for residents and workers in the Washdyke area.	Oppose	Do not rezone land north of Randwick Place. If permitted control industrial activity to retain residential habitat; place caveat on land prohibiting certain

			types of industry.
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Decision:

Submitter Name and Number	Accept/ accept in Part/ Reject
R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); M. Hageman (109469); G. & A. Uys (109461); S. Falvey (109446); C. Iggo (109447); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109373); D. Matayae (109430); D. Berry (109432); R. Darrech (109440); E. Parker (109402); A. Gibbs (109367)	Reject
P. Pain (109485)	Reject
Washdyke Action Group Incorporated (109448)	Reject
R. Mackay (109449)	Reject
K. Robinson (109337); D. Robinson (109336); G. Brown (109310)	Reject
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); M. & E. Gregerson (108969)	Reject
R. Scott (109353)	Reject

Reason:

The submissions dealt with in this section relate to the loss of Morrison Park for recreational purposes. Morrison Park is zoned Recreation 2 and is leased out as rugby grounds. However I was advised that it is in private ownership and has never been owned by Council. Ms. Conlon further advised that there are no public recreational facilities in the plan change area. The Courts have been very clear over the years that Councils cannot zone private land for public recreation or amenity purposes.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

4.11 Submissions relating to: Nuisance and Pollutants

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
<p>R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); M. Hageman (109469); S. Falvey (109446); B. Angel (109413); S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); D. Swaney (109374); A. Vosper (109373); I. Swaney (109373); J. Peat (109423); J. Peat (109424); A. Iggo (109425); L. Ferguson (109426); M. Billington (109427); G. Edgeler (109428); A. Ferguson (109429); D. Matayae (109430); D. Berry (109432); T. Penoamone (109433);J. Drake (109434); R. Smyth (109436); E. Shand (109438); G. Shand (109439); R. Darrech (109440); T. Hartley (109441); C. Hartley (109442); J. Eddington (109443); R. Waters (109445); A. Waters (109444);M. Barker (109401); D. Henke (109415); R. Fearn (109414); A. Fearn (109414 / 109457); D. Welch (109411); D.Welch (109410); R. Broomhall (109407); L. Broomhall (109406); P. Fairbairn (109404); J. Everett (109403); E. Parker (109402); M. Gallagher (109398); R. Keenan (109397); G. Welford (109392); P. Christie (109391); R. Welford (109389); D. Jackson (109385); G. Jackson (109385); J. Simmons (109369); S. Berry (109368); A. Gibbs (109367); P. Berry (109408); D. Reihana (109418)</p>	<p>Noise – construction, factory; dust pollution – traffic construction; obtrusive light; vibrations, compacting – traffic, construction; odour, poor air quality – fumes, particulates; health issues – people, flora & fauna; sunlight / daylight; rubbish</p>	<p>Oppose</p>	<p>Do not rezone</p>
<p>S. Hetherington (109431)</p>	<p>Hours of operation</p>	<p>Oppose</p>	<p>Do not rezone</p>
<p>P. Pain (109485)</p>	<p>Dust / noise pollution to private properties, including rural</p>	<p>Oppose in part</p>	<p>100m buffer zone created on land proposed to all rural and residential private properties and recreational.</p>
<p>C. Iggo (109447)</p>	<p>Noise, odour, dust, air and vibration pollution from increased traffic, construction and industry; health effects; obtrusive light; glare; loss of sunlight / daylight</p>	<p>Oppose</p>	<p>TDC to advise on mitigation measures for living downwind of a heavy industrial area – or compensation in lieu.</p>
<p>Washdyke Action Group Incorporated (109448)</p>	<p></p>	<p>Oppose in part</p>	<p>All issues: At least 100m separating industrial development from residential area; a planted mound 10m high with mature vegetation of 2-3m; Noise: noise monitoring to be strictly enforced</p>

			<p>by Council.</p> <p>Obtrusive light: no lighting above 10m in new industrial area</p> <p>Air quality, health issues, odour: Council to monitor and respond rapidly to complaints.</p> <p>Dust: no dust producing materials to be stored unless in a building</p> <p>Sunlight/Daylight: no buildings or structures should be visible over embankment as viewed from Randwick Place.</p>
R. Mackay (109449)	Noise – engine breaks from heavy vehicles; construction noise; obtrusive light facing residential area; air quality, health issues – dust, fumes, particulates; sunlight	Oppose in part	<p>Do not rezone Rural 1 land between SH1 and Seadown Road</p> <p>Resubmit an acceptable alternative proposal</p>
A. Workman (109465); D. Whitley (109450)	Noise effects	Oppose	TDC to seek alternative location which would not disrupt residential amenity, e.g. Washdyke Flat Road
Z. Barlow (109416)	Dust; odours; health issues	Oppose	TDC to take into account the wildlife and the people in the area.
I. Johnson (109409); J. Phiskie (109400); W. Phiskie (109399); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); P. Luscombe (109377); L. Luscombe (109376); M. & E. Gregerson (108969); P. Drake (108848); S. Mackay (109452)	Dust; noise; odour; air quality; health issues; obtrusive lighting; diminished lighting; pollution	Oppose in part	Do not rezone Rural 1 and recreation lands to Industrial L
C. Rapsey (109384)	Noise; dust; odour; pollution	Oppose	Withdrawal of PPC14
L. Ennis (109383); G. Ennis (109382)	Noise; less light; increase in dust; odour; air quality; vibrations; pollution; vermin; health issues	Oppose	<p>Do not rezone.</p> <p>If approved: provide minimum 50m buffer having regard to site specific flora and fauna; adequate buffer planting to reduce pollution effects.</p>
P. & J. Jones (109454)	Noise and dust	Oppose	No rezoning west of Seadown Road; 75m buffer and screening for residential area – including landscaping; no earth stockpiling; 10m limit on building height; enforcement of District Plan Rules.
D. Ennis (109378)	Fumes; construction noise; vibrations; dust / fumes from machinery; air quality	Oppose in part	<p>Minimum 100m buffer between residential area and new industrial.</p> <p>Planting to protect local ecology.</p> <p>Do not rezone</p>

			recreational land to Industrial L.
T. Brosnahan (109372)	Noise; dust pollution and its associated effects on farming	Oppose	TDC to consider compensation to landowners. 100m buffer zone north of residential area.
R. Scott (109353)	Increased dust, noise and air pollution created from industrial uses which will potentially lead to the Canterbury Clean Air Programme and associated guidelines being exceeded. Increased noise and dust and loss of peace and quiet. Insufficient detail on the type of industrial uses that could establish north of residential area – need to limit the type of uses to prevent potentially harmful industries on human health.	Oppose	Do not rezone land north of Randwick Place. If permitted control industrial activity to retain residential environment; install double glazing and other noise reducing measures; install clean air burners or heat pumps.
K. Robinson (109337); D. Robinson (109336); C. Swaney (109386); G. Brown (109310)	Health issues – dust, noise	Oppose	N/A
M. Coffey (109173)	Dust; noise; air quality; stress	Oppose in part	Need buffer between residential and industrial uses of at least 200m and raised to protect visual impact.
I. & J. Geary	Noise; odour; dust; emissions	Oppose	Review the proposal Provide scientific facts supporting the plan change
J. Colvill (109379)	Noise, dust	Oppose	Protect rural views
P. Daly (109164)	Increased noise, fumes, particles	Oppose	TDC to purchase property if selling.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); M. Hageman (109469); S. Falvey (109446); B. Angel (109413); S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); D. Swaney (109374); A. Vosper (109373); I. Swaney (109373); J. Peat (109423); J. Peat (109424); A. Iggo (109425); L. Ferguson (109426); M. Billington (109427); G. Edgeler (109428); A. Ferguson (109429); D. Matayae (109430); D. Berry (109432); T. Penamome (109433); J. Drake (109434); R. Smyth (109436); E. Shand (109438); G. Shand (109439); R. Darrech (109440); T. Hartley (109441); C. Hartley (109442); J. Eddington (109443); R. Waters (109445); A. Waters (109444); M. Barker (109401); D. Henke (109415); R. Fearn (109414); A. Fearn (109414 / 109457); D. Welch (109411); D. Welch (109410); R. Broomhall (109407); L. Broomhall (109406); P. Fairbairn (109404); J. Everett (109403); E. Parker (109402); M. Gallagher (109398); R. Keenan (109397); G. Welford (109392); P. Christie	Accept in part

(109391); R. Welford (109389); D. Jackson (109385); G. Jackson (109385); J. Simmons (109369); S. Berry (109368); A. Gibbs (109367); P. Berry (109408); D. Reihana (109418)	
S. Hetherington (109431)	
P. Pain (109485)	
C. Iggo (109447)	
Washdyke Action Group Incorporated (109448)	
R. Mackay (109449)	
A. Workman (109465); D. Whitley (109450)	
Z. Barlow (109416)	
I. Johnson (109409); J. Phiskie (109400); W. Phiskie (109399); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); P. Luscombe (109377); L. Luscombe (109376); M. & E. Gregerson (108969); P. Drake (108848); S. Mackay (109452)	
C. Rapsey (109384)	
L. Ennis (109383); G. Ennis (109382)	
P. & J. Jones (109454)	
D. Ennis (109378)	
T. Brosnahan (109372)	
R. Scott (109353)	
K. Robinson (109337); D. Robinson (109336); C. Swaney (109386); G. Brown (109310)	
M. Coffey (109173)	
I. & J. Geary	
J. Colvill (109379)	
P. Daly (109164)	

Reason:

These submissions address a range of environmental effects that submitters believe industrial activities in this area will generate thereby impacting on the amenity values they currently enjoy. Ms. Conlon's report addresses each issue in turn and I do the same here.

Noise

Ms. Conlon's report refers extensively to the Noise Assessment report prepared by Marshall Day Acoustics (October 2009) for the proposed plan change. The purpose of the Noise Assessment was to assess the potential noise effects that may arise as a result of the proposed plan change.

The majority of submissions received in relation to noise are from residents who live in the Residential 1 Zone. As Ms. Conlon noted, the Noise Assessment identified that *'the ambient noise level during the daytime is already moderate to high (47 to 70 dB LA10), largely as a result of road noise. While road noise can be reasonably expected to reduce at night, this reduction will be less for houses on or close to SH1 (at least half of those in the zone) as this highway carries significant numbers of heavy vehicles at night'*. This led the noise consultant to form the opinion that, *'if the proposed rezoning goes ahead there would be no increase in the existing noise level over that already being experienced...'*.

Ms. Conlon summarised the findings of the Noise Assessment as follows:

- The residential amenity within the area zoned Residential 1 has already been eroded by noise from SH1 and other major road networks.

- The standard noise control provisions for industrial activity in the District Plan will assist in ensuring that the cumulative noise effects of industrial activities and increased activity on transport linkages are no more than minor.
- Activities near boundaries of the Industrial Zone with Residential 1 Zone will need special attention to comply with the District Plan noise Rules. This process should occur during the detailed design of specific activities on individual sections.
- Alternatively, where a larger area of land is to undergo conversion to a specific planned activity or activities, that entire area could be considered as for an individual site.

The outcome of the noise assessment was one of the factors that lead to Ms. Conlon recommending that activities within 20 metres of the residential boundary be controlled via the resource consent process. This has been adopted (although the 20 metre set back has been extended to 50 metres) and in combination with the existing Rules and Performance Standards in the District Plan, should provide sufficient control to ensure any potential noise generating activities will have minimal effect on the Residential 1 Zone. Appropriately designed buildings in this location should also act as a barrier to any noise that may emanate from the existing activity on this site which has been of concern to some submitters but cannot be addressed through this process.

With respect to traffic noise, the report noted that “...*the southern portions of Seadown and Meadows Roads already have significant heavy commercial vehicle traffic, we do not consider that any increase in traffic noise will cause a more than minor noise effect*”. Again, traffic noise within the land adjoining the residential zone will be controlled via the resource consent process that activities within 50 metres of this boundary will need to go through.

A number of submissions were also received on the effect of construction noise. As Ms. Conlon noted, Part D6 General Rules, Section 6.21 Noise, Clause 6.21.2.3 ‘Construction Noise Rules – All Zones’ of the District Plan specifies the recommended limits on construction noise. Consequently, all construction activities on the subject lands will need to comply with this Rule. Furthermore, construction noise is generally of a temporary duration, and provided the standard is complied with, construction noise will have limited effect.

Vibration

Some submitters are also concerned with vibrations effects, particularly vibrations caused by traffic. The only ‘vibration’ standard contained within the District Plan relates to blasting. However blasting is generally associated with mining, quarrying and earthworks and is

unlikely to occur in this location. Vibration from vehicles travelling on road and rail corridors is also not anticipated to be a problem. While the proposed rezoning will result in an increase in the proportion of heavy commercial vehicles using Aorangi, Meadows and Seadown Roads, as noted above the Noise Assessment found that the southern portions of Seadown Road (adjacent to the Residential 1 Zone) already has significant heavy commercial traffic. The effect over and above the existing traffic load is not expected to be significant. It should also be noted that there are no new roads proposed adjacent to the residential area.

With respect to Rail noise and vibration, it is not anticipated that rail movements will alter as a result of the plan change.

Air Quality (including odour)

The responsibility for managing discharges of contaminants into the air, including odour, lies within the jurisdiction of the Canterbury Regional Council ("Ecan"), not the Timaru District Council. However when providing for industrial activities within the District Plan, it is necessary for the District Council to be aware of the effects of activities that discharge contaminants to the air.

Generally this means avoiding relatively sensitive activities and locations. In this case the plan change has provided for heavy industrial activities, *'having more adverse environmental effects and which should be separated from residential and other sensitive activities'*⁷ in the eastern section of the subject lands only and as a continuation of the existing Industrial H Zone. The Industrial H Zone is removed and separated from the existing residential area by a band of light industrial land uses, along its eastern boundary, and by a large area of light industrial activities to the north. The light industrial activities generate significantly less noxious effects and provide a suitable transition between the residential area and the heavy industrial zone. The plan change allows any industry within the Industrial L Zone provided that it does not require an Offensive Trade Licence under the Health Act 1956. Hence no offensive industry will be located adjacent to the residential zone. Furthermore, any activity that proposes to discharge contaminants to air will require resource consent from Ecan. The sensitivity of the receiving environment will be a consideration in that process.

Obtrusive Light

It is accepted that industrial activities do have the potential to create visually intrusive glare. However the level of lighting and consequential glare depends on the scale of the activity, while the effects often depend on the topography of the site relative to neighbouring sites,

⁷Timaru District Plan, Part D4 Industrial Zones, Section 4.1.2 Policies, Clause 4.1.2.2

roads and other locations from which glare can be seen. The issues associated with glare/lighting are already addressed by Rules in the District Plan⁸. These Rules include the redirection of exterior lighting away from residential zones, and limitations on the amount of light spill on household units in residential zones. These provisions, along with the assessment of resource consent applications for activities located adjacent to the Residential 1 Zone, will provide an appropriate level of amenity for the surrounding residential area.

Sunlight/Daylight

Some submitters raised concern over the potential impact industrial development may have on the access of sunlight and daylight to their residential properties. As noted in Ms. Conlon's report, the District Plan contains various controls to protect the admission of sunlight to residential zones adjacent to industrial zones. These include specific recession plane provisions and boundary setbacks. There are also general controls on the maximum height of buildings and setbacks from roads. These Rules, along with the assessment of resource consent applications for activities located adjacent to the Residential 1 Zone, will ensure this does not become an issue for residential properties adjoining the new zone.

Rubbish

As Ms. Conlon's report noted, the issue of 'rubbish' is not elaborated upon by submitters. Ms. Conlon made the reasonable assumption that the concern relates to the potential for rubbish to be created as a result of industrial activities that will be facilitated by this proposal.

It is unusual for District Plan's address rubbish collection or generation although they do often address the need to screen storage areas from residential zones⁹. Council's tend to utilise by-laws to address this issue (see The Timaru District Consolidated By-Law 2007 (Chapter 14) which defines the requirements for sorting, preparing, collecting and depositing of solid waste at waste management facilities). However Ms. Conlon recommended that some recognition of this issue be provided within the Performance Standards so that more certainty is provided that the amenity of the area will be maintained. I have accepted this and also note that it is an issue that can be addressed in the consent process for activities adjacent to the residential zone.

Hours of Operation

One submitter (S. Hetherington) raised the issue of activities operating outside normal working hours. This was also an issue raised several times at the hearing by various submitters concerned with the operation of the existing industrial activity located to the north

⁸Timaru District Plan, Part D4 Industrial Zones, Section 4.2 Rules for Industrial Zones, Clause, 5.10 and 5.11.

⁹See Timaru District Plan, Part D4, Section 4.2.1 Industrial L Zone, Clause 5.7 and 5.8.

of the residential zone. Ms. Conlon advised me that there are no Rules or Performance Standards governing this in the Industrial L or Industrial H Zones although she noted that there are limitations on noise generation and obtrusive lighting, which is reduced between the hours of 10.00pm and 7.00am. Given the experience of the neighbours living within the adjoining residential zone, it is considered appropriate to include the 'hours of operation' as a matter of control when considering applications for resource consent in the lands adjacent to this zone. This will ensure that significant after hours noise emissions and associated nuisances are addressed in any development proposal.

Amendments to Proposed Plan Change

- 1) Amend Part D4 Industrial Zones, 4.1.2 Policies, 4.1.2.13 as follows:

To provide performance standards to address the adverse effects of activities in Industrial Zones, including effects on neighbouring land uses.

Principal Reason

These standards include measures to address noise; storage, use, or transportation of hazardous substances; traffic effects; and visual appearance e.g. landscaping. Council will take into account the extent to which the use of any proposed building will detract from the pleasantness or amenity of adjoining residential activities, in terms of noise, lighting and glare. In having regard to appropriate activities in each zone Council will also take into account effects on air quality and potential ground and water quality contamination. It should be noted that air quality issues are largely addressed by the Canterbury Regional Council which has jurisdiction for discharges to air.

Performance Standards establish maximum levels of effects acceptable in each zone. They focus controls on the adverse environmental effects of an activity rather than on the activity itself.

- 2) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, 5 Performance Standards For All Activities In This Zone, Performance Standard 5.7, as follows:

All storage of goods or materials, including refuse collection areas, shall be screened from adjoining Residential Zones, from dwellings on allotments in the Rural 2 Zone

adjoining Lot 3 DP 58403, and public spaces including roads, **by the erection of a fully enclosed fence of a minimum height of 1.8m.**

4.12 Submissions relating to: Hazardous Substances / Fire Risk

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
S. Falvey (109446); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109374); D. Reihana (109418)	Hazardous substances; fire risk	Oppose	Do not rezone
C. Iggo (109447)	Fire risk / hazardous substances from industry	Oppose	TDC to advise on mitigation measures for living downwind of a heavy industrial area – or compensation in lieu.
Washdyke Action Group Incorporated (109448)		Oppose in part	Park lands to be watered and groomed to provide a suitable firebreak
I. Johnson (109409)	Hazardous substances	Oppose in part	Do not rezone Rural 1 and Recreation lands to Industrial L
L. Ennis (109383)	Fire risk	Oppose	Do not rezone If approved: provide minimum 50m buffer having regard to site specific flora and fauna; adequate buffer planting to reduce pollution effects.
M. and E. Gregerson (108969)	Residents need protection from hazardous chemicals	Oppose in part	Do not rezone Rural 1 lands west of Seadown Road or Recreation 2 lands (MorrisonPark).

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
S. Falvey (109446); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109374); D. Reihana (109418)	Reject
C. Iggo (109447)	
Washdyke Action Group Incorporated (109448)	
I. Johnson (109409)	
L. Ennis (109383)	
M. and E. Gregerson (108969)	

Reason:

Some submitters have raised concern over the use of hazardous substances within the zone and the associated risk of fire. Ms. Conlon's report fully detailed the current hazardous substance provisions of the District Plan and also outlined Council's responsibilities for the management of such substances under the Hazardous Substances and New Organisms Act 1996 (HSNO) legislation. As Ms. Conlon noted, the rezoning of these lands does not immediately imply that hazardous substances are going to be used or stored there. If that does occur, activities must comply with the requirements of the District Plan. If the use and storage of hazardous substances exceeds those standards, then resource consent is

required. When considering an application for resource consent the Council considers the extent to which the proposed activity and the proposed site poses a risk to the environment, and in particular:

- The sensitivity of the surrounding natural and physical environment, including the separation distances from people-sensitive activities;
- The number of people potentially at risk from the proposed activity;
- The risk to adjacent properties.

Consequently I am of the view that the current hazardous substances provisions within the District Plan are comprehensive enough to ensure the adverse effects of these substances on the environment and community are avoided, remedied or mitigated.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

4.13 Submissions relating to: Traffic and Safety

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
Meadows Road Trustees (109542 / 109543); Thompson Investment Trust (109541)	Indicative roading network should not be binding. Cycle linkages excessive.	Support	Primary and secondary road could be repositioned for more efficient use of land. Questions the need for linkages along primary and secondary roads to Aorangi Road. Construction costs for cycleways should fall on the wider community, as of little benefit to industry.
R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); G. Middlemass (109476); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); S. Falvey (109446); B. Angel (109413); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109373); A. Iggo (109425); L. Ferguson (109426); J. Drake (109434); R. Darrech (109440); D. Henke (109415); R. Fearn (109414); R. Fearn (109414); A. Fearn (109414 / 109457); D. Welch (109411); D.Welch	Safety issues due to increased traffic; increased traffic, increased risk/danger to road users; associated risk to cyclists; children's safety; access conflicts; suitability of roads for increased traffic; site access to/from Seadown Road; cost of road network and infrastructure	Oppose	Do not rezone

(109410); R. Broomhall (109407); L. Broomhall (109406); P. Fairbairn (109404); P. Fairbairn (109405); E. Parker (109402); R. Keenan (109397); R. Welford (109389); L. Ennis (109383); G. Ennis (109382); J. Simmons (109369); S. Berry (109368); P. Berry (109408)			
A. & S. Blackstock (109460)	Traffic and safety, especially school bus routes. Closing of Seadown Road rail crossing.	Oppose in part	No rezoning of rural land and Morrison Park – or industrial development block. No heavy or light industrial development on Rural 2 Zone land. Seadown Road rail crossing to remain open.
C. Iggo (109447)	Road safety and traffic – including school busses and cyclists; access from Flemington Street onto Seadown Road	Oppose	Do not open new road – divert traffic away from Flemington Street / Seadown Road intersection.
Washdyke Action Group Incorporated (109448)	Road safety and traffic – including school busses and cyclists; access from Flemington Street onto Seadown Road	Oppose in part	Suitability of roads: TDC to look at safety measures to mitigate new risks. This may include traffic lights at Seadown Road / Flemington Street intersection, with pedestrian crossing and a cycle/walkway parallel to Seadown Road.
R. Mackay (109449)	Access to Seadown Road, especially from Flemington Street and safety for school children.	Oppose in part	Do not rezone Rural 1 land between SH1 and Seadown Road Resubmit an acceptable alternative proposal
M. Barker (109401)	Increased traffic on Seadown Road	Oppose	Do not rezone. If PPC is approved provide a buffer zone between the residential and industrial areas.
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); P. Luscombe (109377); L. Luscombe (109376); M. & E. Gregerson (108969)	Increased traffic; access to Seadown Road; suitability of road for increased traffic. Closing of railway crossing at Seadown Road would result in a dangerous intersection from Meadows Road to cross track to Seadown Road.	Oppose in part	Do not rezone Rural 1 and recreation lands to Industrial L
C. Rapsey (109384)	Inconvenience to access Seadown Road	Oppose	Withdrawal of PPC14
T. Brosnahan (109372)	Safety issues due to increased traffic	Oppose	TDC to consider compensation to landowners. 100m buffer zone north of residential area.
R. Scott (109353)	Use of Seadown Road by heavy vehicles, which will be in conflict with the residential	Oppose	Do not rezone land north of Randwick Place.

	users; children's safety along Seadown Road		If permitted control industrial activity to retain residential habitat; install double glazing and other noise reducing measures.
K. Robinson (109337); D. Robinson (109336); G. Brown (109310)	Increased traffic along Seadown Road. Poor access to Seadown Road.	Oppose	N/A
M. Coffey (109173)	Closure of intersection of Meadows and Seadown Roads and creating a new opening will create dust, noise, vibration and affect safety and sleep	Oppose in part	Retain existing intersection of Meadows and Seadown Road and provide a new road directly west to SH1 for all industrial traffic – this will avoid traffic passing the residential area.
Rooney Holdings Limited (107850)	Closure of part of Seadown Road as it will impede sustainable transport in the area.	Oppose in part	Amend the PPC to exclude the closure of part of Seadown Road.
I. & J. Geary (109352)	Traffic	Oppose	Review the proposal Provide scientific facts supporting the plan change
J. Colvill (109379)	Traffic impacts on residential	Oppose	Reduce speed limit on Seadown Road to 50km.
PrimePort Timaru Limited (109235)	Support the roading plan introduced, specifically the need to upgrade the Meadows Road intersection. Promote the inclusion of cycleways within the roading or stormwater greenways. Aggregating transport connections in one area is practical. The planning of road and Council services needs to be future proofed for expanded development, allowing that development to be staged. If expanded concepts are not included now, the cost of retrofitting new roading or services will be prohibitive or impossible to locate within the development.	Support	Approve PPC14

Further Submitter Name and Number	Original Submission this Further Submissions Relates to	Submission in support or opposition to specific provisions and the reasons for these views	Decision Sought
M. Coffey (110875)	PrimePort Timaru Limited	Oppose: Their endorsement of the roading change.	One main road by rail trunk to bay/wharf or across to main road from

	(109235)	Support: Thinking ahead – planning. The roading is unsafe and not thought out properly.	intersection at Seadown/Meadows Road to Main Road.
M. Coffey (110876)	Rooney Holdings Limited (107850)	Support: The submission on leaving Seadown Road open and not closing end.	Leave Seadown Road as is. Traffic flows easy and new road from intersection to Main Road so traffic not past housing.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Meadows Road Trustees (109542 / 109543); Thompson Investment Trust (109541)	Accept in part
R. Campbell (109495); S. Manson (109494); K. Manson (109493); M. Swarepoel (109492); G. Miskelly (109491); S.Horne (109490); R. Vincent (109489); M. Reynecke (109488); J. Arps (109487); C. Arps (109486); J. Pain (109483); R. Kerrison (109482); G. Silke (109481); H. WilliaMs. (109480); M. Brosnahan (109478); L. Macartney (109479); K. Middlemass (109477); G. Middlemass (109476); O. Simpson (109475); C. Anderson (109474); M. Simpson (109473); M. Pavelka (109472); L. Bowman (109471); V. Wilson (109470); S. Falvey (109446); B. Angel (109413); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); I. Swaney (109373); A. Iggo (109425); L. Ferguson (109426); J. Drake (109434); R. Darrech (109440); D. Henke (109415); R. Fearn (109414); A. Fearn (109414 / 109457); D. Welch (109411); D.Welch (109410); R. Broomhall (109407); L. Broomhall (109406); P. Fairbairn (109404); P. Fairbairn (109405); E. Parker (109402); R. Keenan (109397); R. Welford (109389); L. Ennis (109383); G. Ennis (109382); J. Simmons (109369); S. Berry (109368); P. Berry (109408)	Reject
A. & S. Blackstock (109460)	Reject
C. Iggo (109447)	Reject
Washdyke Action Group Incorporated (109448)	Reject
R. Mackay (109449)	Accept in part
M. Barker (109401)	Reject
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393); P. Luscombe (109377); L. Luscombe (109376); M. & E. Gregerson (108969);	Reject
C. Rapsey (109384)	Reject
T. Brosnahan (109372)	Reject
R. Scott (109353)	Reject
K. Robinson (109337); D. Robinson (109336); G. Brown (109310)	-
M. Coffey (109173)	Reject
Rooney Holdings Limited (107850)	Reject
I. & J. Geary (109352)	Reject
J. Colvill (109379)	Reject
PrimePort Timaru Limited (109235)	Accept in part
M. Coffey (110875)	Reject
M. Coffey (110876)	Reject

Reason:

These submissions have raised a number of issues in relation to the proposed roading/transportation network. Each issue is addressed separately below.

Walkways and Cycle Linkages

The submission of Meadows Road Trustees and Thompson Investment Trust question the need for cycle linkages along the primary and secondary roads linking to Aorangi Road. They also submit that the construction costs for the cycleway should fall on the wider community, as they are of little benefit to industry.

Ms. Conlon's report refers in detail to the comments of Council's Parks and Recreation Manager and also refers to The Timaru Transport Study 2007 – Stage 2 and The Timaru District Active Transport Strategy 2011. Both these documents promote the inclusion of integrated cycle ways and pedestrian networks into transportation packages.

Council's Parks and Recreation Manager advises that it is good practice to provide a separation between the vehicular traffic and cyclists and pedestrians, particularly in industrial environments. This is partially for safety and also to avoid diesel fumes, noise and the wind draft created from vehicles.

Council's Parks and Recreation Manager advised that within the adjacent existing industrial lands there is a demand from employees to cycle to work and that this demand will increase as more business premises are constructed in the subject lands. These same people are also requesting a safe and comfortable route away from vehicular traffic. It was also noted that in some instances these linkages provide the sole pedestrian access to Washdyke Lagoon.

Given this background, I accept that providing for cycleway/pedestrian links within the transport network is an important element in catering for the needs of future users of the lands. However the level of contribution that any one developer must make to this can really only be determined at the time of development/subdivision. At that point I would envisage the public benefit element of the proposal will have an impact on what contributions, if any, a developer must make.

Indicative Rooding Network

Some submissions have questioned whether the indicative rooding network should be binding. I was advised by Council's Land Transport Unit that the indicative rooding network design has gone through extensive consultation. I understand the proposed layout was considered to be the optimum to enable Council to manage future traffic effectively, efficiently and to maximise safety by ensuring that traffic is channelled to principal roads that can accommodate additional traffic sustainably, while minimising adverse effects on existing communities. Notwithstanding, the alignment of the main proposed road within Stages 1 and 2 (in the centre of the subject lands) has been altered to achieve a safer road and rail crossing, as discussed in section, '*Railway Crossing*' below.

However it was acknowledged that the location of the roading pattern is indicative and that some minor alterations or realignments may be required at the development and design stage of land. The possibility of repositioning some roads to better suit certain situations may occur although it has been signalled that these changes will be minor in nature and only to facilitate on-site constraints. I expect the issue raised by Mr. Speirs on behalf of Meadows Road Trustees is a case in point. I accept Mr. Speirs point that the contribution to be made to the roading network by this landowner is out of proportion to the benefit that they would gain. Clearly this is a matter that will need to be worked through at the time of subdivision/development. Case law has established a number of important principles in relation to imposing conditions on developers. In relation to this particular issue the following principles are relevant:

- i. They must be fair and reasonable. In this sense, they must relate fairly and reasonably to the activity subject to the contribution.
- ii. They must not be so unreasonable that no Planning Authority could ever approve them.
- iii. There must be a “reasonable connection” between the contribution required and the particular activity levied.

Hence any requirement to develop a road to a standard over and above that which is necessary for the subject development would need to be funded by the Council, on behalf of the public. A note alluding to this has been added to the provisions recommended by Ms. Conlon.

Road Safety

A number of submitters also raised concern over the potential for road safety to be compromised. This issue was also comprehensively addressed by Council’s Land Transport Unit. They made the following comments:

In conjunction with the redevelopment of the subject land, the standard of roading will also alter to cater for the future projected traffic types and volumes, and heavy vehicle usage. With the change from rural to industrial, the road will be developed as the industries develop, and will be funded by the developers, and kerb and channels will slowly be introduced through the area. These measures increase road safety for users and the community.

Seadown Road is defined as a collector road in the District Plan. Traffic volumes will increase as the land is developed, however, the traffic volumes are consistent with that expected on a collector road. Within the context of the plan change area,

Seadown Road is generally straight, providing a high level of sight distances in either direction.

As the subject lands develop, there may be a future requirement to implement some traffic safety measures at the Flemington Street / Seadown Road intersection, such as controls at the intersection and additional road markings. Other road improvements that could be installed as future development intensifies includes, but is not limited to, pedestrian crossings, central island medians and intersections designs. These will be undertaken as the need arises and may be in conjunction with future development.

There may be some on-road cycle improvement on Seadown Road that could be looked into when the proposed development is further into development and traffic volume has increased to a specific stage. There is an access at the north end of Flemington Street where cyclists and pedestrians are able to use to get onto SH1.

There are existing footpaths and pedestrian crossings at the Seadown Road / SH1 junction, where children and pedestrians are encouraged to cross roads. As traffic increases the safety of children can be maintained with the appropriate design of footpaths and crossing facilities (such as central raised medians) and intersection designs.

Access to and from properties on Seadown Road will be similar to many other collector routes of a similar nature within the District. There may be some improvements that could be looked into once the proposed development is underway, for example the removal of kerbside parking to allow for clear sight lines for exiting and entering drivers. As stated previously, these requirements will be assessed progressively as design occurs. (See Section 4.3.6.1 (c) Staging Strategy)

There are two to three rural school buses that use Seadown Road to pick up school children. The high school rural school bus co-ordinator, John Brown, advises that they believe the high school students have the knowledge and road sense to keep themselves safe. Also, if parents feel that crossing of the road is an issue, the bus does go up Seadown Road and picks up students at an earlier time, and therefore there is an alternative option available to them. For the primary school students, an adult is normally present with them and therefore crossing the roads will be supervised. There are two designated bus pick up points between the Seadown /

Meadows Road intersection, on each side of the road, and these are not considered to pose a high safety issue.

No contradictory evidence was presented at the hearing on this issue. I was advised that the operators of the school bus route had no concerns in relation to the rezoning proposal. Consequently I accept the position of Council's Land Transport Unit on this matter.

Railway Crossing

The closure of the Seadown / Meadows Road intersection has caused concern to some submitters, in particular Rooney Holdings who note that Seadown Road is a major feeder road for traffic entering the Washdyke area from Seadown.

I was advised by Council's Land Transport Unit that the proposal to close the Seadown / Meadows Road intersection is due to safety issues as this intersection has had multiple near misses due to the poor alignment of the intersection (My site visit confirmed the poor visibility at this intersection). This assessment is based on crash and near-miss history and also on Traffic Road Safety Audits. To overcome this issue, a new rail crossing is to be created further down Meadows Road, located to direct traffic to Seadown Road. This will require an amendment the Outline Development Plan so that the location of the proposed railway crossing is further north than is currently shown. The new location takes into account KiwiRail's policy for minimum distances between crossings (c. 1.2km from existing Meadows Road crossing to the south).It also achieves a much safer crossing point, being accessed from a tee-intersection as opposed to a cross-intersection, thus eliminating the need for a signalised junction. I was advised that the recommended crossing will meet current design standards, and improve sight distance, as it will be at right angles to the railway tracks.(I note however that KiwiRail's consent is still required to facilitate the proposed changes.)

No contrary evidence from a traffic engineer was presented to me at the hearing. I understand that Rooney Holdings concern relates to the efficiency of accessing their existing operation however I note that the indicative roading plan does allow for reasonably direct access between Meadows Road and Seadown Road.

Traffic Volumes

Obviously traffic volumes will increase over time as the subject lands are developed. However, I was advised that Seadown Road is classified as a collector road and is designed to handle this increase. Consequently the increase in traffic will be consistent with that expected to be catered for by this road.

Meadows Road / State Highway 1 Intersection Upgrade

With respect to the submission on the intersection of Meadows Road and SH1, Council's Land Transport Unit has now indicated that the signalisation of the Meadows Road/SH 1 intersection is no longer considered an option. This is due to the difficulty and cost involved in widening across Washdyke Creek on SH1 to accommodate further lanes to ensure safety and efficiency. Ms. Conlon's report also advised that the Timaru Transportation Strategy 2007, adopted by Timaru District Council and the New Zealand Transport Authority (NZTA), proposes that Elginshire Street is extended to connect with Meadows Road, and that traffic signals are installed at the intersections of SH1/SH8 (Racecourse Road and SH1/Seadown Road). I understand that the implementation of this Strategy is well progressed and it is therefore appropriate that the reference to signalisation of the Meadows Road/SH1 intersection in the plan change be removed.

Rail Link to Timaru Port

With respect to the submissions received on this issue, Council's Land Transport Unit advised that a link road adjacent to the railway from Washdyke to the Port was considered as part of the Timaru Transportation Study 2007. However the study determined that this option was not feasible because the large environmental impact and cost of development greatly outweighed the benefits it would provide. In any event, it was pointed out that there is a railway freight facility in Washdyke and that a large proportion of freight from Washdyke actually travels north.

Amendment to Proposed Plan Change

- 1) Amend Part D6 General Rules, Chapter 6.3 Subdivision, 6.3.9 Subdivision Standards for Subdivision in Commercial and Industrial Zones, by inserting new Rules (3), (4) and (5) after (2) as follows:
 - (3) *At the time of subdivision, new roading shall be constructed in general accordance with the layout shown on the Washdyke Industrial Expansion Outline Development Plan map (as set out in Appendix 2 of Part D4). It is the developer's responsibility to:*
 - (i) *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. This shall include kerb and*

channel, street lighting, footpaths, load drainage systems., berMs. and landscaping required.

- (ii) Design and construct these roads in general accordance with Council's standards for urban subdivision. New through roads shall have a road reserve no less than 20 metres wide.*
- (iii) Ensure no methods are used to hinder or restrict the ability for adjoining land to link to the new road.*
- (iv) 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.*

NOTE: The actual cost of road construction will be apportioned between the developer and Council, with that apportionment to be determined on the basis of the percentage of public versus private benefit.

- (4) At the time of subdivision, utility services shall be constructed within the Washdyke Industrial Expansion area. It is the developer's responsibility to:
 - (i) Design and construct any required utility services contained within their land to be subdivided prior to Council's granting certification under section 224 of the Resource Management Act 1991. Utility services include any stormwater, water and sanitary sewer systems. required to service the lands through reticulated systems..**

NOTE 1: The Council will require specific designs to be completed by a suitably qualified chartered professional engineer and these engineering plans and specifications will require Timaru District Council approval prior to the commencement of any work.

NOTE 2: Quality control during construction shall also be documented to check compliance with the relevant engineering design.

(5) *At the time of subdivision, the walkway/cycleway links shall be constructed in general accordance with the layout shown on the Washdyke Industrial Expansion Outline Development Plan (as set out in Appendix 2 of Part D4). It is the developers' responsibility to:*

(i) *Construct the portion of walkway/cycleway contained within their land to be subdivided prior to Council's granting certification under section 224 of the Resource Management Act 1991.*

(ii) *Design and construct the walkway/cycleway links to include:*

- *a minimum reserve width of 6 metres;*
- *a minimum formed width of 2.5 metres;*
- *planting and mulching of the remaining 3.5 metres;*
- *a planting plan incorporating appropriate native plants and 100mm depth of bark mulch is to be submitted to Council for approval prior to planting;*
- *a 200mm depth of compacted AP65, after vegetation and topsoil is removed. A 100mm layer of compacted AP20 is then to be applied and topped with 25mm of crusher dust.*

NOTE 1: The actual cost of walkway/cycleway links construction will be apportioned between the developer and Council, with that apportionment to be determined on the basis of the percentage of public versus private benefit.

2) Amend Part D4 Industrial Zones, Section 4.2.1 Industrial L Zone, Clause 5 Performance Standards and Section 4.2.2 Industrial H Zone, Clause 5 Performance Standards by inserting the following new Performance Standards in each section:

Washdyke Industrial Expansion Area - Outline Development Plan

5.20 *At the time of land use and development, new roading shall be constructed in general accordance with the layout shown on the Washdyke Industrial Expansion Outline Development Plan map (as set out in Appendix 2 of Part D4). It is the developer's responsibility to:*

- (i) *Construct the portion of road contained within their land to be developed. This shall include kerb and channel, street lighting, footpaths, load drainage systems, berms, and landscaping required.*
- (ii) *Design and construct these roads in general accordance with Council's standards. All roads shall have a road reserve no less than 20 metres wide.*
- (iii) *Ensure no methods are used to hinder or restrict the ability for adjoining land to link to the new road.*
- (iv) *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 stopping distances are maintained in the 50km/h speed limit area.*
- (v) *Construct the combined walk/cycleway links contained within their land to be developed.*

NOTE: The actual cost of road construction and walkway/cycleway links construction will be apportioned between the developer and Council, with that apportionment to be determined on the basis of the percentage of public versus private benefit.

5.21 *At the time of land use and development, utility services shall be constructed within the Washdyke Industrial Expansion area. It is the developer's responsibility to:*

- (i) *Design and construct any required utility services contained within their land to be developed in general accordance with Council's standards. Utility services include any stormwater, water and sanitary sewer systems required to service the lands through reticulated systems.*

NOTE 1: The Council will require specific designs to be completed by a suitably qualified chartered professional engineer and these engineering plans and specifications will require Timaru District Council approval prior to the commencement of any work.

NOTE 2: Quality control during construction shall also be documented to check compliance with the relevant engineering design.

- 3) Amend Part D6 General Rules, Chapter 6.6 Rooding Hierarchy, 6.6.2 Rules for Road Widths, 6.6.2(5) Table of Private Access and Secondary Road Widths (in metres), as follows:

Classification	Sub Classification	Type of Street	Development Served	Minimum Total Private Access	Recommended Berm and Footpath Width Combined	Minimum Carriageway Combination			Carriageway Total
						Parking	Cycle	Traffic	
Local(Urban)	Residential	Private access	1-2 hu	3.5	0.8			2.7	2.7
		Private access	3-6 hu	6.0 for first 9.0m then 5.0 thereafter	1.0 for 5.0m width			4.0 for 5.0m width	4.0 for 5.0m width
		Cul-de-sac	<100m length & <20 hu	14	footpath 1 x 1.5 berm 1 x 1.5, and 1 x 20	2 x 2.0		2 x 2.5	9.0
		Cul-de-sac	100<length<300 or >20 hu	16	2 x 3.0	2 x 2		2 x 3.0	10.0
		Minor Access (local through road)		17	2 x 3.0	2 x 2		2 x 3.5	11.0
	Industrial			18	2 x 3.0	2 x 2		2 x 4.0	12.0
	Industrial Washdyke			20	2 x 6.5*	2 x 2		2 x 4.0	12.0
Local (Rural)		Private access	Up to 7 hu and/or lots*	8.0	2 x 2.5			3.0	3.0
		Local road	Greater than 7 hu and/or lots*	20.0	2 x 7.0			6.0	6.0
Collector (Urban)	Residential			18	2 x 3.0	2 x 2.0	2 x 1.5	2 x 3.5	12.0
	Industrial			18	2 x 3.0	2 x 2.0		2 x 4.0	12.0
	Industrial Washdyke			20	2 x 6.5*	2 x 2		2 x 4.0	12.0
Collector (Rural)				20.0	2 x 7.0			6.0	6.0

* This width allows for the inclusion of swales if required

- 4) Amend the Outline Development Plan to change the location of the pedestrian / cycleway to be provided along the route of the proposed vehicular rail crossing.
- 5) Amend the Outline Development Plan to incorporate the following changes to the road layout:
- change the alignment of the proposed link road (Elginshire Street) to identify it in its correct location;
 - extend the cul-de-sac shown in-between Seadown and Meadows Road southwards so that it links with Elginshire Street;
 - move the secondary road off Seadown Road more to the south;
 - alter the main road alignment between Seadown and Meadows Road.
- 6) Amend the Outline Development Plan to include a pedestrian / cycleway to be provided along the route of the proposed northern extension of Elginshire Street, and south to where it connects with Holmglen Street.

- 7) Amend the Outline Development Plan to change the location of the proposed railway crossing to be located further north, ensuring that the intersection with Meadows Road be a tee-intersection only. [Note: This will be subject to approval from Kiwirail.]
- 8) Amend the Outline Development Plan to remove the notation referring to the upgrade and signalisation of the SH1 / Meadows Road intersection.
- 9) Amend Part D6 General Rules, Section 6.6 Rooding Hierarchy, Table '6.6.2(5) Table of Private Access and Secondary Roads Widths (in metres)' of the District Plan to include reference to the industrial rooding requirements in Washdyke.
- 10) Amend Part D6 General Rules, Section 6.6 Rooding Hierarchy, Clause 6.6.6 Table of Rooding Hierarchy, to include reference to the new roads within the Outline Development Plan. These roads should be classified as Collector and Local Roads.

4.14 Submissions relating to: The State Highway Network

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
New Zealand Transport Agency (NZTA) (109466)	<p>PPC will absorb & utilise more than remaining capacity in the State Highway (SH) network</p> <p>Provisions not sufficient to avoid, remedy or mitigate the actual or potential effects of the rezoning, particularly in relation to addressing upgrading to the key intersections of SH1/Seadown Road and SH1/Meadows Road, and upgrading SH1.</p> <p>PPC does not give effect to section 31 of the Act by:</p> <ul style="list-style-type: none"> - Not establishing appropriate measures to achieve integrated management of land and associated natural & physical resources - Not controlling effects of the use, development or protection of land - Doesn't have regard to efficiency & effectiveness <p>Methods of PPC do not implement policies of the District Plan required by section 75(1) of the Act.</p> <p>Provisions of PPC do not achieve objectives & policies of the District Plan required by section 76(1)(b) of the Act.</p> <p>PPC inhibits NZTA of meeting its statutory responsibilities by:</p> <ul style="list-style-type: none"> - Impinging ability of NZTA to provide for 	Oppose in part	<p>NZTA request that the following provisions be added to the District Plan:</p> <ol style="list-style-type: none"> 1. Amend the following on the Outline Development Plan (ODP). <ol style="list-style-type: none"> a. Notation on the ODP that no new direct access is to be provided to SH1 from any of the rezoned land; b. Removal of the notation which mentions signalisation at the intersection of Meadows Road and Hilton Highway; c. Identify by way of notation Phase 1 (covering the area of land already zoned industrial) & Phase 2 development land (the new 74 hectares of land); and d. That a through road must be shown from the end of Elginshire Street which links up with Seadown Road on the ODP. <p>Any such Rules must be included where appropriate in the following chapters:</p> <ul style="list-style-type: none"> • Transportation • Industrial L & H Zones • Subdivision <ol style="list-style-type: none"> 2. Include where appropriate Rules to the following effect: <p><i>No subdivision shall take place within</i></p>

	<p>sustainable land transport</p> <ul style="list-style-type: none"> - Impacting on the SH network <p>PPC does not achieve objectives & policies of the District Plan, including:</p> <ul style="list-style-type: none"> - Transport – Part 8 Objectives 1 & 3; and Policies 1, 3, 4, 7, 8, 9 & 11 <p>PPC does not give effect to the Canterbury Regional Policy Statement, including:</p> <ul style="list-style-type: none"> - Chapter 12, Objective 2 & Policy 3 - Chapter 15, Objective 1 & Policy 1 <p>Mitigation measures to be included in the PPC provisions.</p>		<p><i>that area of land identified on the Washdyke Industrial Expansion ODP as Phase 2 unless:</i></p> <ul style="list-style-type: none"> <i>i. Upgrading of the SH1/Seadown Road intersection and roading surroundings has taken place which includes:</i> <ol style="list-style-type: none"> <i>1. The left southbound lane be extended back for a distance of not less than 200m;</i> <i>2. Additional left turn land 200m in length be constructed;</i> <i>3. The right-turn bay on the Seadown Road approach to SH1 be extended to 250m.</i> <i>ii. Upgrading of the intersection of SH1/Meadows Road and surroundings has taken place which includes:</i> <ol style="list-style-type: none"> <i>1. adding an extra lane on SH1 south bound lane -this would require bridge widening;</i> <i>2. adding additional land on the SH1 south exit;</i> <i>3. hi-entry angle left turn land out of the intersection.</i> <p><i>Subdivision on any Phase 2 land prior to the above works being undertaken is a non-complying activity.</i></p> <p>3. Include the following in the Rules for Industrial Zones, in the area covered by Phase 2 Washdyke Industrial Expansion Area ODP:</p> <p><i>Non-Complying Activities:</i> <i>The erection of any building and structure, or establishment of any activity within the Industrial L Zone and/or the Industrial H Zone within the Phase 2 area identified on the Washdyke Industrial Expansion Area ODP, shall be non-complying unless:</i></p> <ul style="list-style-type: none"> <i>i. Upgrading of the SH1/Seadown Road intersection and roading surroundings has taken place which includes:</i> <ol style="list-style-type: none"> <i>1. The left southbound through land be extended back for a distance of no less than 200m;</i> <i>2. Additional left turn land 200m in length be constructed;</i> <i>3. The right-turn bay on the Seadown Road approach to SH1 be extended to 250m.</i> <i>ii. Upgrading the intersection of SH1/Meadows Road and surroundings has taken place which includes:</i> <ol style="list-style-type: none"> <i>1. Adding an extra land on the SH1 southbound land. This would require bridge</i>
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			<p>widening.</p> <p>2. Adding extra land on the SH1 south exit.</p> <p>3. Hi-entry angle left turn land out of the intersection.</p> <p>4. Include the following Rules into Transportation Rules 6.7.2:</p> <p><i>Access Washdyke Industrial Expansion Area – Phase 2</i></p> <p>i. No new direct vehicle access to SH1 shall be provided from any site, or any property within any zone within the Phase 2 area as shown on the Washdyke Industrial Expansion Area ODP.</p> <p>And any consequential amendments to Issues, Objectives, Policies, Methods, Rules, Explanation and Principal Reasons and any other provisions necessary to give effect to the above.</p> <p>Alternatively, if the above measures are not accepted:</p> <p>Any alternative relief that resolves the matters contained in the submission.</p>
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Further Submitter Name and Number	Original Submission this Further Submissions Relates to	Submission in support or opposition to specific provisions and the reasons for these views	Decision Sought
R. Scot (110989)	NZTA (109466)	Support: Traffic issues that will be generated at SH1 intersections need mitigation first. SH1 intersections are chronic problems. and mitigating design systems. must be instituted first.	Transportation issues as a whole need pro-planning.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
New Zealand Transport Agency (NZTA) (109466) and further submitter R. Scott (110989)	Accept in part

Reason:

The submission of NZTA requests a number of specific amendments to address the impact of the proposal on the State Highway network. Council's Land Transport Unit has reviewed these requests and has accepted a number of them but has identified some issues as now being redundant or not needed because of changes already made to the plan change.

With respect to NZTA submission that PPC14 does not give effect to various sections of the Act and objectives and policies of the District Plan, I note that I have made a number of

changes to the objective and policies of the District Plan in response to the various submissions received. Ms. Conlon has undertaken a review of Plan in light of NZTA's comment and did not identify any other policy's that needed amendment. I agree with her position on this matter.

Amendments to Proposed Plan Change

- 1) Amend the Washdyke Industrial Expansion Outline Development Plan by removing the notation which refers to the signalisation of the intersection with SH1/Meadows Road.
- 2) Amend Part D6 General Rules, 6.6 Rooding Hierarchy 6.6.3A Non-Complying Activities, by inserting new Rule (3) as follows:

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 D2):~~

In the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D2):

- (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.*

In Washdyke Industrial Expansion Area (as set out in Appendix 2 of Part D4):

- (3) *Any new vehicular access from the Outline Development Plan lands to State Highway 1.*

Note: The above reference to Temuka North West is a consequential amendment required to provide for this new rule for Washdyke.

4.15 Submissions relating to: Ecology

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
R. Mackay (109449)	Flora and fauna – especially protection of sinks	Oppose in part	Do not rezone Rural 1 land between SH1 and Seadown Road. Resubmit an acceptable alternative proposal.
B. Angel (109413); S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412)	Flora and fauna Change to natural habitats, especially the skink population	Oppose	Do not rezone
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395)	Flora and fauna	Oppose in part	Do not rezone Rural 1 and Recreation lands to Industrial L.
S. Mackay (109452)	Loss of local ecology	Oppose	Do not rezone from Rural 1 to industrial 1. Restrict rezoning to eastern side of Seadown Road.
F. Ross (109364)	Loss of flora, including 'specimen oak trees' Impacts on stormwater runoff and downstream ecosystems.	Oppose	Do not rezone the Rural 1, Rural 1 and Recreation Zones If approved: Specimen and native trees to be retained; stormwater design to ensure no contamination of waterways or wetlands.
K. Robinson (109337); D. Robinson (109336)	Loss of natural habitats	Oppose	N/A
H. Frank (109251)	The proposed rezoning of the Rural 1 lands north of the residential area will result in the loss of habitat for the common skink – this is in conflict with the requirements of the Act.	Neutral	Retain a buffer of approximately 20-30m between the residential area and the proposed Industrial L lands to retain a habitat for the skinks. This could be planted with native flora. This strip should be in public ownership and provided in a staged manner.
Washdyke Action Group Incorporated (109448)	Loss of MorrisonPark for recreation	Oppose in part	Indigenous fauna habitat: Suitable landscaping to be provided for skinks in the parkland. Construction must be periodic to allow skinks to move to new habitat.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
R. Mackay (109449)	Reject
B. Angel (109413); S. Cullimore (109387); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412)	
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395)	

S. Mackay (109452)	
F. Ross (109364)	
K. Robinson (109337); D. Robinson (109336)	
H. Frank (109251)	
Washdyke Action Group Incorporated (109448)	

Reason:

In response to the submissions received on the ecological effects associated with the proposed plan change, Council commissioned an Ecological Assessment of the subject site. Ms. Conlon’s report summarised the findings of the assessment as follows:

- Habitats at the site are modified and disturbed.
- The indigenous fauna these habitats support is most likely limited to animal species that are able to exploit modified sites and tolerate high levels of disturbance.
- Indigenous fauna at the site is most likely limited to common and ubiquitous animal species.
- The site is not significant under section 6(c) of the Resource Management Act 1991, as interpreted by the Timaru District Plan 2005.
- The effects of the zone change on indigenous vegetation and habitats of indigenous fauna are likely to be minor.

Mr. Hermann Frank tabled a letter at the hearing regarding the potential effects of the proposal on the lizard population of the area. Mr. Frank is a teacher but was awarded a Teacher Fellowship to conduct lizard surveys in South Canterbury. However it did not appear from his letter that he has carried out any specific study of this area. He did not object to the plan change but sought a number of conditions that would assist the lizard population in adapting to the planned changes. While some of Mr. Frank’s suggestions will be given effect to (e.g. staging of the development), the ecological report did not find anything of particular importance about this environment to warrant setting aside land or making any special concession for whatever lizard population that may inhabit the area.

The submission of F. Ross stated that the rezoning will impact on stormwater runoff and downstream ecosystems. However the discharge of stormwater is under the control of Ecan and will require resource consent at the time of development. Accordingly the environmental effects of any stormwater discharges will be addressed at that time.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

4.16 Submissions relating to: Groundwater Quality

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
S. Falvey (109446); B. Angel (109413); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); J. Peat (109424); D. Sommerville (109410); C. Rapsey (109384); J. Graham (109437)	Groundwater quality Pollution of water table	Oppose	Do not rezone
C. Iggo (109447)	Groundwater quality	Oppose	TDC to advise on mitigation measures for living downwind of a heavy industrial area – or compensation in lieu.
Washdyke Action Group Incorporated	Groundwater quality	Oppose in part	Council to monitor and respond rapidly to complaints
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393)	Groundwater quality	Oppose in part	Do not rezone Rural 1 and Recreation lands to Industrial L
P. Daly (109164)	Danger to groundwater	Oppose	TDC to purchase property if selling.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
S. Falvey (109446); B. Angel (109413); H. Cooke (submission also on behalf of S. Wills; J. Cooke and D. Hoare) (109412); J. Peat (109424); D. Sommerville (109410); C. Rapsey (109384); J. Graham (109437)	Reject
C. Iggo (109447)	
Washdyke Action Group Incorporated	
I. Johnson (109409); M. Hughes (109396); R. Hughes (109395); A. Hughes (109394); D. Hughes (109393)	
P. Daly (109164)	

Reason:

As noted in Ms. Conlon's report, ECan manages groundwater and is responsible for managing the region's water resources including the control of taking and use of water, and the control of discharges. Any discharge of contaminants into the environment, will require resource consent from ECan. Accordingly the rezoning of these lands will not in itself result in any effects on groundwater quality.

Amendments to Proposed Plan Change

No changes are required as a result of this decision.

4.17 Submissions relating to: Stormwater

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
Meadows Road Trustees (109542 / 109543)	Wetland area outside the Coastal Erosion Zone should still be capable of being used by the land owner.	Generally support	As described

Southern Packers Limited (109463)	Location of the proposed Wetland 2 stormwater – building consent obtained and intention to construct a new storage building on the site of the proposed Wetlands area. Building work is scheduled to commence in July (2010).	Oppose in part	Southern packers Ltd wish to continue with their development plans with the minimum cost and disruption to allow them to construct the storage building on-site.
F. Ross (109364)	Impacts on stormwater runoff	Oppose	Do not rezone the Rural 1, Rural 2 and Recreation zones. If approved, stormwater design to ensure no contamination of waterways or wetlands.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Meadows Road Trustees (109542 / 109543)	Accept in part
Southern Packers Limited (109463)	
F. Ross (109364)	

Reason:

I was advised by Council's Drainage and Water Manager that there is currently no Timaru District Council managed stormwater system that services the area subject to the proposed plan change. However Council is currently investigating the development and completion of a stormwater management plan for the stormwater catchment area of PPC14. This will form the basis of a resource consent application to Ecan for a global stormwater discharge consent. Developers will have to apply to the Council for approval to discharge to the stormwater system, which will be assessed against the Global Consent conditions and the stormwater management plan. Developers who do not wish to be a part of this consent framework will have to apply separately to ECan for a stormwater discharge consent.

The notified version of PPC14 contained an Outline Development Plan that included a Stormwater Management Concept Plan showing the design concept for stormwater collection, treatment and disposal. However this stormwater management system has not yet been consented by ECan and may therefore be subject to change. Hence it is appropriate that it be deleted from the Plan Change.

Amendments to Proposed Plan Change

- 1) Amend proposed 'Part D8: Appendix 4' by deleting the Stormwater Management Concept Plan and all references to stormwater management.

4.18 Submissions relating to: National Electrical Grid

Submitter Name and Number	Submission	Support/ Oppose	Decision Sought
Transpower NZ Limited (109502)	<p>If approved the plan should be modified to:</p> <ul style="list-style-type: none"> - Recognise the benefits of the National Grid - Ensure and protect the ability for ongoing operation and maintenance of the network <p>Protect the existing network from issues of reverse sensitivity</p>	Oppose in part	<p>A. That TDC refrains from approving the proposed plan change (PPC) unless the provisions of the plan change are amended to ensure:</p> <ul style="list-style-type: none"> • The NPSET is given effect to; • The sustainable management of the National Grid as a physical resource; • The protection of the existing network from issues of reverse sensitivity and the effects of others' activities. <p>B. Include provisions that appropriately recognise and provide for an adequate level of protection for the National Grid from adverse effects of subdivisions, buildings, structures and tree planting associated with third party activities/development. This could be achieved by including the following provisions within the PPC:</p> <ul style="list-style-type: none"> • Introduce a new Performance Standard and advice notes in the Industrial L Zone of Part D of the District Plan numbered 5.15 and entitled 'Electricity Transmission Line Buffer Corridor - Seadown Road' and for this provision to specify that the following standards apply to developments in the Industrial L Zone: <p>Activities within the Electricity Transmission Line Corridor – Seadown Road as shown on Council's planning maps:</p> <ul style="list-style-type: none"> ➢ No building or structures shall be located within 20 metres either side of the centre point of an electricity transmission line designed to operate at or above 110kV. <p><i>Advice Note:</i> That vegetation to be planted within the electricity transmission line buffer corridor as shown on Council's Planning Maps for Seadown Road should be selected to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</p> <p><i>Advice Note:</i> Transpower shall be considered an affected party for any activity requiring consent under Rule 3.7 or 4.1, or as a consequence of non-compliance with Performance Standard 5.15, 'Electricity Transmission Line Corridor – Seadown Road'.</p> <p>C. Introduce a new provision, numbered 3.7 in the Industrial L Zone provisions which identifies activities in the 'Electricity Transmission Line Corridor – Seadown Road' as identified on the District Plan maps as follows:</p> <p>3.7 Buildings and structures located between 8m and 20m either side of the centre point of an electricity transmission line designed to operate at or above 110kV which does not meet Performance Standard 5.15, the Council shall restrict its discretion to the following:</p> <ul style="list-style-type: none"> • The proximity of buildings and structures to electrical hazards; • The risk of electrical hazards affecting public safety and risk of property damage; • The risk of electrical faults causing disruption to electricity supply; • The extent of earthworks required and use of

			<p>mobile machinery near the transmission line which may put the line at risk;</p> <ul style="list-style-type: none"> • The risk of radio interference or earth potential rise; • Any other matters set out in plans for buildings; and • Extent of compliance with NZECP34:2001. <p>D. Introduce a new non-complying provision for buildings and structures located within 8m of either side of the centre point of an electricity transmission line designed to operate at or above 110kV as follows:</p> <p style="padding-left: 40px;">4.1 Buildings and structures located within 8m either side of the centre point of an electricity line designed to operate at or above 110kV.</p> <p>E. Introduce new subdivision provisions relating to the Electrical Transmission Line Corridor – Seadown Road as follows:</p> <p style="padding-left: 40px;">Amend provision 6.3.7.13 to read as follows (amendment underlined):</p> <p style="padding-left: 40px;">Any subdivision in the Residential 6 Zone <u>or Industrial L Zone</u> that creates new allotments within an area measured 20 metres either side of the centre point of an electrical transmission line designed to operate at or above 110kV, shall be a Restricted Discretionary activity and shall comply with the Performance Standards and General Rules.</p> <p>F. Plot the alignment of the Electrical Transmission Line Corridor – Seadown Road on all relevant planning maps along with notation that identifies the corridor and relevant plan provisions.</p>
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Further Submitter Name and Number	Original Submission this Further Submissions Relates to	Submission in support or opposition to specific provisions and the reasons for these views	Decision Sought
Land Services Group Limited (110844)	Transpower NZ Ltd (109502)	Oppose: All parts of Transpower NZ Ltd submission, referring to restrictions on activities within 20 metres of the centreline of its transmission lines or structures designed to operate at or above 110kv.	Such restrictions would appear to be in excess of legal requirements. To include them in the District Plan could be construed as to extinguish private property rights for which compensation could be payable by Council.

Decision:

Submitter Name and Submission Number	Accept / Accept in Part / Reject
Transpower NZ Limited (109502)	Accept
Land Services Group Limited (110844)	Reject

Reason:

The submission made by Transpower NZ Limited emphasised the national and regional significance of the National Grid and the importance of managing it comprehensively. Transpower submitted that PPC14 has made no provision relating to transmission lines in accordance with the NPSET and that if approved, a number of amendments need to be made to PPC14. Ms. Conlon, in her report, accepted that these requirements have been overlooked, as it was anticipated a comprehensive District wide plan change would be undertaken to give effect to the NPSET. Accordingly she promoted a number of amendments that give effect to the NPSET. At the hearing, Mr. Hurley acknowledged the proposed amendments and advised that Transpower accepted them as appropriate.

Mr. Speirs, in his further submission in opposition, believed that the changes requested by Transpower exceeded what was required under the legislation. Mr. Hurley advised at the hearing that the appropriate corridor width under the NPSET determined for this particular area (based on the nature of the assets) was only 20 metres as opposed to the usual 32 metres sought for other lines. On this basis it is considered that the relief sought by Transpower to give effect to the NPSET is reasonable.

Amendments to Proposed Plan Change

- 1) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, 5 Performance Standards For All Activities In This Zone, by adding new Rules after new Rule 5.19 to read as follows:

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5.19 In relation to the Electricity Transmission Line Buffer Corridor – Seadown Road, no buildings or structures shall be located within 20 metres either side of the centre point of an electricity transmission line designed to operate at or above 110kV.

NOTE: Vegetation to be planted within the electricity transmission line buffer corridor as shown on the Washdyke Industrial Expansion Outline Development Plan should be selected to ensure that it will not result in it breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The relevant electricity provider shall be considered an affected party as a consequence of non-compliance with Performance Standard 5.20, and for any activity requiring consent under Rules 3.7 and 4.1 of the Industrial L Zone.

- 2) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, 3 Discretionary Activities, by adding a new rule as follows:

3.7 In relation to the Electricity Transmission Line Buffer Corridor – Seadown Road (as set out in Appendix 2 of Part D4): Buildings and structures located between 8m and 20m either side of the centre point of the electricity transmission line designed to operate at or above 110kV which does not comply with Performance Standard 5.20. Council shall restrict its discretion to the following:

- The proximity of buildings and structures to electrical hazards;*
- The risk of electrical hazards affecting public safety, and risk of property damage;*
- The risk of electrical faults causing disruption to electricity supply;*
- The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk;*
- The risk of radio interference or earth potential rise;*
- Any other matters set out in plans for buildings; and*
- Extent of compliance with NZECP34: 2001.*

- 3) Amend Part D4 Industrial Zones, 4.2.1 Industrial L Zone, 4 Non-Complying Activities, by adding a new rule, as follows:

4.2 In relation to the Electricity Transmission Line Buffer Corridor – Seadown Road (as set out in Appendix 2 of Part D4), buildings and structures located within 8m either side of the centre point of an electricity line designed to operate at or above 110kV.

- 4) Amend Part D6 General Rules, 6.3 Subdivision, 6.3.5A Restricted Discretionary Activities, by adding a new Rule, as follows:

(iv) In relation to the Electricity Transmission Line Buffer Corridor – Seadown Road, indicated on the Washdyke Industrial Expansion Outline Development Plan (as set out in Appendix 2 of Part D4): Any subdivision in the Industrial L

Zone that creates new allotments within an area measured 20 metres either side of the centre point of an electrical transmission line designed to operate at or above 110kV. The Council has restricted its discretion to the matters detailed in Section 6.3.8.13 (i) to (vii).

- 5) Update the Washdyke Industrial Expansion Outline Development Plan to indicate the alignment of the Electrical Transmission Line Corridor - Seadown Road.
- 6) Provide the following as, 'Explanatory Notes to the Washdyke Industrial Expansion Outline Development Plan' to be located in Appendix 2 of Part D4.

Explanatory Notes:

- **Electricity Transmission Line Buffer Corridor** is a 20 metre wide corridor either side of the centre point of the existing electricity transmission line to allow for risks to the integrity and efficient operation of the transmission network, and to people and property, to be appropriately assessed and managed.
- 7) Add the following definition of **Electricity Transmission Line Buffer Corridor** after the definition of **Effluent** at page 345 of Part D7 Definitions:

***Electricity Transmission Line Buffer Corridor** is a 20 metre wide corridor either side of the centre point of the existing electricity transmission line to allow for risks to the integrity and efficient operation of the transmission network, and to people and property, to be appropriately assessed and managed.*

5. Conclusion

For the reasons set out in the decisions above, I recommend that the Timaru District Council approve, with the modifications made by the above decisions, Proposed Plan Change No 14– Washdyke Industrial Expansion. The changes to the Timaru District Plan and the Outline Development Plan are set out in Appendix A.

Dated this 9th day of November 2011



Commissioner Allan Cubitt

Appendix A