

# **Proposed Timaru District Plan**

## **Section 42A Report: Hearing G – Growth**

**Report on submissions and further submissions**

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**Date: 4 June 2025**

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- Appendix 6 –** Economic Assessment. Submitter Packages received. Property Economics. Mr Tim Heath.
- Appendix 7 –** Infrastructure Assessment. Submitter Packages received. Timaru District Council Engineering Group. Mr Kevin Kemp. Timaru District Council Engineering Group.
- Appendix 8 –** Transport Assessment. Submitter Packages received. Abley Transport Engineers. Mat Collins.
- Appendix 9 –** Memo TDC Parks and Recreation Manager – Bill Steans



## List of Submitters and Further Submitters Addressed in this Report:

### Original Submitters

Submitter Ref	Submitter Name	Abbreviation
11	Gerald Morton	Morton, G
16	Brenda Van Buuren	Van Buuren, B
19	Waitui Deer Farm Ltd	Waitui Deer Farm
20	Terrence John O'Neill and Aileen Kathryn O'Neill, C and F Trustees 2006 Ltd	O'Neill et al
22	Oliver Amies	Amies, O
26	R and G Kellahan	Kellahan, R and G
27	Holly Renee Singline and RSM Trust Limited	Singline and RSM Trust
28	Robyn and Richard Hay	Hay, R and R
30	Chris and Sharon McKnight	McKnight, C and S
32	Bruce Selbie	Selbie, B
33	Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie	Ford et al
34	Greenfield, McCutcheon, Tarrant, Sullivan and Ellery	Greenfield et al
42	Timaru District Council	TDC (Submitter <sup>1</sup> )
55	Alpine Energy Limited	Alpine Energy
60	Milward Finlay Lobb	MFL
65	Lucinda Robertson	Robertson, L
66	Bruce Speirs	Speirs, B
72	Lee Anne Burdon	Burdon, L A
81	John Leonard Shirtcliff and Rosemary Jean Shirtcliff	Shirtcliff, J L and R J
85	John and Linda Badcock	Badcock, J and L
88	Anna Morten	Morten, A
95	Darren Wayne Rae	Rae, D W
98	David John Parris	Parris, D J
106	Minister / Ministry of Education	MoE
108	George Harper on behalf of joint submitters	Harper, G on behalf of submitters
109	George and Rachel Harper	Harper, G and R
113	Kerry McArthur	McArthur, K
128	Warren and Elizabeth Scott	Scott, W and E
138	Steve Sullivan & Yanna Houwaard Sullivan	Sullivan and Houwaard Sullivan
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
145	Tristram Johnson	Johnson, T
156	Royal Forest and Bird Protection Society	Forest and Bird
157	Ryan De Joux	De Joux, R
160	David Alexander and Susanne Elizabeth Payne	Payne, D A and S E
171	Fenlea Farms Limited	Fenlea Farms
174	Rooney Holdings Limited	Rooney Holdings
175	PrimePort Limited	PrimePort
177	Alastair Joseph Rooney	Rooney, A J
183	Environment Canterbury / Canterbury Regional Council	ECan
187	KiwiRail Holdings Limited	KiwiRail

<sup>1</sup> TDC (Submitter) distinguishes for those aspects of this report which relate to submissions from the Timaru District Council.

Submitter Ref	Submitter Name	Abbreviation
190	North Meadows 2021 Limited and Thompson Engineering (2002) Limited	North Meadows
191	GJH Rooney	Rooney, GJH
197	K J Rooney Limited	K J Rooney Ltd
203	Pages Trust and Russell Trust	Pages Trust and Russell Trust
207	R P & PB Simmons Trustee Company Limited	Simmons Trustee
211	Rolling Ridges Trust	Rolling Ridges
212	Venture Timaru	Venture Timaru
216	Simstra Family Trust	Simstra Family
217	Anne-Marie Ford and Mostafa Ammar	Ford and Amnar
227	Rosa Westgarth and Jan Gibson	Westgarth and Gibson
229	Kāinga Ora - Homes and Communities	Kāinga Ora
231	Timothy Graeme Blackler	Blackler, T G
237	Aitken, Johnston & RSM Trust Limited	Aitken et al
241	J R Livestock Limited	J R Livestock
245	Horticulture NZ	Hort NZ
248	White Water Properties Limited	White Water
249	Rooney Group Ltd	Rooney Group
250	Rooney Farms Ltd	Rooney Farms
251	Rooney Earthmoving Limited	Rooney Earthmoving
252	Timaru Developments Ltd	TDL

#### Further Submitters

Submitter Ref	Further Submitter Name	Abbreviation
11	Gerald Morton	Morton, G
19	Waitui Deer Farm Ltd	Waitui Deer Farm
20	Terrence John O'Neill and Aileen Kathryn O'Neill, C and F Trustees 2006 Ltd	O'Neill et al
27	Holly Renee Singline and RSM Trust Limited	Singline and RSM Trust
30	Chris and Sharon McKnight	McKnight, C and S
32	Bruce Selbie	Selbie, B
33	Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie	Ford et al
60	Milward Finlay Lobb	MFL
81	John Leonard Shirtcliff and Rosemary Jean Shirtcliff	Shirtcliff, J L and R J
85	John and Linda Badcock	Badcock, J and L
108	George Harper on behalf of joint submitters	Harper, G on behalf of submitters
138	Steve Sullivan & Yanna Houwaard Sullivan	Sullivan and Houwaard Sullivan
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
156	Royal Forest and Bird Protection Society	Forest and Bird
160	David Alexander and Susanne Elizabeth Payne	Payne, D A and S E
175	PrimePort Limited	PrimePort
183	Environment Canterbury / Canterbury Regional Council	ECan
187	KiwiRail Holdings Limited	KiwiRail
212	Venture Timaru	Venture Timaru
229	Kainga Ora - Homes and Communities	Kainga Ora
247	NZ Pork Industry Board	NZ Pork
252	Timaru Developments Ltd	TDL

Submitter Ref	Further Submitter Name	Abbreviation
255	NZ Frost Fans Limited	NZ Frost Fans
259	Gavin Ladbroke	Ladbroke, G
261	Davis Ogilvie (Aoraki) Limited	Davis Ogilvie
267	Wayne Andrew Shield	Shield, W A
268	McCutcheon, Tarrant, Sullivan, Sullivan and Ellery	McCutcheon et al
271	BG Property Limited	BG Property
272	Glenys & John Travers	Travers, G and J
273	Bruce and Sharon Robertson	Robertson, B and S
274	South Pacific Sera Limited	South Pacific Sera
278	Rooney Group Limited, Rooney Holdings Ltd, Rooney Earthmoving Ltd and Rooney Farms Ltd	Rooney Group et al
279	Phar Lap Raceway Trustees	Phar Lap Raceway

### Abbreviations Used in this Report:

Abbreviation	Full Text
Council	Timaru District Council
CRPS	Canterbury Regional Policy Statement
DAP	Development Area Plan
FAA	Flood Assessment Area
FDA	Future Development Area
GMS2018	Growth Management Strategy (2018)
GMS Review (2022)	Growth Management Strategy Review (2022) – Separate Business and Household Reviews
HPL	Highly Productive Land (as defined in CI3.5(7) of the NPS-HPL)
NES	National Environmental Standard
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSHPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NP Standards	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative Timaru District Plan
TPDP	Proposed Timaru District Plan
RMA	Resource Management Act 1991

# 1. Introduction

## 1.1 Experience and Qualifications

- 1.1.1 My full name is Matt William Bonis. I am a Planner, employed by Planz Consultants, based in Christchurch. I have been in this role for over 25 years.
- 1.1.2 I drafted the Section 42A Hearing G – Growth Preliminary Report, dated 29 October 2024<sup>2</sup> (**Preliminary Report**). The report provides my planning experience, qualifications, statement as to no conflicts of interest, and confirmation of observation of the Code of Conduct for Expert witnesses. I reconfirm that commitment<sup>3</sup>.
- 1.1.3 I was not the original author of provisions in the TPDP as related to Future Development Area Chapter, SCHED15 and associated notations in the Planning Maps, nor their Section 32 reports.
- 1.1.4 I was the lead Planner for the Growth Management Strategy (2018), and authored the Preliminary Growth S42A Report mentioned above, and the Memo referenced as 'Applicability of NPS-HPL to proposed rezonings'<sup>4</sup> dated 21 January 2025 (**NPS-HPL Memo**) as referenced in this report.
- 1.1.5 I have undertaken numerous site visits to the submission sites and surrounds, including over 20<sup>th</sup> – 23<sup>rd</sup> November 2024 and 30<sup>th</sup> and 31<sup>st</sup> March 2025.

## 1.2 Purpose and Scope of this Report

- 1.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Growth topic of the TPDP and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
- 1.2.2 This report is prepared under s42A of the RMA. It covers the following matters:
- The Future Development Area Chapter and associated planning maps.
  - Amendments sought to the Future Development Area Chapter and related provisions.
  - Rezoning requests (Rural to Rural Lifestyle, Residential or Industrial, miscellaneous rezoning requests).

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<sup>2</sup> [https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0007/945511/TDC-Rezonings-Preliminary-Report-v3-Final.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0007/945511/TDC-Rezonings-Preliminary-Report-v3-Final.pdf)

<sup>3</sup> S42A Urban Growth Preliminary Report [3.1]

<sup>4</sup> [https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0007/971926/Timaru-District-Counsel-Memorandum-of-Counsel-Appendix-A-Memo-re-application-of-NPS-HPL-to-re-zoning-requests-210125.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0007/971926/Timaru-District-Counsel-Memorandum-of-Counsel-Appendix-A-Memo-re-application-of-NPS-HPL-to-re-zoning-requests-210125.pdf)

- 1.2.3 This report considers the submissions and further submissions that were received in relation to Topic G - Growth. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping. Footnoted references to the relevant submitter(s) identify the scope for each recommended change.
- 1.2.4 The analysis and recommendations have been informed by:
- a. Property Economics – District Residential Capacity Report (2024) as appended to the Preliminary s42A Report.
  - b. Manawhenua Report, ACEL – Ms Kylie Hall. **Appendix 3.**
  - c. Landscape, Ms Yvonne Pfluger – Memo Submitter Packages. **Appendix 4.**
  - d. Industrial Land Economic Assessment, Property Economics - **Appendix 5.**
  - e. Economics, Mr Tim Heath – Memo Submitter Packages. **Appendix 6.**
  - f. 3 Waters, Mr Kevin Kemp (TDC) – Memo Submitter Packages. **Appendix 7.**
  - g. Transport, Mat Collins– Memo Submitter Packages. **Appendix 8.**
  - h. Parks and Recreation, Bill Steans (TDC) – Memo 60 Landsborough Road. **Appendix 9.**
- 1.2.5 The conclusions reached, and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

### 1.3 Procedural Matters

- 1.3.1 Minute 6 and Minute 13 from the Hearing Panel set out the specific procedural directions in relation to the Growth submissions. Specifically,
- (a) A s42A report (**Preliminary Report**) is to be provided to all submitters seeking rezoning or amendments to the FDAs identifying information that the report authors consider is required to enable them to make a full assessment for each request.
- That report was to be issued no later than 29 October 2025.
- In conjunction with specific information requested in the Preliminary Report to meet the requirements of s32(1)(2) and (3) of the RMA, that Report provided context relating to the NPS-UD, including the Property Economics Timaru District Capacity Report (2024), and referenced the Property Economics Business Land Economic Assessment (2021).

- (b) Submitters seeking rezonings were to respond with technical evidence no later than 20 February 2025. A number of parties were provided with extensions from the Hearings Panel<sup>5</sup>.
- (c) Nineteen submission packages were received. These are identified in the subsequent analysis.
- 1.3.2 Minute 35[4] requested that I consider the linkages between the rezoning requests and the implications of the notified Flood Assessment Area (**FAA**) overlay. I have recorded against each rezoning request whether there has been a change in terms of the application of the FAA overlay and have mapped these as necessary.
- 1.3.3 At the time of writing, there have been no formal pre-hearing meetings.
- 1.3.4 I have had discussions with numerous submitters on site, and have had discussions with the following advisers to submitters:
- Milward Finlay Lobb – Melissa McMullan, Andrew Rabbidge.
  - Rooney, De Joux – Ryan De Joux and Nathan Hole.
  - Davis Ogilvie – Glen McLachlan, Lauren Roycroft.
  - Novo Group – Jeremy Philips and Mona Neuman (NPS-UD Planning advice as appended to several Submitter packages provided by David Ogilvie Ltd).
  - Gresson Dorman & Co – Nicola Hornsey (Sub 72 Burdon).
  - Canterbury Regional Council – Dedrie Francis, Principal Planner.
  - Aoraki Environmental Consultancy Limited (**AECL**) – Kyle Hall, Principal Planner.
  - Prime Port Ltd – Ms Kim Seaton, Principal Planner Novo Group.

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<sup>5</sup> Minute 23 Re: D&S Payne (Sub#160) and Westgarth and Gibson (Sub#227).

## 2. Topic Overview

### 2.1 Summary of Relevant Provisions of the TPDP

- 2.1.1 This report relates to provisions associated with the Future Development Area Chapter of the TPDP. This section of the report provides a summary of the provisions relevant to this topic.

#### **Future Development Areas**

- 2.1.2 The notified Future Development Area overlays (**FDA Overlay**) are located on the periphery of existing urban areas at Timaru (Gleniti Road, Pages Road) and north of Washdyke, Geraldine (east of the Waihi River) and to a lesser extent Temuka and Pleasant Point.
- 2.1.3 The FDA Overlay identifies areas in the district which may be considered suitable for future urbanisation (or as a Rural Lifestyle zone) to meet the long-term housing and business needs of the community, as subject to a scheduled (**SCHED15**) Development Area Plan (**DAP**) process (**FDA-P2, FDA-P4**) and subsequent plan change to embed the relevant mechanisms (structure plan / ODP) into Development Area Plan Chapter of the district plan, as is stated in the Introduction to the FDA Chapter<sup>6</sup>:
- ‘Development Area Plans will be required for each Future Development Area to ensure areas within the overlay are developed sustainably and that all the effects of development are assessed and addressed in advance of development occurring. The level of analysis and detail required in each Development Area Plan should correspond with the type and scale of development. Development Area Plans are contained in the Development Area Plan chapters’.*
- 2.1.4 The FDA provisions also safeguard notated areas from subdivision and land use activities that might compromise comprehensive urban developments in the future.
- 2.1.5 Generally, the land identified for FDAs is presently used for a range of rural or rural lifestyle activities that exhibit a lower density character than urban areas.
- 2.1.6 The FDA Overlay is superimposed over the underlying General Rural zone which remains in place. The FDA Overlay provides for the application of a discrete suite of provisions to facilitate rezoning and sequenced growth. The provisions also impose additional constraints to use and develop (**FDA-P1**) these areas.
- 2.1.7 The FDA provisions, as contained in Part 2 – General District Wide Matters: Future Development Area Chapter provide an approach where growth needs and infrastructure provision can be comprehensively planned for. The provisions seek to avoid disjointed development and facilitate the staged and sequenced rezoning of specific growth areas,

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<sup>6</sup> Part 2 – District Wide Matters / General District Wide Matters / FDA – Future Development Area / Introduction.

increasing certainty to the community, developers, infrastructure providers and the Timaru District Council.

- 2.1.8 FDA overlays are shown on the Planning Maps and are listed out in SCHED-15 of the Plan. SCHED-15 identifies the anticipated zone (e.g. General Residential Zone), timeframe for the preparation of the Development Area Plan (as necessary to support a rezoning), and any additional requirements.

### **Future Development Area Provisions**

- 2.1.9 The Policy settings associated with the FDA:
- Identify that land in the FDA Overlay is to remain available for future urban or rural lifestyle development (**FDA-O1**).
  - Otherwise constrain urban growth or rural lifestyle development until rezoned (**FDA-O2**). Unanticipated urban or rural lifestyle development outside of the FDA Overlay and out-of-sequence urban or rural lifestyle development within the FDA Overlay will only be considered when significant development capacity is provided, and it contributes to a well-functioning urban environment (**FDA-O3, FDA-P5, FDA-P6**).
  - Set out the process for establishing a rezoning within an FDA Overlay. This process corresponds to the sequencing identified in SCHED15 as reliant on a Plan Change (**FDA-P2**) and as supported by a Development Area Plan (**FDA-P4**).
  - Ensure the consideration of a range of statutory and infrastructure-related matters (**FDA-P4**).
- 2.1.10 In **summary**, the purpose of the FDA Overlay is to provide a sequenced urban growth or rural lifestyle rezoning resource to ensure sufficient development capacity for housing and business land for the Timaru district is undertaken in a way, and at a rate, that avoids adverse effects on urban consolidation<sup>7</sup>, supports a coordinated settlement pattern<sup>8</sup>, and ensures the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development<sup>9</sup>. The FDA overlay does not rezone these areas but identifies them as a land resource for future rezoning. Urban and rural lifestyle development outside of existing urban areas or as provided through the FDA process is largely precluded by the TPDP<sup>10</sup>.

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<sup>7</sup> FDA-P3(1)

<sup>8</sup> FDA-P4(3) and (5), SD-O1(ii)

<sup>9</sup> FDA-P4(5), SD-O8(ii)

<sup>10</sup> FDA-O2, GRUZ-P8



### **Associated Definitions**

2.1.11 The Definitions chapter includes definitions relevant to the above chapters. Definitions that are considered in response to submission in this report are:

- *Well-functioning urban environment* – Timaru District Council (submitter) [42.7]
- *Urban development* – Canterbury Regional Council [183.9]
- *Urban Boundary* - Fenlea Farms Limited [171.19] and Alastair Joseph Rooney [177.9]
- *Urban Area* - Alastair Joseph Rooney [177.9]

## **2.2 Background to Relevant Provisions**

2.2.1 The FDA provisions were informed by the GMS2018<sup>11</sup>, GMS Review (2022)<sup>12</sup> and the accompanying FDA Area Section 32 Report<sup>13</sup> to the District Plan.

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<sup>11</sup> [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0003/204375/Growth-Management-Strategy-Adopted-Low-Resolution-08052018.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0003/204375/Growth-Management-Strategy-Adopted-Low-Resolution-08052018.pdf)

<sup>12</sup> [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0011/669872/Plan2-2022-GMS-Residential-Review-Report.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0011/669872/Plan2-2022-GMS-Residential-Review-Report.pdf) and [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0019/700912/16120\\_GMS-Business-Review-Report\\_Final-May-2022.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0019/700912/16120_GMS-Business-Review-Report_Final-May-2022.pdf)

<sup>13</sup> [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0008/669419/23-Section-32-Future-Development-Areas.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0008/669419/23-Section-32-Future-Development-Areas.pdf)

### 3. Overview of Submission (Amending Proposal) and Further Submissions

- 3.1.1 The full list of submission points addressed in this report are set out in **Appendix 2**. Overall, there are 163 original submissions and 199 further submissions.
- 3.1.2 The following table provides a brief summary of the key issues raised in submissions, which are discussed in more detail in the ‘Analysis and Evaluation of Submissions’ section of this report.

ISSUE NAME	SUMMARY OF ISSUE	POSITION OF SUBMITTERS ( <i>not exhaustive</i> )
Key Issue 1: Future Development Area Objectives and Policies	<p>Changes are sought to improve the clarity of language in the provisions, and process as to which party is to initiate the plan change to incorporate the DAP into the District Plan.</p> <p>Changes are sought to FDA-P4 to increase the matters which are to be considered within the preparation of the DAP.</p> <p>Changes are sought to FDA-P4 and FDA-P5 as to additional matters to be considered as associated with out-of-sequence / out-of-FDA urban or rural lifestyle growth.</p>	<p>J R Livestock, Rosa Westgarth and Jan Gibson, and Warren and Elizabeth Scott seek amendments to improve the clarity of language in the provisions.</p> <p>Alpine Energy, MoE and Hort NZ (amongst others) seek explicit identification of additional values and matters.</p> <p>Alpine Energy, Hort NZ and TDC seek additional matters to be considered.</p>
Key Issue 2: Specific Activities within the Future Urban Zone	<p>Changes are sought lessening the non-complying activity status for additional residential units and minor units within FDAs and for Subdivision of allotments of less than 40ha (FDA-R10) to be changed to restricted discretionary or deleted.</p> <p>Changes are sought seeking Industrial activities be a restricted discretionary activity (FDA-R12) in FDAs.</p>	<p>Holly Renee Singline and RSM Trust Limited, and Milward Finlay Lobb. Bruce Speirs, White Water Properties Limited.</p> <p>White Water Properties Limited.</p>
Key Issue 3: Other amendments sought to the FDA Chapter Provisions.	<p>Changes are sought seeking additional clarity as to the scope and process associated with the subsequent plan change process associated with introducing a DAP into the District Plan.</p> <p>Changes are sought seeking that provisions in the FDA Chapter should be relocated to the Strategic Directions Chapter.</p> <p>Changes are sought to control the maintenance of rural land for primary production.</p> <p>Changes are sought seeking subdivision in advance of connections to wastewater networks, and that TDC should be responsible for the preparation of all DAPs.</p>	<p>Aitken, Johnston and RSM Trust Limited</p> <p>Environment Canterbury</p> <p>Hort NZ</p> <p>J R Livestock Limited, Rosa Westgarth and Jan Gibson, Warren and Elizabeth Scott.</p>

	Insertion of a fulsome definition of well-functioning urban environment.	Timaru District Council.
Key Issue 4: Amendments to the notified FDAs, including requests for the expansion of notified FDAs, changes in scheduled timing for DAP preparation and immediate rezoning.	<p>Submissions as related to the notified TPDP FDA overlays, including proposals seeking expansions and / or changes to the SCHED15 DAP timetable; a section heading is provided for the consideration of amending proposals for each FDA.</p> <p>Including submissions challenging the approach and extent of notified FDAs, being Canterbury Regional Council Sub 183.166 and Waka Kotahi NZTA Sub 143.191 – 143.195.</p>	<p>S42A Section 10.1 FDA1  S42A Section 10.2 FDA2  S42A Section 10.3 FDA3  S42A Section 10.4 FDA5  S42A Section 10.5 FDA5  S42A Section 10.6 FDA6  S42A Section 10.7 FDA7  S42A Section 10.8 FDA8  S42A Section 10.9 FDA9  S42A Section 10.10 FDA10  S42A Section 10.11 FDA11  S42A Section 10.12 FDA12  S42A Section 10.13 FDA13  S42A Section 10.14 FDA14</p>
Key Issue 5: Amending proposals for additional FDA overlays (either urban or rural lifestyle)	New additional FDAs to be added to SCHED-15	Provide an FDA for Lot 4 DP301476 and Part Lot 2 DP17808 Redruth for General Industrial or General Residential [Rooney Holdings Subs 174.66].
Key Issue 6: Urban Rezoning Requests	Changes seek to rezone from General Rural Zone to General Residential Zone or General Industrial zoning.	<p>Rezone 340 King Street, Temuka from GRUZ to General Residential Zone. [Johnson Sub 145.1].</p> <p>Lots 1 – 3 DP579256 Coonoor Road to be rezoned from GRUZ to GRZ [O'Neill et al Sub 20.1].</p> <p>Rezone block located north of Aorangi Road from GRUZ to GIZ [North Meadows 2021].</p>
Key Issue 7: Rezoning to rural lifestyle	Changes seek to rezone from General Rural Zone to Rural Lifestyle zone.	<p>Simmon Trustees Ltd [207.1, 207.2]  Parade Road / Scarborough Road should be rezoned from GRUZ to Rural Lifestyle [D Parris Sub 98.1].</p> <p>Amend Rural Lifestyle Specific Control Area 199 Waitui Drive from 10ha to 2ha (55ha). [Waitui Deer Farm Ltd Sub 19.1]</p>
Key Issue 8: Miscellaneous Requests.	Minor amendments to zoning boundaries to consolidate urban form or align with an activity. General rezoning requests.	Align the Port Zone with the Urban Area Boundary [Primeport, Sub 175.7)

## 4. Relevant Statutory Provisions

- 4.1.1 The Growth provisions in the District Plan are to assist the Timaru District Council in *undertaking its functions under the Act*<sup>14</sup>. This includes the functions associated with the integrated management of the use, development and protection of land and associated natural and physical resources of the (Timaru) District<sup>15</sup>.
- 4.1.2 The Hearings Panel will understand the assessment required to be undertaken in considering the FDA and Urban Growth-related submissions on the TPDP includes the matters identified in sections 74-76 of the RMA. This includes whether:
- it is in accordance with the Council's functions (s74(1)(a));
  - it is in accordance with Part 2 of the RMA (s74(1)(b));
  - it will give effect<sup>16</sup> to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
  - the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
  - the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).
- 4.1.3 In addition, assessment of the TPDP must also have regard to:
- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
  - the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
  - in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

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<sup>14</sup> Section 74(1)(a) and s31

<sup>15</sup> Section 31(1)(a)

<sup>16</sup> 'Give effect to' means implement according to the applicable instruments intentions.

## 5. Statutory Instruments

### 5.1 Overview

- 5.1.1 The s32 reports for Growth set out the statutory requirements and relevant planning context for this topic in detail.
- 5.1.2 As identified in the Preliminary Report, the TDC s32 Analysis did not include consideration of the National Policy Statement on Highly Productive Land (**NPS-HPL**) which was not in force at the time of notification. To assist submitters, the **NPS-HPL Memo**<sup>17</sup> provided my consideration of the urban growth requests against the relevant provisions relating to HPL. No submitter has raised an issue with my initial analysis.
- 5.1.3 The Preliminary Report at Section 7 set out the relevant Statutory planning instruments and is relied on for the purposes of this assessment.
- 5.1.4 I have set out below in summary, the provisions and relevant considerations in the statutory planning documents that are particularly relevant to this analysis.
- 5.1.5 Section 5.2 sets out my consideration of the role and purpose of the Rural Lifestyle Zone (and submissions seeking additional RLZ) as considered against the requirements of the NPS-UD.
- 5.1.6 Section 5.3 sets out a broad level summary of the housing and business (Industrial) capacity reports provided<sup>18</sup> by Property Economics. That analysis, which is adopted for the purpose of this report is subsequently applied in terms of evaluating amending proposals for additional urban (residential or industrial zones) or rural lifestyle zones.

#### ***National Policy Statement for Highly Productive Land (NPS-HPL, August 2024)***

- 5.1.7 The objective in the NPS-HPL is that '*Highly productive land is protected for use in land-based primary production, both now and for future generations*'.
- 5.1.8 Clause 3.5(7) sets out the transitional provisions for the identification of HPL.
- 5.1.9 Submitters were requested to demonstrate that where the amending proposal relates to HPL, there is a pathway for the re-zoning requested, i.e. through Clause 3.6(4) and (5) for urban requests, and Clauses 3.7 and 3.10 for rural lifestyle requests.

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<sup>17</sup> [https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0007/971926/Timaru-District-Counsel-Memorandum-of-Counsel-Appendix-A-Memo-re-application-of-NPS-HPL-to-re-zoning-requests-210125.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0007/971926/Timaru-District-Counsel-Memorandum-of-Counsel-Appendix-A-Memo-re-application-of-NPS-HPL-to-re-zoning-requests-210125.pdf)

<sup>18</sup> Residential Capacity Report. Attachment A to the Preliminary s42A Report.  
[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0008/945512/Attachment-A-Timaru-Residential-Capacity-Property-Economics.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0008/945512/Attachment-A-Timaru-Residential-Capacity-Property-Economics.pdf)  
 Industrial Capacity Report. Appendix 5 to this s42A Report.

- 5.1.10 Several of the submitter packages and correspondence received<sup>19</sup>, seek confirmation as to the Council's position to the Hearing G timetable and approach given the Government has indicated removal of LUC-3 protection from the NPS-HPL by the end of 2025.
- 5.1.11 The Government has stated an intention to remove LUC-3 from the definition of how HPL is defined (including amendments to Cl3.4 and Cl3.5(7))<sup>20</sup>. The Ministry for the Environment is undertaking a consultation process on changes to national directional instruments, with submissions on Package 2 which includes HPL<sup>21</sup> closing on 27 July. I am unaware of the date any changes will come into force.
- 5.1.12 I have applied functions and duties of the Act and any associated national directional instruments as they stand at the time of drafting this report.
- 5.1.13 I have undertaken the analysis of the amending proposals as these relate to the NPL-HPL based on a consideration against the NPS-HPL as in force from October 2022 and amended in August 2024.
- 5.1.14 To assist I have identified which LUC classification relates to each amending proposal.
- 5.1.15 The analysis I have undertaken extends beyond a binary consideration to whether the NPS-HPL acts as the gatekeeper within the statutory evaluation. I have identified whether my recommendation would change if the NPS-HPL is no longer applied to the amending proposal.
- 5.1.16 Several amending proposals relate to LUC-2. LUC-2 is to remain as transitional HPL under cl3.5(7) of the NPS-HPL regardless of the Government's stated intention to remove LUC-3 from consideration.

### **Canterbury Regional Policy Statement (2013)**

- 5.1.17 Chapter 5 of the CRPS is specifically relevant to the FDA Chapter. It provides direction in relation to the integration of land-use planning with infrastructure and critically governs the provision of the districts growth needs at **Policy 5.3.1** which states:

*To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:*

*1. ensure that any*

*a. urban growth; and*

*b. limited rural residential development*

*occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;*

<sup>19</sup> Georgina Hamilton, Gresson Dorman & Co. Letter dated 15 April.

<sup>20</sup> Cabinet Paper: Replacing the Resource Management Act 1991 – Approach to development of new legislation (24 March 2025), at paragraph 127

<sup>21</sup> Package 2. Attachment 2.4 Proposed provisions – Amendments to the National Policy Statement for Highly Productive Land.

2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;
3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;
4. maintain and enhance the sense of identity and character of the region's urban areas; and
5. encourage high quality urban design, including the maintenance and enhancement of amenity values

5.1.18 A summary of the relevant provisions associated with **urban form and growth** to be 'given effect' to, are:

- (1) Development is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure<sup>22</sup> (**Objective 5.2.1(2)(f)**);
- (2) The benefits of regionally significant infrastructure is to be recognised, and provide for such infrastructure to the extent that it promotes sustainable management in accordance with the RMA (**Objective 5.2.2(1)**); and
- (3) To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:
  - (a) development does not result in adverse effects on the operation, use and development of regionally significant infrastructure.
  - (b) adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.
  - (c) there is increased sustainability, efficiency and liveability. (**Objective 5.2.2(2)**)
- (4) To provide, as the primary focus for meeting growth needs, sustainable development patterns that ensure that any urban growth and limited rural residential development occur in a form which concentrates or is attached to existing urban areas and promotes a coordinated pattern of development. (**Policy 5.3.1(1)**). Emphasis underlined.
- (5) Encourage within urban areas housing choice ... and business opportunities of a character and form that supports urban consolidation. (**Policy 5.3.1(2)**). Emphasis underlined.
- (4) To enable development, which Integrates with the efficient and effective provision, maintenance or upgrade of infrastructure. (**Policy 5.3.2(3)**).

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<sup>22</sup> As defined includes:

- (1) Strategic land transport network and arterial roads;
- (8) Sewage collections, treatment and disposal networks;
- (9) Community land drainage infrastructure;
- (10) Community potable water systems.

- (5) Ensure development (including Rural Lifestyle zones<sup>23</sup>) is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, including avoiding development which will not be served in a timely manner (**Policy 5.3.5**). Emphasis underlined; and
  - (6) *'discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet Policy 5.3.1'. (Policy 5.3.6(3)).*
- 5.1.19 The approach towards the provision of **Rural Lifestyle zoned** opportunities as further or expanded FDA in 'giving effect' to the CRPS is also governed by:
- (1) contributing to achieving sustainable development patterns, through promoting a coordinated pattern of development **Objective 5.2.1(a), Policy 5.3.1(1)(b)** and **Policy 5.3.2**; and
  - (2) being limited in opportunity and of a form that concentrates or is attached to existing urban areas (**Policy 5.3.1(1)(b)**);
  - (3) appropriately and efficiently serviced by sewage, stormwater and potable water supply (**Policy 5.3.5**); and
  - (4) do not foreclose the productivity of the region's soil resources, including through fragmentation (**Policy 5.3.2(1)(c), Policy 5.3.12(1)**) and maintain productive capacity (**Objective 15.2.1**).
- 5.1.20 The approach towards the provision of **Residential or Industrial** zoned opportunities as further or expanded FDA in 'giving effect' to the CRPS is also governed by:
- (1) Meeting urban growth needs through a primary focus on concentrating urban areas and opportunities for attached greenfield urban growth areas which promote a coordinated pattern of development **Objective 5.2.1(a), Policy 5.3.1(1)(b)** and **Policy 5.3.2**, and encourage housing choice and business opportunities that support urban consolidation (**Policy 5.3.1(2)**); and
  - (2) Enable development which ensure adverse effects are appropriately managed, including where these would foreclose or compromise options for accommodating consolidated growth (**Policy 5.3.2(1)(b)**), the productivity of the regions soil resource, including through the further fragmentation of rural land (**Policy 5.3.2(1)(c)**), and avoiding or mitigating natural and other hazards and reverse sensitivity effects (**Policy 5.3.2(2)**).
  - (3) To enable development where it is integrated with the efficient and effective provision of infrastructure, including transport networks (**Policy 5.3.2(3)**).

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<sup>23</sup> Refer s42A Rural Zones. McClennan [11.2.8] amendment to RLZ-O2.



- (4) Development is to be appropriately and efficiently serviced for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, avoiding development that cannot be serviced in a timely manner (**Policy 5.3.5**), and discouraging such infrastructure which would promote development in locations that do not meet Policy 5.3.1 (**Policy 5.3.6(3)**).

## 5.2 NPS-UD: Consideration of requests for Rural Lifestyle Zone (RLZ) FDAs

- 5.2.1 The Preliminary Report set out the matters to be considered in submitter requests relating to the application of the NPS-UD. The Preliminary Report requested submitters to outline:

*What is the contribution of the rezoning (or amendment in timing associated with SCHED-15 (FDAs)) in terms of the provision (residential / rural lifestyle – yield, density; and business - area) in relation to the Council's provision of 'at least' sufficient development capacity (Policy 2) given the Property Economics analysis (Section 8)?*

- 5.2.2 I agree with the Interim Reply provided by Nick Boyes<sup>24</sup> to the Panel in Response to **Minute 24** as to the relevant statutory provisions applicable to the RLZ under the CRPS.
- 5.2.3 Application of the TPDP RLZ framework as sought by several amending proposals (being 2ha minimum if connected to reticulated drinking water supply<sup>25</sup> only and reducing to 5,000m<sup>2</sup> if also connected to reticulated sewer<sup>26</sup>) is subject to CRPS **Policy 5.3.1**. The CRPS (**Objective 5.2.1** and **Policy 5.3.1**) seeks ensure this type of development concentrates or is attached to 'existing urban areas' to promote a coordinated pattern of development. CRPS **Policy 5.3.6(3)** seeks to *discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet Policy 5.3.1*.
- 5.2.4 Contextually, the Rural Lifestyle Zone framework in the TPDP relates to the following:
- The definition of 'urban' in the CRPS as it relates to the wider region is:  
*A concentration of residential, commercial and/or industrial activities, having the nature of town or village which is predominantly non-agricultural or non-rural in nature.*
  - The definition of 'rural residential' in the CRPS as it relates to the wider region is:  
*Rural Residential development means zoned residential development outside or on the fringes of urban areas which for primarily low-density residential activities, ancillary activities and associated infrastructure.*
  - Further context is provided within the explanation for **Policy 5.3.1** which states:  
*Rural residential development is typified by clusters of small allotments usually in the size range of up to 2.0 hectares zoned principally for residential activity. Rural-residential*

<sup>24</sup> Interim Reply. Nick Boyes. [6 – 16]

<sup>25</sup> TPDP SUB-S3.2

<sup>26</sup> TPDP Sub-S1.3.4(4)

*development will need to be well planned and coordinated in order to minimise adverse effects on such matters as: rural character and resources; rural infrastructure including the road network; and not foreclose development options in the vicinity of urban areas.*

- d. Provisions in the TPDP seek to provide *‘limited rural lifestyle development opportunities where they concentrate and are attached to existing urban areas, achieve a co-ordinated pattern of development and are capable of efficiently connecting to reticulated sewer and water infrastructure’ (SD-O1(ii)).*
  - e. The purpose of the Rural Lifestyle Zone is *‘predominantly for a residential lifestyle within a rural environment within a rural environment ... while enabling compatible primary production to occur’ (RLZ-O1)*, with development to be *‘integrated with the environment and appropriate infrastructure’ (RLZ-O5).*
- 5.2.5 More recent higher order planning documents provide differing but overlapping definitions of ‘urban area’ and ‘rural residential’ than that as contained the CRPS (2013):
- a. The definition of ‘urban environment’<sup>27</sup> included in the NPS-UD (2020) states:
 

*“any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

    - a. is, or is intended to be, predominantly urban in character; and*
    - b. is, or is intended to be, part of a housing and labour market of at least 10,000 people”*
  - b. Within the National Planning Standards, the zone description of ‘Rural Lifestyle Zone’<sup>28</sup> is identical to RLZ-O1 as contained in the TPDP. The RLZ is nested within the Rural Zones in the TPDP<sup>29</sup>.
- 5.2.6 The Rural Lifestyle zone under both the Planning Standards and the TPDP is not an Urban Zone. Neither does the RLZ provide a contribution to ‘sufficient development capacity for housing’, as it is neither *‘in existing or new urban areas’*<sup>30</sup> or necessarily *‘infrastructure ready’*<sup>31</sup>.
- 5.2.7 Accordingly, the assessment of housing demand capacity undertaken by Property Economics identifies a realisable capacity of 44 allotments associated with the notified RLZ<sup>32</sup> and also identifies the potential RLZ capacity that would be introduced through the notified FDAs<sup>33</sup>.
- 5.2.8 The Property Economics assessment neither relies on, nor incorporates RLZ capacity as associated with meeting projected household (in existing or new urban areas) demand

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<sup>27</sup> NPS-UD. Clause 1.4 Interpretation

<sup>28</sup> National Planning Standards – Section 8. Zone Framework Standard.

<sup>29</sup> National Planning Standards – Section 4. District Plan Standard. Part 3 – Area Specific Matters / Chapters / Rural Zones

<sup>30</sup> NPS-UD Clause 3.2(1)(a)

<sup>31</sup> NPS-UD Clause 3.2(2)(b)

<sup>32</sup> Preliminary Report. Attachment A: Property Economics [Table 8]

<sup>33</sup> Preliminary Report. Attachment A: Property Economics [Table 10]

requirements under either the high or medium growth forecasts so as to satisfy long term (30 year demand)<sup>34</sup>. Simply, whilst the capacity of the RLZ is included in the capacity assessment, it is not counted towards, nor required to *‘provide at least sufficient development capacity to meet expected demand for housing... over the short term, medium term, and long term’ (Policy 2)*.

- 5.2.9 The NPS-UD is nonetheless considered indirectly relevant for the assessing RLZ or RLZ FDA amending proposals. Requests for an RLZ or FDA RLZ indirectly impact through either quantum, spatial location, and / or reallocation of community infrastructure funding as to whether planning decisions (for the district as a whole) assist or detract from ‘well-functioning urban environments’ (**Objective 1, Policy 1**). I also consider that requests for RLZ adjoining Timaru City contribute to the ‘urban environment’ as defined by the NPS-UD as these relate to *‘part of housing and labour market of at least 10,000 people’*.
- 5.2.10 The RLZ provides housing choice across the district to meet the needs of the population in terms of type, location and price. This links into the NPS-UD through **Policy 1. Objective 6** is relevant in terms of the TPDP requirements as to ensuring local authority decisions ... are integrated with infrastructure planning and funding decisions, and strategic over the medium and long term.

### 5.3 NPS-UD: Policy 2 ‘at least sufficient development capacity’ Residential and Rural Lifestyle

- 5.3.1 Question 9 of the Preliminary Report requested that submitters respond to the question as to:
- how does the proposal, either individually or in combination with those areas identified in the TPDP, concentrate and promote a coordinated pattern of development? How is the rezoning sought (or change in FDA sequencing) required to ensure ‘sufficient development capacity’?*
- 5.3.2 The context is that the realisable capacity as contained in the TPDP is 3,998 dwellings<sup>35</sup>, with the notified FDAs providing a further 3,456 dwelling capacity<sup>36</sup>.
- 5.3.3 The Property Economics Analysis<sup>37</sup> identified projected short-, medium- and long-term requirements to meet forecast demand (as based on a medium and high growth projection).
- 5.3.4 The total long-term demand for dwellings (to 2053), as inclusive of the NPS-UD competitiveness margins<sup>38</sup> is **1,005 dwellings** under a medium growth scenario – noting that housing demand peaks in the 2026 – 2033 period and then decreases; and **4,984 dwellings** under a high projection.

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<sup>34</sup> Preliminary Report. Attachment A: Property Economics [Tables 12 and 13]

<sup>35</sup> Preliminary Report. Attachment A: Property Economics [Table 9]

<sup>36</sup> Preliminary Report. Attachment A: Property Economics [Table 10]

<sup>37</sup> Preliminary Report. Attachment A: Property Economics [Table 11]

<sup>38</sup> NPS-UD Clause 3.22 (not a requirement for Tier 3 local authorities)

**Figure 1: Dwelling demand in the District over NPS-UD short, medium and long term requirements (Property Economics)**

Capacity Requirements		Short Term (2023 - 2026)	Medium Term (2026 - 2033)	Long Term (2033 - 2053)	Total Increase
Medium Growth	Dwellings	215	622	-167	670
	NPS Buffer	20%	20%	15%	-
	<b>Total</b>	<b>258</b>	<b>746</b>	<b>0</b>	<b>1,005</b>
High Growth	Dwellings	641	1,377	2,228	4,246
	NPS Buffer	20%	20%	15%	-
	<b>Total</b>	<b>769</b>	<b>1,652</b>	<b>2,562</b>	<b>4,984</b>

- 5.3.5 The Property Economics Analysis<sup>39</sup> also identified demand and capacity reconciliation for each settlement based on the long term (2053) medium and high growth demands as inclusive of the cumulative 30% competitiveness margins.
- 5.3.6 Under a medium growth forecast the existing dwelling capacity is more than sufficient to accommodate anticipated demand beyond 2053 without recourse to the FDAs (**Figure 2**). I have also asked Mr Heath to produce a high growth forecast showing the reconciliation at the short, medium and long term for each settlement (**Figure 3**). Under a high growth forecast there is realisable household capacity in the existing urban zone for more than two decades without recourse to the FDAs.
- 5.3.7 The importance for considering each settlement under the NPS-UD and NPS-HPL relates to the concepts of ‘market’ and ‘locality’.
- 5.3.8 Within the NPS-UD, the phrase ‘*housing and labour market*’ is included in the definition of ‘*urban environment*’. That definition provides the population threshold of 10,000 as ‘*part of a housing and labour market*’ as to what would constitute an urban environment, as conjunctive with being ‘*predominantly urban in character*’. Only the Timaru settlement would constitute an urban environment.
- 5.3.9 Under the NPS-HPL, the term ‘*locality and market*’ is used within the exception tests for urban rezoning within Clause 3.6(1) as applied only to Tier 1 and 2 territorial authorities, and links this concept to the consideration of achieving well-functioning urban environments (as defined in the NPS-UD). That is for a Tier 1 and 2 local authority, a (conjunctive) exemption for providing discretion to a local authority to allow urban rezoning of highly productive land includes where there is a demonstrable requirement of no other reasonably practicable and feasible options for providing at least sufficient development capacity within the ‘*same locality and market*’.

<sup>39</sup> Preliminary Report. Attachment A: Property Economics [Table 12 and Table 13]

- 5.3.10 A far broader, and district wide application of this exception test is to be applied to Timaru District as a Tier 3 local authority is contained within Cl3.6(4):

(4) Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:

(a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and ...

- 5.3.11 The analysis provided by Property Economics as relied on evidence is based on: application of both a medium and high growth forecast; inclusion of the competitiveness margins (or buffers) for determining sufficiency in terms of meeting expected demand despite only being applicable to Tier 1 and 2 local authorities<sup>40</sup>, and has treated each *urban area*<sup>41</sup> as a discrete spatial entity, and not aggregate to either a district wide assessment (NPS-HPL) or consideration only of Timaru settlement as constitutes an urban environment (NPS-UD)<sup>42</sup>.

**Figure 2: Dwelling Capacity requirements – Medium Growth: Long Term 30 years (Property Economics)**

Location	Capacity Required	Urban Capacity	Sufficiency without FDA	Future Development Areas	Sufficiency With FDA
Timaru	512	2,582	+ 2,070	2,637	+ 4,707
Temuka	91	481	+ 390	312	+ 702
Pleasant Point	64	301	+ 237	79	+ 316
Geraldine	115	593	+ 478	428	+ 906
<b>Total Urban</b>	<b>+ 781</b>	<b>+ 3,957</b>	<b>+ 3,176</b>	<b>+ 3,456</b>	<b>+ 6,632</b>

**Figure 3: Dwelling Capacity requirements – High Growth: Short, Medium and Long Term (Property Economics)**

Location	Capacity Required (High Growth)			Urban Capacity	Sufficiency without FDA			(FDA)	Sufficiency with FDA (by 2053)
	Short term (by 2026)	Medium term (by 2033)	Long term (by 2053)		Short term (by 2026)	Medium term (by 2033)	Long term (by 2053)		
Timaru	474	1,328	3,047	2,582	2,108	1,254	-465	2,637	2,172
Temuka	85	238	545	481	396	243	-64	312	248
Pleasant Point	40	111	254	301	261	190	47	79	126
Geraldine	80	223	511	593	513	370	82	428	510
<b>Total Urban</b>	<b>678</b>	<b>1,899</b>	<b>4,358</b>	<b>3,957</b>	<b>3,279</b>	<b>2,058</b>	<b>-401</b>	<b>3,456</b>	<b>3,055</b>
Rest of the District	98	273	627						

<sup>40</sup> NPS-UD Cl3.2(2)(d), Cl3.22.

<sup>41</sup> As defined under the TPDP, not 'urban environment' as defined in the NPS-UD

<sup>42</sup> NPS-HPL. Cl1.3(3) Interpretation.

- 5.3.12 Several submitter packages have referenced an economic report (2022) *Scenarios of an aspirational economic future for Timaru District* (Mr Benje Patterson)<sup>43</sup>, or the Planning advice prepared by Novo Group (Mona Neumann)<sup>44</sup>.
- 5.3.13 I have reviewed these documents. They do not constitute an assessment of demand and development capacity for the Timaru district, or provide an the economic consideration of specific submissions.
- 5.3.14 The *Aspirational Futures* Report from Mr Patterson does not appear to be prepared for the purpose to which it is being applied in the submission packages.

#### 5.4 Timaru District Industrial Capacity Report (2025)

- 5.4.1 The Property Economics Timaru District Industrial Capacity Report (2025) is provided as Appendix 5 and referenced in the evidence of Mr Heath<sup>45</sup>.
- 5.4.2 The development capacity assessment for industrial land is considered at a district wide scale. Mr Heath considers this appropriate as industrial land supply is focused on Timaru settlement and is more substitutable for other locations than housing demand. However, Mr Heath has commented on specific demand and development capacity as relevant to submission packages seeking Industrial outcomes.
- 5.4.3 The relevant submissions are:
- Sub 241 – White Water Properties Ltd: Rezone that area identified as FDA13 to General Industrial zone.
  - Sub 157 – Ryan De Joux: That the FDA13 timeframe identified in SCHED15 be amended from 10 years to 5 – 10 years.
  - Sub 190 – North Meadows: Rezoning to GIZ including those properties including the northern boundary of 236 North Meadows Road to Aorangi Road and extending to North Meadows Road and south including the WWTP.
  - Sub 241 – J Livestock Ltd: add a Future Development Area (FDA, 10+ Years DAP process) overlay over 12.82ha of land between the notified GIZ to the south of Geraldine fronting Winchester-Geraldine Road to connect to Tiplady Road
- 5.4.4 The assessment considers: the demand for business land in Timaru district to 2053; and the sufficiency of development capacity to meet that demand. The assessment incorporates a high growth forecast and the competitiveness margins under CI3.22 of the NPS-UD despite being a Tier 3 local authority.

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<sup>43</sup> Eg. Sub 27 Rabbidge, Singline and RSM Trustees Ltd

<sup>44</sup> Eg Sub 190 Thompson North Meadows 2021 Ltd)

<sup>45</sup> Appendix 6. Economic Assessment. Heath.

- 5.4.5 The Property Economics Industrial land assessment concludes that there is 236.3ha of vacant industrial land within the district<sup>46</sup>. Of this, 74ha has been removed for being considered unavailable as being associated with Fonterra in Clandeboye and the Meatworks in Pareora. This provides a balance of 163ha of vacant land sufficiency<sup>47</sup>.
- 5.4.6 The land demand sufficiency over the short (3 year), medium (10 year) and long (30 year) terms are reproduced below.

**Figure 4: Timaru District Industrial land demand sufficiency to 2053 (Ha)<sup>48</sup>**

Industrial Land (ha)	2025	2028	2033	2053
Gross Land Requirement + NPS Buffer		50	88	210
Vacant Land	163	163	163	163
<b>Net Sufficiency + NPS Buffer (ha)</b>		<b>113</b>	<b>75</b>	<b>-47</b>

- 5.4.7 In summary:

*“Reconciliation of industrial land capacity with projected industrial land demand over the short-, medium- and long-term periods results in industrial land sufficiency until well beyond the medium terms period, and is not reliant on the rezoning of any FDAs. Additional industrial land is unlikely to be required until the beyond the life of this District Plan and towards the end (20-30 year timeframe) of the long-term period based on the projected demand trajectory for the district”<sup>49</sup>.*

<sup>46</sup> Appendix 5. Property Economics Industrial Land Economic Assessment (2025). Table 5.

<sup>47</sup> Appendix 5. Property Economics Industrial Land Economic Assessment (2025). [18].

<sup>48</sup> Appendix 5. Property Economics Industrial Land Economic Assessment (2025). [Table 6].

<sup>49</sup> Appendix 5. Property Economics Industrial Land Economic Assessment (2025). [Section 7].

## 6. Analysis and Evaluation of Submissions

### 6.1 Approach to Analysis

6.1.1 This report assesses the relief requested in each submission (**amending proposal**) under the following structure:

- a. Amendments sought to the FDA Chapter provisions, being:
  - Objectives FDA-O1 to FDA-O3;
  - Policies FDA-P1 to FDA-P6;
  - Rules;
  - Miscellaneous amendments sought.
- b. Amendments sought associated with notified FDAs (urban and rural lifestyle).
- c. Miscellaneous urban growth rezoning requests.

6.1.2 The assessment of submissions generally follows the following format:

- A brief summary of the relevant submission points.
- An analysis of those submission points.
- Recommendations, including any amendments to plan provisions and the related assessment under s32AA.

6.1.3 Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the TPDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.

6.1.4 Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such. I have identified a number of s16(2) amendments to the FDA Chapter to improve legibility, clarity and statutory precision where submissions do not extend to specific provisions.

6.1.5 Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions. Further submissions are not listed within **Appendix 2**. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:

- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.



- Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
- Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

6.1.6 Simstra Family Trust [216.1], in a primary submission, supports the submission of Pages and Russell Trust and seek the same relief as sought in that submission. Discussion of the Pages and Russell Trust submission points and recommendations made in relation to these therefore applies to that associated with Simstra Family Trust [216.1].

## **6.2 Provisions where no change sought**

6.2.1 The following provisions included within Part 2 – District Wide Matters / General District Wide Matters / FDA – Future Development Area were not submitted on. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified:

- Future Development Area – FDA-R3 to FDA-R6;
- Future Development Area – FDA-R8, FDA-R9, FDA-R11; and
- Future Development Area – FDA-R13 to FDA-R15.

## 7. Key Issue 1: Future Development Area Chapter – Objectives and Policies

### 7.1 Future Development Area – Objective FDA–O1

- 7.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.11
Holly Renee Singline and RSM Trust Limited	27.10
J R Livestock Limited	241.6
Rosa Westgarth and Jan Gibson	227.4
Warren and Elizabeth Scott	128.6

#### Submissions

- 7.1.2 Alpine Energy Limited [55.11] is in support of policy FDA-O1 and has not requested any specified relief.
- 7.1.3 Holly Renee Singline and RSM Trust Limited [27.10] seek to retain FDA-O1 as notified.
- 7.1.4 J R Livestock [241.6], Rosa Westgarth and Jan Gibson [227.4] and Warren and Elizabeth Scott [128.6] seeks to amend FDA–O1 as they consider an additional reference made to ‘urban development’ will better align with the definition as set out in the TPDP. Submitter seeks the following amendment to FDA-O1:

*Land in the Future Development Area Overlay remains available for ~~future~~ urban development or rural lifestyle development.*

#### Analysis

- 7.1.5 **Objective FUZ-O1** provides for the overall purpose of the FDAs.
- 7.1.6 I agree with the submissions from J R Livestock [241.6], Rosa Westgarth and Jan Gibson [227.4] and Warren and Elizabeth Scott [128.6] to delete the phrase ‘future’ as it is redundant given the verb phrase ‘remains available’ provides a future tense to the objective. I consider that the phrase ‘urban development’ should be inserted as it: aligns with the definition in the Interpretation Chapter of the Plan; reflects the language in CRPS **Policy 5.3.1** which references ‘sustainable development’, and ‘a coordinated pattern of development’ but also improves clarity of language (s18A RMA).

- 7.1.7 I do not consider that the changes recommended alter the intent or application of the provision but are the more appropriate in terms of the application of section 18A of the Act which seeks improved clarity and clarity in plan drafting. Further consideration under the requirements of s32AA is not required.

### Conclusions and Recommendations

- 7.1.8 I recommend that Objective FDA-O1 be amended as follows:

Objectives	
FDA-O1	Availability of land for future development
Land in the Future Development Area Overlay remains available for <del>future</del> urban <u>development</u> <sup>50</sup> or rural lifestyle development.	

- 7.1.9 The following decisions are recommended on submissions:
- Submissions from J R Livestock [241.6], Rosa Westgarth and Jan Gibson [227.4] and Warren and Elizabeth Scott [128.6] are **accepted**.
  - Submissions from Alpine Energy Limited [55.11] and Holly Renee Singline and RSM Trust Limited [27.10] are **accepted in part** as the amendments do not alter the intent of the Objective.

## 7.2 Future Development Area – Objective FDA-O2

- 7.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.12
J R Livestock Limited	241.7
Rosa Westgarth and Jan Gibson	227.5
Waka Kotahi New Zealand Transport Agency	143.107
Warren and Elizabeth Scott	128.7
White Water Properties Limited	248.7

<sup>50</sup> J R Livestock [241.6], Rosa Westgarth and Jan Gibson [227.4] and Warren and Elizabeth Scott [128.6]

### Submissions

- 7.2.2 J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7] seek to amend FDA–O2 as set out below to better align with the definition in the TPDP and the reference to ‘anticipated zone’ will better align with SCHED15. Submitters seek to amend FDA-O2 as follows:

*Urban ~~development growth~~ or rural lifestyle development does not occur within the Future Development Area Overlay until the land is rezoned for the anticipated zone identified future land use and a comprehensive Development Area Plan is approved as part of that the plan change process.*

- 7.2.3 White Water Properties Limited [248.7] seek to either delete FDA–O2 in its entirety or amend the objective to enable development prior to rezoning where it can be demonstrated that development does not compromise or constrain the development of the balance of the FDA.

### Analysis

- 7.2.4 The outcomes to be achieved through Objective FDA-O2 is that urban growth or rural lifestyle development are to be precluded from occurring within the FDA prior to a rezoning being undertaken as subject to DAP approval.
- 7.2.5 The strategic intent of the FDA is to identify and safeguard areas on the urban fringe for future urbanisation and limited rural residential (lifestyle) development to promote a co-ordinated pattern of development. The basis of the provisions is founded in the requirement to give effect to CRPS **Policy 5.3.1** and the NPS-UD **Objective 6** which require respectively ‘coordinated pattern(s) of development’, and ‘decisions on urban development that affect urban environments are [both] integrated with infrastructure planning and funding decisions, and strategic over the medium and long term’.
- 7.2.6 The submission from White Water Properties Ltd [248.7] is recommended to be **rejected**. FDA-O2 is drafted for the avoidance (‘to not occur’) of urban or rural residential development. It is considered that the Objective gives effect to **CPRS Policy 5.3.2** which seeks to:

#### **5.3.2 Development conditions (Wider Region)**

*To enable development ... which:*

- a. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose:*

*....*

- b. options for accommodating the consolidated growth and development of existing urban areas;*

- 7.2.7 The purpose of the objective is to manage land use and subdivision until urbanisation occurs as guided by the relevant DAP as embedded in the district plan by plan change. Incremental urban development or rural lifestyle development has the potential to diminish the ability and application of a co-ordinated and comprehensive DAP to facilitate integrated and

efficient urban or rural lifestyle development as would then be enabled by the subsequent plan change.

- 7.2.8 The more directive provision is supported compared to an alternative sought by the submitter which as undefined seeks to pre-emptively enable development where it can be demonstrated that activities would not otherwise constrain or compromise the future urban or rural lifestyle development of the area.
- 7.2.9 The provision is also aligned with GRUZ-03 and GRUZ-P7 and GRUZ-P8 which respectively seek to preclude industrial and residential activities within the General Rural Zone (regardless of whether they are notated as FDA).
- 7.2.10 The submission from J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7] is recommended to be **accepted in part**.
- 7.2.11 As above, the phrase ‘urban growth’ should be replaced with ‘urban development’ for alignment and consistency with the remainder of the TPDP and the amendment recommended above to FDA-O1.
- 7.2.12 I agree that the term ‘identified future land use’ lacks specificity and should reference ‘zone’, as the rezoning would be the outcome of the plan change mechanism. SCHED-15 also references ‘Anticipated Zone’. As SCHED-15 identifies Rural Lifestyle Zone, General Residential Zone and General Industrial Zone, improved clarity can be provided through referencing all three within the objective as well as reference to the Schedule (using consistent terminology to that of FDA-P2 ‘*set out in SCHED15 - Schedule of Future Development Areas*’).
- 7.2.13 Lastly, either within the scope of the submission(s) or as a clause 16(2) amendment I consider that the term ‘approved’ as relating to Development Area Plans within the objective lacks certainty in both process and statutory implementation and is recommended to be replaced with ‘incorporated into the District Plan’. This is consistent with the Introduction to the Chapter which states that ‘*Development Area Plans are contained in the Development Area Plan chapters*’ [of the district plan].
- 7.2.14 In terms of the First Schedule process only the plan change can be approved, with those parts of a DAP relevant to establishing objectives, policies and rules (including any relevant staging and structure plans)<sup>51</sup> able to be incorporated into the district plan as appropriate. The First Schedule does not provide a process by which a DAP can of itself, be approved but provides a process whereby the relevant components of a Development Area Plan, as refined through the plan change submission and hearing process can be appropriately incorporated into the district plan. Accordingly, I also recommend that the term ‘comprehensive’ be removed from the objective as sought by the submitter(s).

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<sup>51</sup> Section 75(1) and (2) RMA

### Conclusions and recommendations

- 7.2.15 I recommend that Objective FDA-O2 be amended as follows. I have identified as **red text** those amendments directly attributable to the submitter(s) and in **green text** those amendments I have recommended either within the general scope of submissions seeking changes, or under cl16(2). I do not consider that these amendments amend the intent of the provision, more aid clarity of implementation.

Objectives	
FDA-O2	Development within the Future Development Area
<p>Urban <b>development</b><sup>52</sup> <b>growth</b> or rural lifestyle development does not occur within the Future Development Area Overlay until <b>the land</b><sup>53</sup> <b>it</b> is rezoned for the <b>anticipated General Residential Zone, General Industrial Zone, or Rural Lifestyle zone</b><sup>54</sup> <b>set out in SCHED15 - Schedule of Future Development Areas identified future land use</b> and a <b>comprehensive</b><sup>55</sup> Development Area Plan is <b>incorporated into the District Plan as appropriate</b><sup>56</sup> <b>approved</b> as part of <b>the plan change</b><sup>57</sup> <b>that</b> process.</p>	

- 7.2.16 The following decisions are recommended on submissions:
- The submission from White Water Properties Ltd [248.7] is recommended to be **rejected**.
  - Submissions from J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7] are recommended to be **accepted in part**.
  - Submissions from Alpine Energy Limited [55.12] and Waka Kotahi New Zealand Transport Agency [143.107] are recommended to be **accepted in part** as the intent of the objective would remain unchanged noting that the process would ensure that *'effects on infrastructure and the transport network are appropriately considered and managed through the process'* as sought in the submission from NZTA.

<sup>52</sup> J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7]

<sup>53</sup> J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7]

<sup>54</sup> J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7]

<sup>55</sup> J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7]

<sup>56</sup> Clause 16(2) Recommended amendments

<sup>57</sup> J R Livestock [241.7], Rosa Westgarth and Jan Gibson [227.5] and Warren and Elizabeth Scott [128.7]

### 7.3 Future Development Area – Objective FDA–O3

- 7.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.13
J R Livestock Limited	241.8
Rosa Westgarth & Jan Gibson	227.6
Warren and Elizabeth Scott	128.8

#### **Submissions**

- 7.3.2 There are no submissions that oppose FDA-O3.
- 7.3.3 Alpine Energy Limited [55.13] are in support of the district plan providing clear direction for future urban and rural lifestyle development across the Timaru District. No requested relief has been specified.
- 7.3.4 J R Livestock Limited [241.8], Rosa Westgarth & Jan Gibson [227.6], and Warren and Elizabeth Scott [128.8] are in support of Objective FDA-O3 and seek to retain as notified.

#### **Analysis**

- 7.3.5 The objective essentially paraphrases Policy 8 of the NPS-UD. The submissions and further submissions support the objective as notified and it is recommended that these are accepted.

#### **Conclusions and Recommendations**

- 7.3.6 The following decisions are recommended on submissions:
- Submission(s) Alpine Energy Limited [55.13] and J R Livestock Limited [241.8], Rosa Westgarth & Jan Gibson [227.6], and Warren and Elizabeth Scott [128.8] are **accepted**.

## 7.4 Future Development Area – Policy FDA-P1

- 7.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
J R Livestock Limited	241.9
Rosa Westgarth and Jan Gibson	227.7
Warren and Elizabeth Scott	128.9

### Submissions

- 7.4.2 J R Livestock [241.9], Rosa Westgarth and Jan Gibson [227.7] and Warren and Elizabeth Scott [128.9] seek to amend FDA-P1 as set out below, to better align with the definition of “Urban Development” in the TPDP. Submitters seek to amend FDA-P1 as follows:

*In the Future Development Area Overlay:*

1. Enable primary production activities that:

- a. will not compromise the ability to develop the area for urban development growth or rural lifestyle purposes; and

- b. will be compatible with those activities once that development occurs.

2. Only allow other activities that are unlikely to compromise the ability to develop the area for urban development or rural lifestyle purposes; and

3. Avoid activities that will likely compromise the ability to develop the area for urban development or rural lifestyle purposes unless

[...]

### Analysis

- 7.4.3 The purpose of FDA-P1 is to provide the policy foundation for the cascade of the classes of district plan rule activities as associated with the management of land use activities and subdivision within the FDA overlay.

- 7.4.4 Policy FDA-P1 establishes for the purpose of s75(1)(c) a consistent format of verbs to align to the rule provisions and class of activity status<sup>58</sup> for the respective activities contained within FDA-R1 to FDA-R15. The term ‘enable’ under Clause (1) relates to the permitted list of activities (FDA-R1 and FDA-R2), ‘only allow’ under Clause (2) relates to the discretionary FDA-R3 (Relocatable Seasonal Workers Accommodation) and Clause (3) ‘avoid’ relates to FDA-R4 through to FDA-R15.

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<sup>58</sup> RMA s77A(2)



- 7.4.5 As above, the phrase ‘urban growth’ should be replaced with ‘urban development’ for alignment and consistency with the remainder of the TPDP and the amendment recommended above to FDA-O1 and FDA-O2.

### Conclusions and Recommendations

- 7.4.6 I recommend that Objective FDA-P1 be amended as follows.

Policies	
FDA-P1	Activities within the Future Development Area Overlay
<p>In the Future Development Area Overlay:</p> <ol style="list-style-type: none"> <li>1. Enable primary production activities that: <ol style="list-style-type: none"> <li>a. will not compromise the ability to develop the area for urban <del>development</del><sup>59</sup> <del>growth</del> or rural lifestyle purposes; and</li> <li>b. will be compatible with those activities once that development occurs.</li> </ol> </li> <li>2. Only allow other activities that are unlikely to compromise the ability to develop the area for urban <del>development</del><sup>60</sup> or rural lifestyle purposes; and</li> <li>3. Avoid activities that will likely compromise the ability to develop the area for urban <del>development</del><sup>61</sup> or rural lifestyle purposes unless: <ol style="list-style-type: none"> <li>a. the activities will not constrain, limit or compromise the ability to comprehensively develop the area; and</li> <li>b. the activities are compatible once that development occurs; or</li> <li>c. the activities are cost effective and practical to remove or relocate.</li> </ol> </li> </ol>	

- 7.4.7 The following decisions are recommended on submissions:
- J R Livestock [241.9], Rosa Westgarth and Jan Gibson [227.7] and Warren and Elizabeth Scott [128.9] are **accepted**.

## 7.5 Future Development Area – Policy FDA-P2

- 7.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.14
J R Livestock Limited	241.10

<sup>59</sup> J R Livestock [241.9], Rosa Westgarth and Jan Gibson [227.7] and Warren and Elizabeth Scott [128.9]

<sup>60</sup> J R Livestock [241.9], Rosa Westgarth and Jan Gibson [227.7] and Warren and Elizabeth Scott [128.9]

<sup>61</sup> J R Livestock [241.9], Rosa Westgarth and Jan Gibson [227.7] and Warren and Elizabeth Scott [128.9]

Rosa Westgarth and Jan Gibson	227.8
Warren and Elizabeth Scott	128.10
White Water Properties Limited	248.8

### Submissions

7.5.2 Alpine Energy Limited [55.14] are in support of FDA-P2 and have not specified any requested relief.

7.5.3 J R Livestock Limited [241.10], Rosa Westgarth [227.8], Warren and Elizabeth Scott [128.10] and Jan Gibson [227.8] support the direction of the policy and seek to amend as below to align better with the definition of urban development as set out in the TPDP.

*Urban development and rural lifestyle development within the Future Development Area overlay is required to:*

- 1. be undertaken in accordance with the sequence set out in SCHED15 - Schedule of Future Development Areas in order to avoid adverse effects on urban consolidation; and*
- 2. be developed in accordance with the anticipated zone ~~land use~~ set out in SCHED15 - Schedule of Future Development Areas; and*
- 3. be undertaken in accordance with ~~submit a plan change that includes a~~ Development Area Plan prepared and implemented in accordance with FDA-P4.*

7.5.4 White Water Properties Limited [248.8] considers that the policy implies development of FDAs will only be provided when other existing zoned urban areas are fully developed, and that the policy will preclude the social and economic wellbeing of the district. The submitter states that there is '*no sound resource management reasons for incorporating a sequencing requirement*'. The submitter seeks to either delete FDA-P2 in its entirety and to delete any associated references to sequencing or prioritisation in the TPDP, including within FDA-P5 and SCHED15, or alternatively consider alternative relief that may be appropriate to give effect to the intent of the submission point.

### Analysis

7.5.5 The purpose of the policy is to implement and achieve FDA-O2 and provide the linkage to SCHED-15 as to both the sequencing of the preparation of DAPs associated with each Future Development Area and the anticipated General Residential, General Industrial or Rural Lifestyle Zone.

7.5.6 The DAP process provides a mechanism for integrating urban development and rural lifestyle development with infrastructure, integrating new development with the existing environment, and achieving the type and form of development necessary to accommodate such growth and development in an efficient and effective manner. Implementation of the

DAP is by way of incorporating the DAP into the District Plan by way of First Schedule plan change process.

- 7.5.7 The submission from White Water Properties Limited [248.8] is recommended to be **rejected**.
- 7.5.8 The amending proposal to delete the policy [248.8] would leave a policy vacuum as to the manner in which the district plan is to achieve and implement a consolidated and integrated settlement pattern in a manner that efficiently accommodates future growth and is integrated with the efficient use of infrastructure (UFD-O1), as well as ensuring that the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development.
- 7.5.9 Accordingly, Policy FDA-P2 is considered the more appropriate (than the amending proposal from White Water Properties Ltd [248.8]) to ensure that sequencing of urban development and rural lifestyle development in FDA areas is undertaken through a process to promote a co-ordinated pattern of development to give effect to CRPS **Policy 5.3.1**, and ensure the appropriate and efficient provision of infrastructure to service growth that integrates with, and supports a coordinated settlement pattern (CRPS **Policy 5.3.2(3)**, **Policy 5.3.5** and **Policy 5.3.6(3)**).
- 7.5.10 FDA-P2 as a process policy establishes a mechanism to implement and achieve:
- a. **(clause (1))** and **(2)** the delivery of comprehensive and efficient urban or rural lifestyle development by requiring such development to be sequenced and in accordance with the land use as set out in SCHED-15, and
  - b. **(clause (3))** introduce a DAP (which considers the matters in FDA-P4) into the District Plan by way of plan change.

The policy therefore seeks to avoid incremental and disjointed urban (and rural lifestyle) land use activities in notated FDAs (**CRPS Policies 5.3.1, 5.3.2, 5.3.5 and 5.3.6(3)**) occurring in advance of a DAP from which relevant provisions are incorporated into Part 3 – Area Specific Matters / Development Areas Chapter of the district plan via a plan change process.

- 7.5.11 It is considered that the staging and sequencing of urban growth and rural lifestyle opportunities are an appropriate mechanism under the District Plan to achieve ‘*a consolidated and integrated settlement pattern*’ (**UFD-O1**) and ‘*achieve a coordinated pattern of development*’ (**SD-O1(ii)**) respectively, and give effect to the relevant provisions of Chapter 5 of the CRPS for the reasons identified above.
- 7.5.12 The submissions from J R Livestock Limited [241.10], Rosa Westgarth [227.8], Warren and Elizabeth Scott [128.10] and Jan Gibson [227.8] are recommended to be **accepted in part**.
- 7.5.13 The amendment to replace ‘*urban growth*’ with ‘*urban development*’ is recommended to be accepted for the reasons expressed above, primarily to ensure alignment of terms used in the TPDP; also recommended to be accepted is the replacement of ‘*land use*’ with ‘*zone*’

given that is the more appropriate term as used in both SCHED-15 and the outcome of the associated plan change process. As above, it is recommended that the more specific references to the General Residential, General Rural or Rural Lifestyle zone are used with those amendments considered to be within the scope of the submissions or alternatively via clause 16(2).

7.5.14 Lastly, the application of **clause 3** requires improvement, which I recommend be undertaken under clause 16(2). The intent of clause 3 is that for development of an FDA to proceed it is to be in accordance with an approved plan change, where that plan change incorporates (as relevant) a DAP as prepared in accordance with FDA-P4.

- a. The verb 'submit' a plan change is considered inappropriate. *Submit* has the meaning of 'to present or give something for consideration, approval or judgement' but does not extend to authorisation. Only an approved plan change which amends the zoning associated with the FDA can authorise associated anticipated subdivision, use and development; and
- b. As discussed in the recommended changes to FDA-O2, a First Schedule process authorises the plan change and not the DAP. The Development Area Plan will inform the plan change and may contain a number of mechanisms (such as staging or a structure plan) that are introduced into the district plan as a Development Area<sup>62</sup> to manage subsequent subdivision, use and development.

### Conclusions and Recommendations

7.5.15 I recommend that Objective FDA-P2 be amended as follows. I have identified as **red text** those amendments directly attributable to the submitter(s) and in **green text** those amendments I have recommended either within the general scope of submissions seeking changes, or under cl16(2). I do not consider that these amendments amend the intent of the provision, more aid clarity of implementation.

Policies	
FDA-P2	Process to enable urban development and rural lifestyle development in the Future Development Area
Urban <b>development</b> <sup>63</sup> and rural lifestyle development within the Future Development Area overlay is required to:	
1. be undertaken in accordance with <b>the</b> <sup>64</sup> sequence set out in SCHED15 - Schedule of Future Development Areas in order to avoid adverse effects on urban consolidation; and	

<sup>62</sup> TPD Part 3 - Area Specific Matters / Development Areas

<sup>63</sup> Rosa Westgarth [227.8], J R Livestock Limited [241.10], Warren and Elizabeth Scott [128.10]

<sup>64</sup> Rosa Westgarth [227.8], J R Livestock Limited [241.10], Warren and Elizabeth Scott [128.10]

2. be developed in accordance with the anticipated General Residential Zone, General Industrial Zone, or Rural Lifestyle<sup>65</sup> zone<sup>66</sup> ~~land use~~ set out in SCHED15 - Schedule of Future Development Areas; and
3. be undertaken in accordance<sup>67</sup> with ~~submit a plan change that includes~~ a Development Area Plan prepared and implemented<sup>68</sup> in accordance with FDA-P4 as incorporated into the District Plan as part of the plan change process<sup>69</sup>.

7.5.16 The following decisions are recommended on submissions:

- J R Livestock Limited [241.10], Rosa Westgarth [227.8], Warren and Elizabeth Scott [128.10] and Jan Gibson [227.8] are **accepted in part** in that further amendments are recommended under cl16(2) to improve the application of the policy.
- White Water Properties Limited [248.8] is **rejected**.
- Alpine Energy Limited [55.14] are **accepted in part** as recommended amendments are considered necessary to improve clarity and application of the policy.

## 7.6 Future Development Area – Policy FDA–P3

7.6.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.15
Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie	33.3
Greenfield, McCutcheon, Tarrant, Sullivan and Ellery	34.2
Holly Renee Singline and RSM Trust Limited	27.5
J R Livestock Limited	241.11
Milward Finlay Lobb	60.30
Rosa Westgarth and Jan Gibson	227.9
Warren and Elizabeth Scott	128.11

<sup>65</sup> Clause 16(2) Recommended amendments

<sup>66</sup> Rosa Westgarth [227.8] J R Livestock Limited [241.10], Warren and Elizabeth Scott [128.10]

<sup>67</sup> Rosa Westgarth [227.8], J R Livestock Limited [241.10], Warren and Elizabeth Scott [128.10]

<sup>68</sup> Rosa Westgarth [227.8], J R Livestock Limited [241.10], Warren and Elizabeth Scott [128.10]

<sup>69</sup> Clause 16(2) Recommended amendments

### Submissions

- 7.6.2 Submitter Alpine Energy Limited [55.15] are in support of Policy FDA-P3 and have not specified relief.
- 7.6.3 Submitters Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.3], Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.2], Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited [27.5], and Milward Finlay Lobb [60.30] are in support of FDA – P3 and seek to retain FDA-P3 as notified.
- 7.6.4 JR Livestock [24.11] Rosa Westgarth and Jan Gibson [227.9], and Warren and Elizabeth Scott [128.11] seek to amend the FDA-P3 to provide better direction and clarity as to which party will initiate the plan change required to incorporate the Development Area Plan and anticipated zone into the TPDP. The submitter seeks to amend FDA-P3 as follows:

*Timaru District Council will prepare the Development Area Plans for the future development areas listed indicated as priority areas in SCHED15 - Future Development Area and identified on the Planning Maps.*

**Amend** to specify which party will initiate the plan change to incorporate the Development Area Plan and anticipated zone into the TPDP.

### Analysis

- 7.6.5 FDA-P3 is a further process policy that assigns the preparation of the DAPs identified as 'Priority Areas' in SCHED15 to the Timaru District Council.
- 7.6.6 I consider that there are issues associated with both:
- the efficiency of the Policy (that is at an estimated \$400,000 per preparation of a DAP it is considered that the cost will fall inequitably on the wider Timaru District, rather than those that would benefit from the DAP and subsequent plan change); and
  - the effectiveness of the policy (in that where the Timaru District Council does not prepare a DAP as sequenced by SCHED-15 this would prevent the ability to implement FDA-P2 and achieve FDA-O2).

There are however no submissions opposed to the Policy which would enable the deletion of the Policy (and instead rely on FDA-O2, FDA-P2(3) and FDA-P4 to activate and guide the process associated with forming the DAP as a part of a plan change); or would otherwise provide scope to suggest a more measured approach that would allow either the TDC or private party to initiate the DAP process.

- 7.6.7 I recommend that, that part of the submission from JR Livestock [241.11], Rosa Westgarth [227.9] and Jan Gibson, and Warren and Elizabeth Scott [128.11] seeking specification as to which party will initiate the subsequent plan change to incorporate the DAP and zone change into the District Plan be **rejected**.

- 7.6.8 The RMA and associated First Schedule process enable both Council led and privately requested plan change processes, furthermore First Schedule cl(25) provides a discretion to a local authority to adopt, accept or reject a plan change request.
- 7.6.9 For the reasons expressed above I consider that a policy provision stating that the TDC is to bear sole responsibility for facilitating a plan change would be inappropriate in achieving the objectives when considering<sup>70</sup> the efficiency (costs would fall inequitably and primarily on the Timaru community, with benefits primarily accrued by the property owners of greenfield land to be rezoned) and effectiveness (the outcome may not be achieved where reliance on the Council to facilitate a plan change is not funded in the LTP and / or prioritised). Furthermore, in terms of s74(2)(b), the Timaru Growth Management Strategy (to which regard is to be had) states:
- “A core approach in the provision of additional greenfield land will be acceptance of the principle that growth pays for growth”<sup>71</sup>.*
- 7.6.10 I recommend that, that part of the submission from Rosa Westgarth [227.9] and Jan Gibson, and Warren and Elizabeth Scott [128.11] seeking the deletion of reference to ‘indicated as priority areas’ also be **rejected**.
- 7.6.11 SCHED15 contains a column titled ‘Timeframe for DAP’ which contains either ‘Priority Areas’ or ‘Future Areas’. The deletion sought by these submitter(s) would have the consequence of broadening the responsibility (and cost) of the preparation of all the DAPs in the Schedule to the Timaru District Council. For the reasons above, as to efficiency and effectiveness, this is considered a less appropriate approach to achieving the objective.
- 7.6.12 The remaining aspect of the submission from JR Livestock [241.11], Rosa Westgarth [227.9] and Jan Gibson, and Warren and Elizabeth Scott [128.11] which improves the grammar (replacement of ‘indicated’ with ‘listed’ and reference to the identification of the FDAs on the Planning Maps is seen as improving clarity and is recommended to be **accepted**.

### Conclusions and Recommendations

- 7.6.13 I recommend that Objective FDA-P3 be amended as follows:

Policies	
FDA-P3	Prioritised Future Development Areas
Timaru District Council will prepare <u>the<sup>72</sup></u> Development Area Plans for the future development areas <u>listed <del>indicated</del><sup>73</sup></u> as priority areas in SCHED15 - Future Development Area <u>and as identified on the planning maps<sup>74</sup></u> .	

<sup>70</sup> S32(1)(b)(ii)

<sup>71</sup> GMS2018. E:2.3 Settlement Patterns and Urban Form. [page 47]

<sup>72</sup> JR Livestock [241.11] Rosa Westgarth and Jan Gibson [227.9], and Warren and Elizabeth Scott [128.11]

<sup>73</sup> JR Livestock [241.11] Rosa Westgarth and Jan Gibson [227.9], and Warren and Elizabeth Scott [128.11]

<sup>74</sup> JR Livestock [241.11] Rosa Westgarth and Jan Gibson [227.9], and Warren and Elizabeth Scott [128.11]

7.6.14 The following decisions are recommended on submissions:

- JR Livestock [241.11], Rosa Westgarth and Jan Gibson [227.9], and Warren and Elizabeth Scott [128.11] are **accepted in part** in that a number of the grammatical changes requested are recommended to FDA-P3.
- Alpine Energy Limited [55.15] are **accepted in part**.
- Submitters Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.3], Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.2], Holly Renee Singline and RSM Trust Limited [27.5], and Milward Finlay Lobb [60.30] are **accepted in part** as amendments have been made to the Policy but not changed the intent.

## 7.7 Further Development Area – Policy FDA–P4

7.7.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.16
Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie	33.4
Greenfield, McCutcheon, Tarrant, Sullivan and Ellery	34.3
Holly Renee Singline and RSM Trust Limited	27.6
Horticulture New Zealand	245.82
J R Livestock Limited	241.12
Milward Finlay Lobb	60.31
Ministry of Education	106.14
Rosa Westgarth and Jan Gibson	227.10
Waka Kotahi NZ Transport Agency	143.108
Warren and Elizabeth Scott	128.12



### Submissions

- 7.7.2 Alpine Energy Limited [55.16] seeks to ensure that Development Area Plans consider infrastructure capacity issues. The submitter seeks to include electricity distribution network capacity considerations within the policy wording. The requested relief is sought as follows:

*FDA-P4 Development Area Plans*

*Require Development Area Plans to provide for a comprehensive, coordinated and efficient development that addresses the following matters:*

*[...]*

5. *the future servicing and electricity distribution network capacity needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs, including water sensitive design to manage stormwater;*

*[...]*

- 7.7.3 Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.4], Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.3], Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited [27.6], and Milward Finlay Lobb [60.31] seek the requested relief as set out below to give better effect to FDA10;

*[...]*

- 13 *how good urban design principles have informed the design.;*

14. *that Development Area Plans be prepared and publicly notified by the Timaru District Council by plan change. This should include the Timaru District Council preparing and obtaining any necessary consents for additional infrastructure to enable the Future Development Area to be ready for future urban or lifestyle development.*

- 7.7.4 Horticulture New Zealand [245.82] seeks to amend FDA–P4 as follows:

1. ... *[...]*;

7. *the integration of the area with surrounding areas and the way any conflict between areas and reverse sensitivity is to be managed;*

*[...]*

- 7.7.5 J R Livestock Limited [241.12] seeks to amend FDA–P4 as set out below as it is considered that the policy as notified does not recognise the need for consultation with landowners whose sites are affected by the DAP. The submitter seeks to amend FDA – P4 as follows:

*[...]*

13. *how good urban design principles have informed the design.*

14. *The outcomes arising from consultation with the landowners of the site.*

- 7.7.6 The Ministry of Education [106.14] seeks to include specific provisions for educational facilities within the policy to give better effect to the NPS – UD, which requires councils to ensure there is sufficient infrastructure, including schools with respect to urban growth and development. The submitter seeks to amend FDA-P4 as follows:

[...]

13. *how good urban design principles have informed the design;*

14. the growth and development is supported by education facilities.

- 7.7.7 Rosa Westgarth and Jan Gibson [227.10] and Warren and Elizabeth Scott [128.12] consider that Policy FDA – P4 should recognise natural hazard risk associated with flooding caused or exacerbated by inadequate infrastructure beyond the site. The submitters also consider that the policy wording should recognise the need to consult with landowners whose sites are affected by the Development Area Plan. The submitters seek to amend FDA-P4 as follows:

[...]

4. the topography and natural and physical constraints of the site, and those constraints which lie beyond the site, but which may affect the site, including natural hazards and areas of contamination.

[...]

14. the outcomes arising from consultation with the landowners of the site.

- 7.7.8 Waka Kotahi NZ Transport Agency [143.108] seeks to amend FDA-P4 as set out below to correct a typo:

8. the provision of multi-~~an~~modal transport links (including active transport links) [...]

### **Analysis**

- 7.7.9 Multiple submissions have been received to FDA-P4.
- 7.7.10 The policy establishes directive matters to be considered as part of any DAP ‘to provide for a comprehensive, coordinated and efficient development’ and therefore support the associated plan change and process for rezoning to either an urban zone (General Residential or General Industrial) or Rural Lifestyle.
- 7.7.11 FDA-P4 as notified sets out 13 matters which are to be addressed in the preparation and provision of a DAP to ensure a comprehensive and robust assessment of resource management issues and infrastructure integration are accounted for as associated with the relevant FDA.
- 7.7.12 In general terms, the submissions are seeking additional criteria or matters to be considered. Any plan change is subject to the First Schedule process under the RMA including the evaluation of costs and benefits in accordance with s32. Policy FDA-P4 is therefore designed to clearly articulate the key matters which will need to form part of any DAP process. While these matters will form part of the s32 analysis, the policy does not have to contain a completely exhaustive list, as the First Schedule process (and in particular cl23, which makes provision for further information or reports to be requested) allows for further investigation of matters that may be pertinent to the merits of the proposed plan change.

- 7.7.13 The submission from Waka Kotahi NZ Transport Agency [143.108] is recommended to be **accepted**.
- 7.7.14 The submission from MOE [106.14] is recommended to be **accepted in part**. The specificity associated with an explicit clause solely associated with the consideration of ‘education facilities’ is unnecessary. Education facilities are defined broadly in the TPDP and extend to smaller scale childcare services (e.g early childhood centres) to larger schools and tertiary institutions. It is considered that this matter could be addressed within clause 12 which is tasked with furthering an inquiry as to the inclusion of complementary and compatible business activities to support the new community. The amendment would also be consistent with (and achieve and implement) the s42A recommendation<sup>75</sup> amendment associated with UFD-O1(i) as underlined with the Officer recommendations below:

*UFD-O1*

*A consolidated and integrated settlement pattern that:*

- i. efficiently accommodates future growth and capacity for commercial, industrial, community, educational and residential activities, primarily within the urban areas of the Timaru township, future development areas and the existing townships of Temuka, Geraldine, and Pleasant Point; ...*

- 7.7.15 The submission from Horticulture New Zealand [245.82] is recommended to be **accepted**. Clause 7 as drafted recognises the need to manage conflicts arising for zoning established under a DAP on existing areas but would be assisted through specific reference to the management of reverse sensitivity effects. A careful consideration of reverse sensitivity effects further requires the consideration of vulnerability of an established activity to complaint from those activities that would be pursued through the DAP (and subsequent plan change). The amendment would give effect to **CRPS Policy 5.3.2** which seeks (amongst other matters) to:

**5.3.2 Development conditions (Wider Region)**

*To enable development including regionally significant infrastructure which:*

*...*

*2. avoid or mitigate:*

- b. reverse sensitivity effects and conflicts between incompatible activities, ...;*

and achieves and implements **UFD-O1(10)** which seeks to ‘*minimise conflicts between incompatible activities...<sup>76</sup>*’.

- 7.7.16 The submission from Alpine Energy Limited [55.16] is recommended to be **rejected**. It is considered that the term ‘servicing’ and ‘infrastructure’ in clause 5 is sufficiently broad to

<sup>75</sup> S42A Strategic Directions. Willis [300, 301]

<sup>76</sup> S42A Strategic Directions. Willis. Appendix A Recommended changes to UFD-O1(10) are:  
 “10. controls the location of activities, primarily by zoning, to ~~minimise~~ manage conflicts between incompatible activities, including reverse sensitivity effects and avoid these where there may be significant adverse effects”.

- include consideration of electricity distribution capacity as relevant to the scale, type and likely yield associated with the FDA. It would also be considered less appropriate to explicitly list out or give the appearance of a hierarchy of servicing networks to be considered.
- 7.7.17 The submission(s) from Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.4], Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.3], Holly Renee Singline and RSM Trust Limited [27.6], and Milward Finlay Lobb [60.31] is recommended to be **rejected**. The relief seeks an additional clause that would require Timaru District Council to undertake both the preparation of the DAP and associated plan change, as well as obtain any necessary supporting consents to facilitate infrastructure associated with a DAP.
- 7.7.18 As identified above in relation to similar submissions related to FDA-P3, I consider that such a policy is not the most appropriate way to achieve the objectives. I consider that the amendment sought would not be efficient (costs would be unequal with benefits favouring landowners within greenfield FDAs) nor effective (unlikely to be a successful option to achieve the objective where the Council has not allocated funding / priorities to facilitate plan changes and supporting infrastructure consenting costs).
- 7.7.19 The notified approach has 'regard to' the principle identified in the GMS2018 that individuals or businesses that would benefit from growth and any associated supporting infrastructure are responsible for the associated costs, rather than these costs being borne by general ratepayers. This is consistent with the general approach in the RMA that enables Councils to impose conditions on resource consents (s108) to requiring the provision or upgrade of infrastructure required as a result of land development, and development contributions (LGA2002) to fund infrastructure associated with growth.
- 7.7.20 The submission(s) from J R Livestock Limited [241.12], and Rosa Westgarth and Jan Gibson [227.10] and Warren and Elizabeth Scott [128.12] seek an additional clause as incorporating outcomes from consultation with landowners. That submission is recommended to be **rejected**.
- 7.7.21 The clauses within FDA-P4 address matters contained within Part 2 and s31 of the Act, i.e. the natural and physical values associated with land development and the integration of supporting infrastructure and staging development.
- 7.7.22 Appropriate and good planning practice would be that the DAP is to be prepared having considered the outcomes of landowners consultation (and such would also assist in with a more efficient Schedule 1 process associated with submissions). However, the purpose of FDA-4 is to list the matters that the DAP must address in terms of providing for '*comprehensive, coordinated and efficient development*'.
- 7.7.23 This is not to state that such values are not important in the preparation of the DAP. However, consultation or engagement per se are not of themselves a resource management issue or matter such as outlined in clauses (1) to (13). The matters listed in FDA-P4 require resolution through plan provisions (objectives, policies, rules, structure plan / ODP) as established through a Development Area Plan to be embedded in the district plan.

- 7.7.24 Were the Hearings Panel to disagree with my recommendation, I would suggest that a clause that requires ‘regard to be had’, meaning genuine attention shown, to landowner consultation is inserted as a relevant clause as follows but as associated with the resource management issues outlined in clauses (1) to (13):

*FDA-P3: Require Development Area Plans to provide for a comprehensive, coordinated and efficient development that addresses the following matters:*

14. any measures to address the matters identified in clauses (1) to (13) having regard to consultation with the landowners of the Development Area Plan.

- 7.7.25 The submissions from Rosa Westgarth and Jan Gibson [227.10] and Warren and Elizabeth Scott [128.12] which seeks amendments to clause (4) to address off-site constraints which may affect the DAP site is recommended to be **rejected**.
- 7.7.26 The amendment sought is both uncertain in terms of application and considered to be unnecessary.
- 7.7.27 The implication of the request is that the DAP preparation would need to consider whether, and the extent to which, off-site infrastructure or off-site land management may otherwise constrain development yields within the FDA under consideration within the DAP preparation, and / or whether off-site established land uses and associated infrastructure should be addressed through the DAP process.
- 7.7.28 The submission explicitly identifies the extent to which the proposed clause would address ‘natural hazard risk associated with flooding [as] caused or exacerbated by inadequate or insufficient infrastructure beyond the site’. These matters extend well beyond preparation of a DAP and would consequently lead to debate as to seeking measures, costs and infrastructure beyond the DAP site. The amendments are not considered to be the more appropriate to achieve the objectives.

### **Conclusions and Recommendations**

- 7.7.29 I recommend that FDA-P5 be amended as follows, with amendments in red as drawn from submitter amendments, and text in green to improve clarity as associated with those amendments (either as consequential amendments or pursuant to cl(16(2))).

Policies	
FDA-P4	Development Area Plans
Require Development Area Plans to provide for a comprehensive, coordinated and efficient development that addresses the following matters:	
1. the ability to manage ...	
6. whether staging is appropriate to ensure development occurs logically;	
7. the integration of the area with surrounding areas and the way any conflict between areas <b>and reverse</b>	

- sensitivity<sup>77</sup> effects ~~is~~ are<sup>78</sup> to be managed;
8. the provision of multi-modal<sup>79</sup> transport links (including active transport links) and connected transport networks that allow ease of movement to, from and within the area;
  9. the provision and integration of accessible open space networks, parks and esplanade strips;
  10. the potential impact of development on any cultural, ...
  12. opportunities for the provision of business and retail activities, and educational facilities<sup>80</sup> that are compatible and complimentary to the planned growth and will serve the needs of the new community;
  13. how good urban design principles have informed the design.

7.7.30 The following decisions are recommended on submissions:

- The submission(s) from Waka Kotahi NZ Transport Agency [143.108] and Horticulture New Zealand [245.82] are recommended to be **accepted**.
- The submission from MOE [106.14] is recommended to be **accepted in part**.
- The submission(s) from Alpine Energy Limited [55.16], from Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.4], Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.3], Holly Renee Singline and RSM Trust Limited [27.6], and Milward Finlay Lobb [60.31], J R Livestock Limited [241.12], and Rosa Westgarth and Jan Gibson [227.10] and Warren and Elizabeth Scott [128.12] are recommended to be **rejected**

## 7.8 Future Development Area – Policy FDA-P5

7.8.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.17
Horticulture New Zealand	245.83
J R Livestock Limited	241.13
Ministry of Education	106.15
Rosa Westgarth and Jan Gibson	227.11
Timaru District Council	42.44
Warren and Elizabeth Scott	128.13

<sup>77</sup> Horticulture New Zealand [245.82]

<sup>78</sup> Clause 16(2) Recommended amendments

<sup>79</sup> NZTA [143.108]

<sup>80</sup> MoE [106.14]

### Submissions

7.8.2 Submitters J R Livestock Limited [241.13], Ministry of Education [106.15], Rosa Westgarth and Jan Gibson [227.11], and Warren and Elizabeth Scott [128.13] are in support of the policy and seek that FDA–P5 be retained as notified.

7.8.3 Alpine Energy Limited [55.17] seek to include a requirement in policy FDA – P5 that requires developments to provide evidence that lifeline utilities and investments will not be undermined. The requested relief for FDA–P5 is sought as follows:

*Avoid unanticipated urban development outside the Future Development Area Overlay and out of sequence development within the Development Area Overlay unless: [...]*

2. *there is robust evidence that demonstrates that the development contributes to a well-functioning urban environment in that: [...]*

*m. the development can be serviced without undermining committed infrastructure investments made by local authorities, lifeline utility providers or central government (including Waka Kotahi NZ Transport Agency); [...]*

7.8.4 Horticulture New Zealand [245.83] seeks to amend policy FDA–P5 to include reference to reverse sensitivity and productive land. The submitter seeks to amend FDA-P5 as follows:

1. ....

2. *there is robust evidence that demonstrates that the development contributes to a well-functioning urban environment in that:*

*a. .... [...]*

*o. there is compatibility of any proposed land use with adjacent land uses including planned land uses and reverse sensitivity on existing or permitted primary production is avoided;*

*p. the development avoids areas identified as having significant natural or cultural values, or that is subject to significant natural hazards;*

*q. the plan change includes a comprehensive Development Area Plan prepared in accordance with FDA-P4;*

*r. Avoids highly productive land; and [...]*

7.8.5 Timaru District Council (as submitter) [42.44] considers the policy as currently drafted does not fully reflect policy directives noted elsewhere in the TPDP. In particular subdivision, development and urban growth must be coordinated with the planning and delivery of infrastructure to ensure that future land use and infrastructure are aligned. The submitter seeks the requested relief as follows;

*[...]*

2. *there is robust evidence that demonstrates that the development contributes to a well-functioning urban environment in that: [...]*

*m. the development can be serviced without undermining infrastructure development programmes and / or policies of, or committed infrastructure investments made by, local authorities or central government (including Waka Kotahi NZ Transport Agency); [...]*

## Analysis

7.8.6 FDA-P5 gives effect to Policy 8 of the NPS-UD and is focused on responsive planning and the application of criteria to govern increased land-use flexibility affecting urban environments (zones). The FDA-P5 requirement is that proposals for urban rezoning are otherwise ‘avoided’ where these would not be supported by adequate development infrastructure and / or contribute to well-functioning urban environments.

7.8.7 It is considered that the Policy FDA-P5 clauses are multi-faceted and duplicate a number of considerations already present in the Strategic Direction and Urban Form and Development objectives which any plan change would be considered against as is identified in the Introduction to the FDA Chapter:

*Relationship with other Chapters*

...

*The Strategic Directions chapter provides objectives that relate to urban form and development capacity that are relevant to future urban growth.*

7.8.8 The ability to refine the list of matters is not within scope of submissions as there are no submissions seeking opposition or refinement to FDA-P5. I also note that based on the evidence of Mr Heath, that engagement with FDA-P5(1) to support ‘significant development capacity’ would likely conflict with the extent of sufficient development capacity already zoned (or identified as an FDA) and the requirements of UFD-O1 for a ‘consolidated and integrated settlement pattern’, and therefore also conflict with FDA-P5(2)(g) which states:

*(2) there is robust evidence that demonstrates that the development contributes to a well-functioning urban environment in that:*

*(g) it will not affect the feasibility, affordability and deliverability of planned growth within existing zoned areas, development area plans or the future development area overlay;*

7.8.9 I also recommend a Clause 16(2) amendment FDA-P5 as below to confirm that the policy refers to out of sequence development within the Future Development Area Overlay. There is no sequencing of development associated with the four identified Development Areas (DEV1 – DEV4). FDA-P5 is aimed at confirming the conditions and criteria for assessing either:

- Significant development capacity proposals that are not identified as notated FDAs in the TPDP; and
- Significant development capacity within identified FDAs where these would be out of sequence (as established through SCHED-15).

7.8.10 The amendment (in green text) is below.

***FDA-P5: Unanticipated and out of sequence urban development***

*Avoid unanticipated urban development outside the Future Development Area Overlay and out of sequence development within the Future Development Area Overlay unless:..*

7.8.11 The amendment is considered necessary to provide clarity and avoid the policy vacuum by which to otherwise consider out-of-sequence FDA development.



- 7.8.12 The submissions from Submitters J R Livestock Limited [241.13], Ministry of Education [106.15], Rosa Westgarth and Jan Gibson [227.11], and Warren and Elizabeth Scott [128.13] which support the policy in full are **accepted in part**, in that I have recommended text changes in relation to other amending proposals.
- 7.8.13 The submission from Alpine Energy Limited [55.17] seeks to broaden the consideration of infrastructure networks and investment beyond just those associated with local authorities or central government. The submission is recommended to be **accepted**.
- 7.8.14 The TPDP definition of lifeline utilities is extensive, with not all networks or utilities listed being facilitated or operated by the Timaru District Council or Central Government. The amendment is considered the more appropriate in terms of achieving and implementing both SD-O8 which requires that the benefits of ‘lifeline utilities’ (as defined) are to be recognised and enabled, and EI-O1 and EI-O2 which require lifeline utilities are aligned and integrated with the timing and location of urban development, and not constrained or compromised by subdivision, land use and development.
- 7.8.15 The submission from Horticulture New Zealand [245.83] is recommended to be **accepted in part**.
- 7.8.16 That part of the amending proposal seeking the addition of a new clause (2)(r) ‘*avoidance of highly productive land*’ is recommended to be **rejected**; the request is overly directive and does not give effect to the nuance provided in the NPS-HPL relating to urban rezoning (Policy 5) as below:
- Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement. (emphasis added)*
- The stated exemption ‘*except as provided in this National Policy Statement*’ being subject to clause 3.6 of the NPS-HPL. Furthermore, such a criterion would not contribute to a ‘*well-functioning urban environment*’ as linked to the requirement for clause (2), with the remaining criteria in policy FDA-P5(2) originating from the relevant provisions of the NPS-UD.
- 7.8.17 In the absence of the proposed amendment, a plan change request would still need to be considered against the NPS-HPL<sup>81</sup>, and to achieve and implement UFD-O1(7) to ‘*minimise the loss of highly productive land*’.
- 7.8.18 The amendments sought to clause (2)(o) to reference reverse sensitivity effects are recommended to be **accepted in part**. The clause can be improved through direct reference to reverse sensitivity effects.
- 7.8.19 However, I consider that the process and transition of urbanisation into a rural zone would not necessarily preclude all incompatibilities with established primary production, especially where residual productive activities occur within the area subject to the rezoning request;

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<sup>81</sup> S75(3)(a)

nor would all existing or permitted primary production be considered to be of such significance (due to their scale and intensity) that effects on productive operations should be sought to be avoided in all instances.

- 7.8.20 Such an outcome could foreclose all urban rezoning opportunities. I consider that a more appropriate approach would be through an inherent hierarchy, based on ensuring that compatibility of activities is to be achieved, with potential reverse sensitivity effects at the urban interface to be appropriately managed. I consider that the term ‘managed’ allows for a range of options from direct avoidance, to controls on the location and proximity of sensitive activities to primary production activities.
- 7.8.21 I also note that the use of the term ‘management’ is consistent with the recommendation made by Mr Willis to SD-O9(iii)<sup>82</sup> that the adverse effects, including reverse sensitivity effects of a new sensitive activity on primary production are to be ‘managed’.
- 7.8.22 The recommended amendments (in red (submitter) and green (consequential amendment within scope) text) are below.

***FDA-P5: Unanticipated and out of sequence urban development***

*Avoid unanticipated urban development ... unless:..*

2. *there is robust evidence that demonstrates that the development contributes to a well-functioning urban environment in that:*
  - (o) *there is compatibility of any proposed land use with adjacent land uses including planned land uses, with reverse sensitivity effects at the urban / rural interface appropriately managed.*

- 7.8.23 The submission from the Timaru District Council [42.44] is recommended to be **accepted in part**.
- 7.8.24 The inclusion of a specific criteria to consider implications on established funding decisions and infrastructure planning with land use is the more appropriate. The amending proposal would: give effect to the **NPS-UD Objective 6** which requires decisions on urban development are integrated with infrastructure planning and funding and strategic over the medium and long term; and achieve **UFD-O1(ii)** which requires a consolidated and integrated settlement pattern that *‘is integrated with the efficient use of infrastructure’*. However, greater specificity is required in referencing the local authority Long Term Plan and Infrastructure Strategy as consistent with a consideration of development capacity being infrastructure ready in clause 3.4(3) of the NPS-UD.

- 7.8.25 The amendment recommended (as incorporating the submission of Alpine Energy [55.17] is:

***FDA-P5: Unanticipated and out of sequence urban development***

*Avoid unanticipated urban development ... unless:..*

2. *there is robust evidence that demonstrates that the development contributes to a well-functioning urban environment in that:*

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<sup>82</sup> S42A Strategic Directions. [3.13.4]

- m. the development can be serviced without undermining infrastructure development programmes (as identified in the Long Term Plan, or the local authority's Infrastructure Strategy) and/or policies of, or committed infrastructure investments made by, local authorities, lifeline utility providers or central government (including Waka Kotahi NZ Transport Agency);

### Conclusions and Recommendations

- 7.8.26 I recommend that FDA-P5 be amended as follows, with amendments in red drawn from submitter amendments, and text in green to improve clarity (either as consequential amendments or pursuant to cl(16(2))).

Policies	
FDA-P5	Unanticipated and out of sequence urban development
<p>Avoid unanticipated urban development outside the Future Development Area Overlay and out of sequence development within the <u>Future</u><sup>83</sup> Development Area Overlay unless:</p> <ol style="list-style-type: none"> <li>1. significant development capacity is provided having regard to: <ol style="list-style-type: none"> <li>a. the zoning, objectives, policies, rules and overlays that apply in the relevant proposed or operative RMA planning documents; and</li> <li>b. provision of adequate development infrastructure to support the development of the land for housing or business use; and</li> </ol> </li> <li>2. there is robust evidence that demonstrates that the development contributes to a well-functioning urban environment in that: <ol style="list-style-type: none"> <li>a. for residential development, <p>...</p> </li> <li>l. the development does not compromise the efficiency, affordability or benefits of existing and/or proposed infrastructure in the district;</li> <li>m. the development can be serviced without undermining <u>infrastructure development programmes</u><sup>84</sup> (as identified in the Long Term Plan, or the local authority's Infrastructure Strategy)<sup>85</sup> <u>and/or policies of, or</u> committed infrastructure investments made by local authorities, <u>lifeline utility providers</u><sup>86</sup>, or central government (including Waka Kotahi NZ Transport Agency);</li> <li>n. the development demonstrates efficient use of local authority and central government financial resources, including prudent local authority debt management, demonstrating the extent to which cost neutrality for public finances can be achieved;</li> <li>o. there is compatibility of any proposed land use with adjacent land uses including planned land uses, <u>with reverse sensitivity</u><sup>87</sup> <u>effects at the urban / rural interface appropriately managed</u><sup>88</sup>;</li> <li>p. the....</li> </ol> </li> </ol>	

- 7.8.27 The following decisions are recommended on submissions:

- The submissions from J R Livestock Limited [241.13], Ministry of Education [106.15], Rosa Westgarth and Jan Gibson [227.11], and Warren and Elizabeth Scott [128.13],

<sup>83</sup> Cl16(2) Amendment

<sup>84</sup> TDC [42.44]

<sup>85</sup> Consequential amendment - TDC [42.44]

<sup>86</sup> Alpine Energy Ltd [55.17]

<sup>87</sup> Horticulture NZ [245.83]

<sup>88</sup> Consequential amendment - Horticulture NZ [245.83]

Horticulture New Zealand [245.83], Timaru District Council [42.44] are **accepted in part**.

- The submission from Alpine Energy Limited [55.17] is **accepted**.

## 7.9 Future Development Area – Policy FDA-P6

7.9.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Horticulture New Zealand	245.84
Timaru District Council	42.45

### Submissions

7.9.2 Horticulture New Zealand [245.84] seek to amend policy FDA-P6 to ensure that highly productive land should be avoided with respect to out of sequence lifestyle developments. The submitter seeks to amend FDA-P6 as follows:

***FDA-P6 Unanticipated and out of sequence rural lifestyle development***

*Avoid unanticipated and out of sequence rural lifestyle development unless:*

1. [...]

9. It avoids highly productive land.

7.9.3 Timaru District Council (as submitter) [42.45] considers the policy as currently drafted does not fully reflect policy directives noted elsewhere in the TPDP. In particular subdivision, development and urban growth must be coordinated with the planning and delivery of infrastructure to ensure that future land use and infrastructure are aligned.

The submitter seeks to amend policy FDA-P6 as follows:

[...]

6. It can be demonstrated that the development can be serviced without undermining infrastructure development programmes and / or policies of, or committed infrastructure investments made by local authorities, entities established under Three waters legislation, or central government (including Waka Kotahi NZ Transport Agency) [...]

### Analysis

7.9.4 The purpose of the policy is to provide for direction and the application of a set of conjunctive criteria to govern plan change requests for additional Rural Lifestyle zones.

7.9.5 At the outset I consider that the purpose of the RMA would be better served with FDA-P6 deleted. Whilst Policy 8 of the NPS-UD provides for responsive plan changes associated with the provision of urban environments as has been given effect to by Policy FDA-P5 above, I

am unaware of the National Instrument or Regional Policy Statement provision that provides the foundation for this policy.

7.9.6 Submissions seeking amendments are narrowly focused to specific matters, as detailed below. It is considered that there several matters in the notified provision that should be amended to improve clarity and accurately reflect statutory requirements

7.9.7 In the absence of submissions opposing the clause, or seeking substantial amendments, recommendations focused on improving clarity are raised under the umbrella of CI16(2) amendments. As such I have recommended the following, as subject to consideration by submitters in evidence and the Hearings Panel.

a. FDA-P6: States:

*'Avoid unanticipated and out of sequence rural lifestyle development unless:'*...

The provision is recommended to be amended to improve clarity as to application to the Future Development Area overlay as below.

FDA-P6     Avoid unanticipated ~~and out of sequence~~ rural lifestyle development outside the Future Development Area Overlay and out of sequence rural lifestyle development within the Future Development Area Overlay unless:...

b. FDA-P6.1 and FDA-P6.2 states:

- "1.     a Plan Change application to rezone the land is made and is lodged after July 2027; and
2.     the plan change includes a comprehensive Development Area Plan prepared in accordance with FDA-P4; and"

As drafted the policy could be interpreted as providing for unanticipated Rural Lifestyle development where not authorised by subsequent plan change to incorporate the DAP within the district plan. The following amendments (and to ensure consistency with the amendments recommended in FDA-O2) are recommended.

- "1.     a ~~Plan~~ Change application to rezone the land is made and is lodged after July 2027; and
2.     rural lifestyle development is undertaken in accordance with ~~the plan change includes a~~ comprehensive Development Area Plan prepared and implemented in accordance with FDA-P4 as incorporated into the District Plan as part of the plan change; and..."

c. FDA-6.3: States:

- "3.     at least 60% of the Rural lifestyle zoned land has been developed within the applicable settlement".

The statutory foundation, application and clarity as associated with FDA-6.3 is unclear.

It is understood that the intent of the policy clause is to provide a threshold criterion for consideration of a plan change request for unanticipated and out of sequence Rural lifestyle zoned land (in addition to that identified in the FDA) where a minimum 60% of the zoned and identified Rural Lifestyle capacity in the associated urban area (Timaru, Temuka, Pleasant Point, and Geraldine towns) had been developed.

I consider there are issues with:

- the evidential basis of a 60% threshold for encouraging additional rural lifestyle zone requests regardless of the extent of sufficient household development capacity in the associated urban area, and thereby achieving CRPS and TPDP provisions associated with consolidated and coordinated settlement patterns; and
- what is meant by ‘developed’ as this does not relate to the extent to whether such development is both efficient and intensive, given the spectrum of density between 5,000m<sup>2</sup> (as serviced) and 2ha (as unreticulated with wastewater).
- the clause does not account for where SCHED15 and the FDA Overly identifies an opportunity for Rural Lifestyle which has yet progressed through a DAP process and embedded in the district plan.

FDA-P6.3: *at least 60% of ~~the existing~~ Rural lifestyle zoned land has been efficiently and intensively developed within the applicable settlement.*

d. FDA-P6. 4: states:

*“the development will comply with the Objectives set out in the Strategic Direction Chapter”.*

The term ‘comply’ is not the correct term to use with reference to the objectives; nor is this clause necessary, as achieving<sup>89</sup> and implementing<sup>90</sup> the objectives of the District Plan is a statutory requirement for consideration against any plan change request<sup>91</sup>. It is recommended that the clause be deleted altogether; or alternatively that the correct phrasing used in the RMA replaces the term ‘comply’, as below:

*“the development enabled by the plan change will ~~comply with~~ achieve and implement the Objectives set out in the Strategic Direction Chapter”.*

e. FDA-6.5: states:

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<sup>89</sup> S32(b),

<sup>90</sup> S71(b) and (c)

<sup>91</sup> Noting that the Interpretation Section of Strategic Directions states:

*‘For plan development, including plan changes, the objectives in the Strategic Directions and Urban Form and Development chapters provide direction for the development of the more detailed provisions contained elsewhere in the District Plan in relation to strategic issues’.*

*“the development will comply with the Canterbury Regional Policy Statement”.*

As above, and for the same reasons it is recommended that this provision be deleted. The correct statutory application is the plan change would ‘give effect<sup>92</sup>’ to the Canterbury Regional Policy Statement.

- 7.9.8 The submission from Horticulture New Zealand [245.84] seeks an additional clause requiring the ‘avoidance’ of highly productive land. I have considered this matter in terms of the Hort NZ request for the same phrase to be inserted within FDA-P5. For the same reasons (that such a directive statement does not account for the more nuanced requirements of the NPS-HPL (in this instance Policy 6), requirements of the NPS-HPL to be ‘given effect to’ within any consideration of a rezoning request<sup>93</sup>), I recommend that the submission be **rejected**.
- 7.9.9 The submission from TDC as submitter [42.45] seeking amendments to FDA-P6.6 as to integration with infrastructure that will not compromise strategic infrastructure funding programmes is recommended to be **accepted**. The reasons for the recommendation are the same as for the request for the same inclusion within PDA-P5 (including referencing the local authority Long Term Plan and Infrastructure Strategy).
- 7.9.10 The amended recommendation is:

***FDA-P6 Unanticipated and out of sequence rural lifestyle development***

*Avoid unanticipated and out of sequence rural lifestyle development unless:*

6. *it can be demonstrated that the development can be serviced without undermining infrastructure development programmes (as introduced in the Long Term Plan, or the local authority’s Infrastructure Strategy) and/or policies of, or committed infrastructure investments made by local authorities or central government (including Waka Kotahi NZ Transport Agency); and*

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<sup>92</sup> S75(3)(c)

<sup>93</sup> S75(3(a)

## Conclusions and Recommendations

- 7.9.11 I recommend that FDA-P6 be amended as follows, with amendments in red as drawn from submitter amendments, and text in green to improve clarity as associated with those amendments (either as consequential amendments or pursuant to cl(16(2))).

Policies	
FDA-P6	Unanticipated and out of sequence rural lifestyle development
<p>Avoid unanticipated <del>and out of sequence</del> rural lifestyle development <u>outside the Future Development Area Overlay and out of sequence rural lifestyle development within the Future Development Area Overlay<sup>94</sup></u> unless</p> <ol style="list-style-type: none"> <li>1. a <del>Plan Change</del> application to rezone the land is made and is lodged after July 2027; and</li> <li>2. <u>rural lifestyle development is undertaken in accordance with the plan change includes</u> a comprehensive Development Area Plan <u>prepared and implemented</u> in accordance with FDA-P4 <u>as incorporated into the District Plan as part of the plan change<sup>95</sup></u>; and</li> <li>3. at least 60% of <del>the existing</del> Rural lifestyle zoned land has been <u>efficiently and intensively<sup>96</sup></u> developed within the applicable settlement; and</li> <li>4. <del>the development will comply with the Objectives set out in the Strategic Direction Chapter; and<sup>97</sup></del></li> <li>5. <del>the development will comply with the Canterbury Regional Policy Statement; and<sup>98</sup></del></li> <li>6. it can be demonstrated that the development can be serviced without undermining <u>infrastructure development programmes<sup>99</sup></u> (as identified in the Long Term Plan, or the local authority's Infrastructure Strategy)<sup>100</sup> <u>and/or policies of, or<sup>101</sup></u> committed infrastructure investments made by local authorities or central government (including Waka Kotahi NZ Transport Agency); and</li> <li>7. it can be demonstrated that the compatibility of any proposed land use with adjacent land uses including planned land uses and the land is not located within 500m of an intensive primary production activity or an established quarry; and</li> <li>8. it will avoid areas of high natural or cultural values and significance.</li> </ol>	

- 7.9.12 The following decisions are recommended on submissions:

- The submissions Horticulture New Zealand [245.84] is **rejected**.
- The submission from TDC [42.45] is **accepted in part**.

## 7.10 Section 32AA Evaluation FDA Objectives and Policies

### Effectiveness and Efficiency

- 7.10.1 Overall, it is considered that the suite of objectives and policies for the FDA set out an appropriate framework. The approach seeks to manage activities within notated FDAs to ensure that future urbanisation options are not compromised. Future urbanisation or Rural Lifestyle activities in FDAs are to be appropriately sequenced and assessed pursuant to

<sup>94</sup> Cl16(2) Amendment

<sup>95</sup> Cl16(2) Amendment

<sup>96</sup> Cl16(2) Amendment

<sup>97</sup> Cl16(2) Amendment

<sup>98</sup> Cl16(2) Amendment

<sup>99</sup> TDC [42.45]

<sup>100</sup> Consequential amendment - TDC [42.45]

<sup>101</sup> TDC [42.45]



SCHED15 and requirements in an associated DAP prior to consideration and inclusion in the district plan. The provisions also include clear criteria to provide evaluation for responsive planning (for urban and rural lifestyle zoning) opportunities should these be necessary.

- 7.10.2 The changes and amendments recommended above provide fine tuning of the policy directives, and these are considered to provide clarity around the scope and intent of the provisions. This will provide for greater effectiveness and efficiency in the implementation of the TPDP.

***Costs / Benefits***

- 7.10.3 It is considered that there are no additional costs in terms of the amendments proposed as these are designed to improve the clarity and effectiveness of the policy directives.
- 7.10.4 The benefits (and where the costs fall) associated by the FDA provisions are more certain for landowners, plan users and the Timaru District community in terms of the nature of activities which may be established, and the process for urbanisation (or establishing a Rural Lifestyle zone through the FDA process).

***Risk of acting or not acting***

- 7.10.5 The risk of not acting is that future urbanisations options may be foreclosed or compromised by inappropriate development and land uses within the FDA; and that there is not a clear or certain process guiding the sequencing of specific FDAs, the detail to be considered within Development Area Plans, and introduction into the District Plan by way of plan change.

***Decision about most appropriate option***

- 7.10.6 In accordance with the s32 report, it is considered that the FDA and associated objectives and policies with changes recommended above are the most appropriate option to identify and protect land for future urbanisation.

## 8. Key Issue 2 - Specific Activities within the Future Development Area

### 8.1 Future Development Area – Rule FDA–R1

- 8.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
J R Livestock Limited	241.14
Rosa Westgarth and Jan Gibson	227.12
Warren and Elizabeth Scott	128.14

#### *Submissions*

- 8.1.2 There are no submissions that oppose FDA-R1.
- 8.1.3 Submitters J R Livestock Limited [241.14], Rosa Westgarth and Jan Gibson [227.12], and Warren and Elizabeth Scott [128.14] are in support of rule FDA–R1 and seek to retain as notified.

#### *Analysis*

- 8.1.4 There are no amendments sought to FDA-R1.

#### *Conclusions and Recommendations*

- 8.1.5 Retain Rule FDA-R1 as notified.
- 8.1.6 The following decisions are recommended on submissions:
- Submitters J R Livestock Limited [241.14], Rosa Westgarth and Jan Gibson [227.12], and Warren and Elizabeth Scott [128.14] are **accepted**.

### 8.2 Future Development Area – FDA–R2

- 8.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
J R Livestock Limited	241.15
Rosa Westgarth and Jan Gibson	227.13
Warren and Elizabeth Scott	128.15

**Submissions**

8.2.2 There are no submissions that oppose FDA-R2.

8.2.3 J R Livestock Limited [241.15], Rosa Westgarth and Jan Gibson [227.13], and Warren and Elizabeth Scott [128.15] are in support of rule FDA–R2 and seek to retain as notified.

**Analysis**

8.2.4 There are no amendments sought to FDA-R2

**Conclusions and Recommendations**

8.2.5 Retain rule FDA–R2 as notified.

8.2.6 The following decisions are recommended on submissions:

- Submitters J R Livestock Limited [241.15], Rosa Westgarth and Jan Gibson [227.13], and Warren and Elizabeth Scott [128.15] are **accepted**.

**8.3 Future Development Area – FDA–R7**

8.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Holly Renee Singline and RSM Trust Limited	27.7, 27.8
Milward Finlay Lobb	60.32, 60.33

**Submissions**

8.3.2 Holly Renee Singline and RSM Trust Limited [27.7, 27.8], and Milward Finlay Lobb [60.32, 60.33] consider the non-complying activity status for more than one residential unit per site is too restrictive. The submitters seek to amend FDA–R7 as follows:

*FDA-R7 ~~More than one residential unit per site~~, retirement villages or permanent workers*

*Accommodation*

*Activity status: Non-complying*

*And add a new rule [FDA-R16] which provides for a minor residential unit with a maximum gross floor area of 80m<sup>2</sup> as a Discretionary Activity*

### Analysis

- 8.3.3 The strategic intent of the FDA overlay is to identify and safeguard areas on the urban fringe for further urbanisation, and the FDA provisions (Inclusive of FDA-R7) propose rules to effectively retain low density and rural land use activities in the interim.
- 8.3.4 A non-complying activity status on additional residential units per site as contained in FDA-R7 is consistent with both: GRUZ-R4 which precludes as a non-complying activity the establishment of additional residential units exceeding one residential unit / 40ha; and SUB-R3 / SUB-S1(3) which seeks a minimum net allotment size of 40ha within the General Rural Zone. It is noted, especially in relation to the Scheduled Rural Lifestyle FDAs in SCHED-15 that existing allotments would be less than 40ha. This aspect of the submissions [27.7 and 60.32] is recommended to be **rejected**.
- 8.3.5 The submissions [27.8 and 60.33] seeking the provision of minor residential units as a discretionary activity is also recommended to be **rejected**. As identified above, the purpose of the FDA is to retain a rural environment with predominantly rural activities until such a time as a plan change is undertaken to implement a DAP. The establishment of additional permanent residential structures could further undermine the ability to comprehensively integrate land holdings to promote integrated urbanisation (urban zones) or Rural Lifestyle (zone) opportunities. The TPDP approach is considered more appropriate in terms of achieving Objectives **FDA-O1** and **FDA-O2**.
- 8.3.6 Should the Panel disagree, I consider that a discretionary Activity status subject to criteria (the minor residential unit is to be relocatable, shared access with the principal residential unit, and is within 15m of the principle residential unit) would be less effective in achieving the objectives but provide greater efficiency in terms of the costs and benefits of the regulation). Scope for the provision is provided between the notified TPDP (minor residential units as a non-complying activity) and the submissions (minor residential units as a discretionary activity). The provision could be framed as below:

<u>FDA-RX</u>	<u>Minor Residential Unit</u>	
<u>Future Development Area</u>	<u>Activity status: Discretionary</u>	<u>Activity status where Non-complying</u>
	<u>Where</u>	
	<u>DIS-1</u>	
	<u>There is a maximum of one minor residential unit</u>	

	<u>per site.</u>
	<b><u>DIS-2</u></b> <u>The minor residential unit has a maximum gross floor area of 80m<sup>2</sup> and is relocatable.</u>
	<b><u>DIS-3</u></b> <u>Access to the minor residential unit, including any car parking area provided for the minor residential unit, is from the same access as the principal residential unit.</u>
	<b><u>DIS-4</u></b> <u>The minor residential unit is located no greater than 15m from the principal residential unit; and</u>
	<b><u>DIS-5</u></b> <u>GRUZ S1, GRUZ-S2, GRUZ-S3 and GRUZ-S4 are complied with.</u>

### Conclusions and Recommendations

8.3.7 Retain Rule FDA-R7 as notified.

8.3.8 The following decisions are recommended on submissions:

- The submissions from Holly Renee Singline and RSM Trust Limited [27.7, 27.8], and Milward Finlay Lobb [60.32, 60.33] are **rejected**.

## 8.4 Future Development Area – Rule FDA–R10

8.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Bruce Speirs	66.30
White Water Properties Limited	248.9

### Submissions

8.4.2 Rule FDA-R10 'Subdivision resulting in an allotment less than 40ha' deems subdivision of allotments within an FDA overlay below 40ha as a non-complying activity.

8.4.3 Bruce Speirs [66.30] is concerned that the rule is too restrictive given there are many sites within Future Development Areas that are below the required 40ha allotment size. They seek to delete FDA–R10 in its entirety.

8.4.4 White Water Properties Limited [248.9] consider the non-complying activity status for sites that do not comply with the required 40ha allotment size is unjustified and unreasonable, rendering the land incapable of reasonable use. The submitter seeks the following relief:

- The activity status of FDA-R10 to be changed from non-complying to restricted discretionary, where sites do not meet the required 40ha; and
- Focus the matters of discretion on the effects of subdivision and how it reflects and implements FDA-P13; and / or
- Other alternative or additional relief as may be appropriate to give effect to the intent of this submission.

### Analysis

8.4.5 The *Note* to the Rules states:

*The General Rural Zone rules apply to activities within the Future Development Area Overlay but are modified by the rules of the chapter. In the instance of any conflict between the two chapters, the provisions of this chapter takes precedence.*

8.4.6 As identified above in relation to submissions to FDA-R7, there is alignment between the density (residential density and subdivision) standards in the GRUZ and the application of the FDA overlay and associated provisions as being deemed a non-complying activity below the density of 40ha.

8.4.7 As the purpose of the FDA is to preclude further site fragmentation so as to facilitate future comprehensive urbanisation, deletion of the rule (which would revert to SUB-R3 / SUB-S1(3) regardless) or an amendment in status to a restricted discretionary activity would be neither effective nor efficient in terms of achieving Objective FDA-O1 and FDA-O2. The submissions are recommended to be **rejected**.

8.4.8 The above discussions prompts a cl16(2) amendment for the Panel to consider as arising from the interrelationship between Chapters in the TPDP and consistent terminology in the plan. This matter was raised with the Panel in the Hearing E – Memorandum of Counsel on behalf of TDC<sup>102</sup> [28]. It is understood that s42A Reporting Officers<sup>103</sup> have recommended a consistent terminology to the Panel as to the interrelationship between Chapters. The memorandum from Counsel confirmed that ‘precedence’ was an appropriate term to mean ‘more important / relevance of weight’, but that specificity should be introduced replacing the term ‘provisions’ with reference to objective, policy or rule as relevant.

8.4.9 Accordingly, the following TPDP amendments are provided for the Panel to consider as cl16(2) amendments as identified in green and underlined.

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<sup>102</sup> [Timaru-District-Council-Memorandum-of-Counsel-in-reply-Hearing-E-3442-0095-5190-v.1.pdf](#)

<sup>103</sup> S42A Energy and Infrastructure.

## Introduction

....

### Relationships with other Chapters

The General Rural Zone underlies the Future Development Area Overlay. Accordingly, the General Rural Zone ~~provisions~~ objectives, policies and rules apply to activities within the Future Development Area Overlay but are modified by the ~~provisions~~ objectives, policies and rules of this chapter. In the instance of any conflict between the two chapters, the ~~provisions~~ objectives, policies and rules<sup>104</sup> of this chapter takes precedence. When assessing any activity located in the Future Development Area Overlay that is not subject to a rule in this chapter and is classified as discretionary or non-complying activity in the General Rural Zone, the objectives and policies of the Future Development Area chapter also apply.

....

### Rules

**Note:** *The General Rural Zone rules apply to activities within the Future Development Area Overlay but are modified by the rules of this chapter. In the instance of any conflict between the two chapters, the ~~provisions~~ rules<sup>105</sup> of this chapter takes precedence.*

## Conclusions and Recommendations

8.4.10 Retain Rule FDA-R10 as notified.

8.4.11 The following decisions are recommended on submissions:

- The submissions from Bruce Speirs [66.30] and White Water Properties Limited [248.9] are **rejected**.

## 8.5 Future Development Area – Rule FDA–R12

8.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
White Water Properties Limited	248.10

<sup>104</sup> CI16(2) Amendments

<sup>105</sup> CI16(2) Amendments

### Submissions

8.5.2 White Water Properties Limited [248.10] consider the non-complying activity status for industrial development is inconsistent with the purpose of the industrial FDA's. The submitter seeks relief to rule FDA-R12 as follows:

- Make industrial activities a restricted discretionary activity; and
- Focus the matters of discretion on the effects of the subdivision and how it reflects and implements FDA-P13; and/or
- Such other alternative or additional relief as may be appropriate to give effect to the intent of this submission.

### Analysis

8.5.3 In terms of context, it is noted that *Industrial Activities* within the General Rural Zone are non-complying activities<sup>106</sup>, and *Rural Industry*<sup>107</sup> (as defined) are deemed restricted discretionary activities.

8.5.4 Introducing a lesser activity status for *Industrial Activities* as associated with the FDA Overlay in the General Rural Zone would therefore conflict with not only the purpose and objectives of the FDA, but also the General Rural Zone (GRUZ-O1, GRUZ-O2 and GRUZ-P7). Accordingly. This part of the submission is recommended to be **rejected**.

8.5.5 As the purpose of the FDA is to provide for comprehensive urbanisation and rural lifestyle development to be introduced into the district plan enabling *Rural Industries* in these areas would create conflict between the capital investment and built form established with such activities, and the anticipated FDA land use.

8.5.6 Rural Industrial activities would also be incompatible in terms of nuisance effects with any future urbanisation identified in SCHED-15 for General Residential zones or Rural Lifestyle zones.

8.5.7 The same level of conflict might not arise in relation to FDAs identified in SCHED-15 for future General Industrial Zones; however, where there is either considerable capital investment or a substantial scale associated with a proposed *Rural Industrial Activity* this could hinder more comprehensive and integrated development, including providing for wider infrastructure servicing. It is not considered that non-complying activity, as considered against the merits of a specific proposal, and where appropriate could not be advanced under a non-complying regime.

8.5.8 The submission is recommended to be **rejected**.

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<sup>106</sup> GRUZ-R29

<sup>107</sup> GRUZ-R21



***Conclusions and Recommendations***

8.5.9 Retain Rule FDA-R12 as notified.

8.5.10 The following decisions are recommended on submissions:

- The submissions from White Water Properties Limited [248.10] is **rejected**.

## 9. Key Issue 3 - Miscellaneous submissions (e.g. definitions, DAP process and plan change funding).

### 9.1 Future Development Area – General

9.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Aitken, Johnston and RSM Trust Limited	237.3
Canterbury Regional Council (Environment Canterbury)	183.1, 183.4, 183.9, 183.10, 183.165
Horticulture New Zealand	245.81
Kerry and James McArthur	113.13
Lucinda Robertson	65.2
Warren and Elizabeth Scott	128.4, 128.5
J R Livestock Limited	241.5
Rosa Westgarth and Jan Gibson	227.3
Timaru District Council	42.7

### Submissions

9.1.2 Aitken, Johnston and RSM Trust Limited [237.3] considers further details are required in the plan as to the scope of investigations and reports required to undertake a plan change. Additionally, the submitter seeks clarity of the costs involved in undertaking a private plan change. Overall, the submitter requests three amendments and clarifications to the proposed FDA provisions in full:

- Amend FDA – Future development chapter to provide more detail in the scope and investigations required for the plan change to fulfil the Future Development Area; and
- Clarify the process, particularly in regard to costs; and
- Grant any other consequential amendments or similar relief that is necessary to deal with the concerns and issues raised in this submission or any subsequent further submission.

9.1.3 The Canterbury Regional Council [183.1] is concerned that various rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined, so that it is not clear what is being measured. The submitter considers that it is necessary to

review all references to size of buildings and consider whether a clear definition is required linking development to either the "building footprint" or "gross floor area", which are defined National Planning Standard terms, and then create exclusions from those terms within the rules if necessary.

- 9.1.4 The Canterbury Regional Council [183.4] is also concerned that within the PDP, references to "height" of buildings or structures do not make reference to where height is measured from, and seek that all references to the height of buildings across the PDP is reviewed to ensure that height is measured from ground level, with consistent expression of height rules.
- 9.1.5 The Canterbury Regional Council [183.165] considers there are several objectives and policies that should be incorporated into the Strategic Directions chapter and/or the Urban Form and Development chapter to ensure provisions give effect to the NPS – UD. The submitter seeks that the objectives and policies of FDA – Future Development Area Chapter are reconsidered, and that relevant objectives and policies are moved to the Strategic Directions chapter and /or Urban Form and Development chapter. The submitter has not specified which objectives and policies should be reconsidered.
- 9.1.6 Canterbury Regional Council [183.9] also consider the inclusion of a new definition of ‘*urban development*’ would better align with the definition of Urban in the CRPS and would ensure that there is a clear delineation between urban, rural, and rural residential. The submitter seeks to delete the definition of Urban Development as notified, and replace with the following definition:

*Urban development*

*means development within an area zoned as a Residential Zone, Settlement Zone, Commercial and Mixed-Use Zone, General Industrial Zone, or an Open Space Zone that is adjacent to the aforementioned zones. It also includes development outside of these zones which is not of a rural or rural-lifestyle character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. For the avoidance of doubt, it does not include the provision of regionally significant infrastructure in Rural Zones.*

- 9.1.7 Fenlea Farms Limited [171.19] and Alastair Joseph Rooney [177.9] seek clarification on a definition of ‘*Urban Boundary*’.
- 9.1.8 Alastair Joseph Rooney [177.9] seeks to amend the definition of ‘*urban area*’ to clarify the boundaries of urban areas. Canterbury Regional Council [183.10] seeks to amend the definition of Urban Area to better tie in with the suggested definition of ‘*urban development*’.
- 9.1.9 Fenlea Farms [171.19] and K J Rooney Limited [197.2] seeks general clarification on the boundaries of urban areas as shown on the planning maps.
- 9.1.10 Horticulture New Zealand [245.81] notes that the TPDP indicates FDAs on LUC classes 1 -3, and submitter considers that land should be maintained for primary production. The submitter seeks to maintain LUC classes 1-3 for primary production.

- 9.1.11 Kerry and James McArthur [113.13] notes that their property is within FDA7, and seek that direct engagement is undertaken with landowners to ensure that future growth considers water, and sewer upgrades due to proximity of existing amenities.
- 9.1.12 Lucinda Robertson [65.2] considers that existing homeowners in FDA10 should be given the opportunity to subdivide prior without connection to sewer. Additionally, the submitter seeks that the Council consider upgrades to stormwater and telecommunications.
- 9.1.13 Warren and Elizabeth Scott [128.4] requests that further clarity is provided on the timing of the preparation of the Development Area Plan, and the initiation of the associated plan change. Additionally, the submitter seeks further clarification as to which party will initiate the plan change process.
- 9.1.14 J R Livestock Limited [241.5], Rosa Westgarth and Jan Gibson [227.3], Warren and Elizabeth Scott [128.5] consider the introduction of the FDA – Future Development Area be amended to provide clarity that Timaru District Council is responsible for preparing DAPs as per FDA–P3. The submitters seek to amend the introduction as follows:

[...]

Timaru District Council will prepare a Development Area Plan for each Future Development Area to meet the timeframes set out in SCHED15 - Schedule of Future Development Areas ~~Development Area Plans will be required for each Future Development Area to ensure areas within the overlay are developed sustainably and that all the effects of development are assessed and addressed in advance of development occurring~~

[...]

- 9.1.15 Consistent with the above, J R Livestock Limited [241.4], Warren and Elizabeth Scott [128.16] and Rosa Westgarth & Jan Gibson [227.2] requests clarification on the timeframe for the DAP under SCHED15 as the submitter considers it is not currently clear whether the timeframe listed is the timeframe in which the DAP will have been developed, notified, or operative, or whether the timeframe applies from the date of notification of the TPDP. The submitter seeks the following amendment to SCHED15:

Unique Identifier	Name	Anticipated Zone	"Timeframe: <del>for the DAP shall be prepared within the timeframe specified. The timeframe begins on 22 September 2022.</del>	Additional Requirement
(...)	(...)	(...)	(...)	(...)

Additionally, the submitter seeks to amend SCHED15 to include a timeframe for the notification of the plan change to incorporate the DAP and anticipated zone.

- 9.1.16 Timaru District Council [42.7] seek to include the definition of 'well-functioning urban environment' from the NPS-UD as it is a term that is referenced in the Future Development Area chapter. The submitter seeks to add a new definition of Well-Functioning Urban Environment as follows:

has the same meaning as in clause 1.4 of the National Policy Statement Urban Development (NPSUD) 2020:

**well-functioning urban environment** has the meaning in Policy 1. Policy 1 of NPSUD states:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a) have or enable a variety of homes that:
  - i. meet the needs, in terms of type, price, and location, of different households; and
  - ii. enable Māori to express their cultural traditions and norms; and
- b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- e) support reductions in greenhouse gas emissions; and
- f) are resilient to the likely current and future effects of climate change.

### Analysis

9.1.17 The submission from Aitken, Johnston and RSM Trust Limited [237.3] seeks additional matters to be included in the FDA Chapter as to the requirements associated with providing necessary investigations and detail to support the subsequent plan change, and detail associated with costs. The submission is requested to be **rejected**.

9.1.18 The reasons for the recommendation are that:

- a. Any plan change is subject to the RMA statutory framework which includes a full evaluation of costs and benefits in accordance with s32 of the RMA, and consideration of matters in s31, s74 and s75. Policy FDA-P4 is designed to clearly articulate the matters which will need to form part of any DAP process, and the analysis supporting the FDA-P4 matters will consequently form part of the accompanying Section 32. The First Schedule enables the Council to request further information (CI23) from the initiator of the plan change as necessary.
- b. In terms of costs, the Council (as a territorial authority) can charge costs<sup>108</sup> for assessing a private plan change request (noting that the costs of lodging the request fall on the applicant). The First Schedule (CI25) also enables the Council to adopt a privately initiated plan change. Plan change costs vary considerably based on the scale of the proposal and complexity of issues.

9.1.19 In summary, the process steps associated with lodging a plan change request, processing (including ability for the Council to charge costs) and consideration of a plan change request is specified in the RMA. Restating that statutory process in the TPDP is unnecessary and could result in unintended consequences.

9.1.20 The submission from the Canterbury Regional Council (Environment Canterbury) [183.165] is recommended to be **accepted in part** as below through the additional matter inserted as UFD-O1(xii). It is considered that the architecture of the TPDP, with the Strategic Directions

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<sup>108</sup> S36(1)(a) RMA

Chapter only containing key objectives, provides a clear and concise direction to the TPDP as a whole. The inclusion of FDA policies provisions would provide undue complexity to the Strategic Directions Chapter.

- 9.1.21 I agree with the s42A Reporting Officer for the Strategic Directions Chapter that *‘it is not necessary to repeat provisions in the FDA Chapter in these chapters... I do not consider these specific and process matters [in the FDA Objectives and Policies] need to be repeated in the strategic directions’*<sup>109</sup>. I agree with the reporting officer that the addition of the recommended amendment to UFD-O1(12) as below is the more appropriate approach.

*UFD-O1*

*A consolidated and integrated settlement pattern that:*

*(12) avoids unanticipated urban development outside of the Future Development Area Overlay or out of sequence development, unless it provides significant development capacity and contributes to a well-functioning urban environment; and...*

- 9.1.22 The submission from the Canterbury Regional Council (Environment Canterbury) [183.9] requesting a replacement definition for ‘urban development’ is recommended to be **accepted**. This matter was considered by the s42A Reporting Officer in the Energy and Infrastructure Stormwater and Transport Report<sup>110</sup>. I agree with the reporting officer that the amended definition would improve clarity of application. Alternatively, the definition could be deleted with reliance on the plain ordinary meaning of the term against the merits and application of the specific development in question.
- 9.1.23 I note that the relevant FDA Chapter references (and hyperlinks) the term ‘urban development’ in the Introduction, Objective FDA-O3, FDA-P2 and FDA-P5.
- 9.1.24 I consider that the notified definition is overtly directive and inclusive which could lead to unintended consequences associated with its application; whereas the amended definition sought by the Canterbury Regional Council is: more aligned with the definition of ‘urban’ in the CRPS; the initial sentence relating to zones is aligned with the definition of ‘urban’ in the NPS-HPL; and the second part of the definition provides sufficient flexibility as to include activities that clearly exhibit an urban character and amenity.
- 9.1.25 Regarding the Canterbury Regional Council submissions seeking terminology for floor area [183.1] and references to the base of measurement for height [183.4] I recommend that these be **rejected**. For the former, Rule(s) FDA-R2/PER-2 and FDA-R3/DIS-1 use the phrase *‘any building has a footprint of ...’*. Footprint is commonly understood to be the area of the ground covered by a building, and the Interpretation Chapter of the Plan (reference *Building Footprint*, and *Building Coverage*) are clear as to application and are also taken from the

<sup>109</sup> S42A Strategic Directions. Willis [279]

<sup>110</sup> Section 42A Report. Energy and Infrastructure. Willis [6.4]

National Planning Standards. For the latter there are no provisions in the FDA Chapter that reference height controls requiring amendment<sup>111</sup>.

- 9.1.26 Regarding submissions seeking clarification of a definition of ‘*urban boundary*’<sup>112</sup> the TPDP does not use that term, and the request for additional clarity appears to relate to a specific site. The TPDP planning maps include the ‘*Urban Areas*’ overlay which links back to the definition of ‘*Urban Area*’.
- 9.1.27 I consider the overlay and definition identify the urban boundary without need for insertion of a further definition. The relevant zone rules provide the applicable provisions to the site. It is recommended that the submissions are **rejected**.
- 9.1.28 Consistent with the above, Fenlea Farms [171.19] and K J Rooney Limited [197.2] seeks general clarification on the boundaries of urban areas as shown on the planning maps. I consider that the TPDP plan map overlay ‘*urban areas*’ explicitly identifies the boundaries of urban areas, and therefore additional clarification is not required. I recommend that the submissions are **rejected**.
- 9.1.29 The Canterbury Regional Council [183.10] consider that the definition of ‘*urban area*’ should be amended as does not sit comfortably with the definition of urban development. The purpose of the spatial overlay of ‘*urban area*’ in the planning maps and associated with the definition is to provide certainty as to the application of provisions associated with the zoning framework, and policy application to be applied to the distinction between urban and non-urban areas<sup>113</sup>. The submission does not suggest an alternative wording to be considered and is recommended to be **rejected**.
- 9.1.30 The submission from Horticulture New Zealand [245.81] is recommended to be **rejected**. As noted above, the application of the NPS-HPL whilst directive, is more nuanced than directing avoidance of any development on HPL soils. The HPL memo considers the matter further against existing FDAs; the assessment of individual submissions for rezonings / FDAs that relate to transitional HPL are considered in some detail in this Report.
- 9.1.31 The submission from Kerry and James McArthur [113.13] seeking direct engagement with landowners has been considered in relation to FDA-P4<sup>114</sup>. As stated, it is good practice that such engagement is undertaken, but it not considered necessary to explicitly specify such as a matter that forms part of a DAP. The First Schedule (clause 3) provides an avenue for consultation with associated landowners; (clause 5) provides for notification. It would also be atypical for such a DAP exercise to be undertaken without engagement with the affected landowners. The submission is recommended to be **rejected**.

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<sup>111</sup> Reference also s42A ECO [9.1.15, 9.1.16] and s42A SUB [6.3.7]

<sup>112</sup> Fenlea Farms Limited [171.19], Alastair Joseph Rooney [177.9].

<sup>113</sup> As used in rules (Transport. Table 8) and Objectives and Policies (SD-O1, UFD-O1) .

<sup>114</sup> Refer J R Livestock Limited [241.12]

- 9.1.32 The submission from Lucinda Robertson [65.2] is recommended to be **rejected**. FDA10 is identified within SCHED15 with an anticipated Rural Lifestyle Zone and a DAP preparation timeframe as 'Priority Area – 5 years.
- 9.1.33 The proposed request for is for subdivision (presumably in conjunction with the subsequent rezoning to Rural Lifestyle zone) to be able to be undertaken without connection to sewer. It is noted that this matter would be considered further within: the preparation of the DAP and consideration of the plan change to ensure cohesive sewer connections; and the subsequent subdivision application and consideration.
- 9.1.34 It is not appropriate in my view to pre-empt that process. An exemption within the District Plan would not:
- a. give effect to **Policy 5.3.5** of the CRPS which states:
 

*Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:*

    1. *avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and*
    2. *requiring these services to be designed, built, managed or upgraded to maximise their on-going effectiveness.*
  - b. achieve and implement TPDP objectives in the District Plan, being: **SD-O1(ii)** which provides for limited rural lifestyle development where these are '*capable of effectively connecting to reticulated sewer and water infrastructure*' and **RLZ-O5** which seeks that '*Rural lifestyle development is integrated with .... appropriate infrastructure*'. It is also noted the amending proposal (as expressed as an explicit exemption within the TPDP) would not achieve and implement the s42A Recommendation<sup>115</sup> to **RLZ-O2** which (if accepted by the Hearings Panel) requires:
 

*The character and qualities of the Rural Lifestyle Zone comprise:*

*(5) a coordinated pattern of development at a density that is capable of efficiently connecting to sewer and water infrastructure*
- 9.1.35 The submission from Warren and Elizabeth Scott [128.4] seeking clarity as to the timing of the DAP, and which party initiates the plan change request, does not require amendments to the TPDP. The submission is recommended to be **rejected**.
- 9.1.36 In response to submissions to FDA-P4<sup>116</sup>, I have noted that the RMA enables both Council led and privately requested plan change processes. I do not consider it appropriate (in terms of efficiency of effectiveness) for those costs to be mandated on the Timaru District Council and wider ratepayer base through addition of a specific provision in the TPDP.

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<sup>115</sup> S42A Rural Zones. McLennan [11.2.8, 11.2.9]

<sup>116</sup> RSM Trust [237.3], Rosa Westgarth [227.9] and Jan Gibson, and Warren and Elizabeth Scott [128.11]



- 9.1.37 SCHED15 sets out the timeframe for the preparation of the DAP for each FDA, and consider that this is sufficient to ensure the orderly preparation of DAP's to facilitate subsequent plan change requests in a manner that appropriately achieves and implements **FDA-O3** which seeks to control '*out of sequence development*' and **SD-O8** which seeks that '*across the district .... (ii) the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development.*'"
- 9.1.38 The submission from J R Livestock Limited [241.5], Rosa Westgarth and Jan Gibson [227.3], Warren and Elizabeth Scott [128.5] seeking a directive phrase in the FDA Introduction that the TDC is to prepare the DAP for each Future Development Area is recommended to be **rejected**.
- 9.1.39 Policy FDA-P3 as discussed above establishes the requirements on the TDC as to the preparation of DAPs for 'Priority areas' only. Additionally, text in the Introduction is considered unnecessary and overly directive for a Chapter Introduction, and would also imply that TDC is to prepare all DAPs (not just Priority DAPs as required by the policy).
- 9.1.40 Consistent with the above, I recommend that the submissions from J R Livestock Limited [241.4], Warren and Elizabeth Scott [128.16] and Rosa Westgarth & Jan Gibson [227.2] seeking insertion of a specific timeframe for DAP preparation and accompanying notification of the associated plan change be **rejected**.
- 9.1.41 There is no onus on the TDC within the TPDP to notify a plan change associated with a DAP package. The plan change process, and timetable is subject to several variables outside the direct control of the TDC. Formalising a notification timeframe in the district plan would be both inappropriate and ineffective.
- 9.1.42 I also consider that a stating a specific 'starting point' in SCHED15 for timeframes associated with the preparation of DAPs would be misleading, given my comments relating to submissions to **FDA-P3**, as the process overlaps with Council funding programmes and priorities as established under the LGA2002 and associated LTP process.
- 9.1.43 The submission from TDC [42.7] seeking a comprehensive definition of '*well-functioning urban environment*' is recommended to be **accepted in part**.
- 9.1.44 My understanding of the interpretation principles associated with planning documents is that words are to be considered within the context of their statutory purpose. The phrase '*well-functioning urban environments*' as contained throughout the TPDP<sup>117</sup> in my view is clearly connected to, and has the same statutory meaning as the use of the term within the NPS-UD. However, for the avoidance of doubt, and noting that the language in a district plan is to be considered against the test of 'what would an ordinary reasonable member of the public examining the plan have taken from the term' the interpretation of the term would

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<sup>117</sup> FDA-O3, FDA-P5; and as recommended to UFD-O1(xii) s42A Strategic Directions. Willis [66]

be improved through having a more concise definition as recommended below. It is not considered necessary to include the more fulsome definition as requested by the submitter.

### Conclusions and Recommendations

- 9.1.45 It is recommended to insert a concise definition of well-functioning urban environment into the Interpretation section of the district plan as follows:

#### Part 1 – Introduction and General Provisions / Interpretation / Definitions

<p><u>URBAN DEVELOPMENT</u><sup>118</sup></p>	<p><del>has the same meaning as in section 9 of the Urban Development Act 2020 which includes:</del></p> <p><del>a. development of housing, including public housing and community housing, affordable housing, homes for first home buyers, and market housing;</del></p> <p><del>b. development and renewal of urban environments, whether or not this includes housing development;</del></p> <p><del>c. development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works.</del></p> <p><u>means development within an area zoned as a Residential Zone, Settlement Zone, Commercial and Mixed Use Zone, General Industrial Zone, or an Open Space Zone that is adjacent to the aforementioned zones. It also includes development outside of these zones which is not of a rural or rural-lifestyle character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. For the avoidance of doubt, it does not include the provision of regionally significant infrastructure in Rural Zones.</u></p>
<p><u>WELL-FUNCTIONING URBAN ENVIRONMENT</u><sup>119</sup></p>	<p><u>Has the meaning as in clause 1.4 in the National Policy Statement on Urban Development (2022)</u></p>

- 9.1.46 The following decisions are recommended on submissions:

- The submissions from Aitken, Johnston and RSM Trust Limited [237.3], Horticulture New Zealand [245.81], Kerry and James McArthur [113.13], Lucinda Robertson [65.2], Warren and Elizabeth Scott [128.4] is **rejected**.
- The submission from Canterbury Regional Council [183.165] is **accepted in part**, noting that the amendment has been recommended in changes to UFD-O1 as recommended in the s42A Report – Strategic Directions by Mr Willis.
- The submission from TDC [42.7] is **accepted in part**.

<sup>118</sup> CRC [183.9]

<sup>119</sup> TDC [42.7]

- The submission from Canterbury Regional Council [183.9] is **accepted**.

## **9.2 Section 32AA – FDA Rules**

### ***Effectiveness and Efficiency***

- 9.2.1 With the exception of the insertion of a definition for ‘well-functioning urban environment’ and replacement of ‘urban development’ no amendments to the rules (and definitions) are recommended after a consideration of submissions. It is considered that the provisions submitted on, as notified will be effective and efficient in serving the purpose and intent of the FDA overlay. The amendments to definitions as recommended increase clarity and hence efficiency and effectiveness in the application of provisions.

### ***Costs / Benefits***

- 9.2.2 It is considered that the provisions as notified remain both effective and efficient. Submissions seeking those costs associated with the preparation of DAPs for non-priority areas, and the preparation, lodgement and consideration of subsequent plan changes be attributable solely to the TDC, are unequal in attributing the costs of development to the broader community, whereas the benefit of development would be acquired by the landowners.

### ***Risks of acting or not acting***

- 9.2.3 It is considered that the provisions as notified remain both effective and efficient.

### ***Decision about the most appropriate option***

- 9.2.4 In accordance with the Section 32 report, it is considered that the provisions as submitted on that are not recommended to be amended are the most appropriate option.

## 10. Key Issue 4 – Amendments to the notified FDAs

### 10.1 Rezone for Growth – FDA1 Elloughton South Future Development Area

- 10.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rosa Westgarth & Jan Gibson	227.1
Waka Kotahi NZ Transport Agency	143.191

#### Submissions

- 10.1.2 Rosa Westgarth & Jan Gibson [227.1] supports enabling the southern part of 82 Kellands Hill Road for urban development but is concerned that the proposed Urban Development Area (FDA1) does not accurately reflect the sites contours and physical features. The submitter would prefer an approach to rezone the land to General Residential (GRZ), as opposed to General Rural (GRUZ) and considers this would align better with the recommendations in the GMS (2022) study.

The submitter seeks to amend the zone and overlay of Lot 1-2, Lot 5 and Part Lot 3 DP 19552 (ID: 19295) (82 Kellands Hill Road, Timaru) as follows:

1. *Rezone areas identified as FDA1 as identified in the location map in the original submission from **GRUZ** to **GRZ** and remove the **FDA1** overlay.*
2. *Undertake any consequential amendment to give effect to the rezoning and pathway for Development Area Plan preparation.*
3. *If the rezone is not accepted, then amend the FDA boundary lines between FDA1 and FDA4, and the northern boundary of FDA4 as shown in the plan provided in the submission.*

- 10.1.3 Waka Kotahi NZ Transport Agency [143.191] acknowledges that land identified for residential development in FDA1 is adjacent to existing urban areas, however the submitter is concerned as to whether it is appropriate to be rezoned to residential given the following:

- The development will be on the outskirts of the Timaru urban area, increasing capacity within the existing environment and encouraging intensification.
- The Housing Capacity Assessment requires a minimum density of 12 households per hectare, which is inconsistent with the agreed minimum of 15 households per hectare unless there are specific constraints.
- The FDAs must be evaluated against government policies, including the NPS-UD and HPS-HPL.
- Consideration of central government climate change policies and how the development will address transport outcomes to reduce vehicle emissions.

- The location of the FDAs may make it challenging to provide high-quality, frequent public transport, requiring a transparent cost assessment to determine feasibility.

Overall, the requested relief is for further consideration to be given to whether FDA1 is appropriate to be rezoned to residential zoning.

**Analysis - Rosa Westgarth & Jan Gibson [227.1] – 82 Kellenda Hill Road, Timaru**

- 10.1.4 The amending proposal relates to 82 Kellands Hill Road, Timaru as located at the northern extent of Timaru’s urban environment as adjoining Pages Road to the south, Old North Road to the east and Kellands Hill Road to the west.
- 10.1.5 The subject site consists of rolling pastoral farmland and associated farm buildings; several waterways (including Oakwood Stream, Washdyke Stream and Taitarakihi Creek) traverse the subject site.
- 10.1.6 The submission, and associated amending proposal responds to the interrelationship, spatial extent and zoning timetable as associated with FDA1 (Elloughton South) and FDA4 (Elloughton North). The submission is supportive overall of the extent to which the TPDP identifies the site as suitable for urban development; however, amendments are sought which seek:
- a. firstly to rezone FDA1 from GRUZ to GRZ immediately (subject to a change in boundary at the interface between FDA1 and FDA4 based on topography and internalising Taitarakihi Creek within FDA1);
  - b. secondly to amend the boundaries of the northern extent of FDA4 to follow ‘*existing fencelines, shelterbelts, built form on the farm and the natural topography*’; and
  - c. the submission also seeks that the timeframe for the preparation of the DAP for FDA4 is amended to be ‘*less than 10 years*’.

The spatial amendments as sought to the boundaries of FDA1 and FDA4 are contained in the submitter package<sup>120</sup>, but for ease of reference are also identified in **Figure 5**. It is understood that the amendments result in a 3Ha increase across both FDA1 (50Ha) and FDA4 (45Ha) as notified.

- 10.1.7 The Timaru District Council committed funding to the preparation of an integrated DAP for FDA1, FDA2 and FDA4 in October 2023. It is understood that a DAP package is being prepared, but there has been no commitment by the Council to implement the DAP package (pursuant to Objective FDA-O2 and Policy FDA-P2) by way of plan change.
- 10.1.8 Property Economics<sup>121</sup> identified a yield of 664 residential allotments attributed to FDA1 and a further 603 for FDA4.

<sup>120</sup> Submitter package. Sub 227. Davis Ogilvie.

<sup>121</sup> Preliminary s42A Report. Attachment A. [Table 10]

- 10.1.9 A map illustrating the location of the amending proposal in relation to the transitional HPL soils classification and zoning is provided below.

**Figure 5: Site Location (in Blue) Westgarth and Gibson (227.1) and planning maps (hatched)**



- 10.1.10 A submitter package has been received.
- 10.1.11 The notified TDPD FDA overlay identifies the general appropriateness of the site for urban expansion. The amending proposal relates to spatial boundaries associated with the FDAs and timing for rezoning; the analysis below focuses on those matters. There is agreement as to the following:
- Notified Zoning - GRUZ**
    - FDA1 Overlay: Elloughton South. General Residential Zone. Timeframe for DAP: Priority area – 2 years.

- FDA4 Overlay: Elloughton North. General Residential Zone. Timeframe for DAP: Future Area – beyond 10 years.

b. **Landscape and Natural Character** – there is agreement that the site exhibits a rural and pastoral character and amenity, as traversed by several waterways<sup>122</sup>. Taitarakihi Creek is identified in the TPDP as subject to the esplanade reserve and pedestrian access overlays. Subdivision facilitated by application of a GRZ would result in enhancement of natural character and landscape values associated with the waterway.

In terms of the submission seeking an amended FDA1 / FDA4 boundary interface, Ms Pfluger agrees that the amendment would *'mean that future development would align with both landform, an existing cluster of dwellings and FDA2 on the western side of Kellands Hills Road. I am supportive of this request'*. I agree.

In terms of the northern boundary of FDA4 where it interfaces with the GRUZ, Ms Pfluger considers that the modest request would likely be acceptable from a landscape perspective where this aligns with landforms. However, to confirm that conclusion Ms Pfluger has requested an overlay of the requested amended spatial extent of FDA4 as it relates to detailed (1m contours) should be provided in evidence by the submitter.

There is disagreement as to providing an immediate residential rezoning of FDA1 in the absence of the inclusion of the DAP package, and associated mechanisms structure plan / ODP within the District Plan. Ms Pfluger considers that from *'a landscape perspective there is no particular reason to specifically support this request to develop FDA1 earlier, as the site is currently in rural land use to the north of a well-defined urban boundary. Residential development has not yet spread into FDA1, which would mean that rezoning will lead to a substantial change from the existing open character to a high level of modification'*.

I agree, noting the evidence from Mr Heath, that the FDA1 residential capacity is not required to satisfy requirements for sufficient development capacity for either the short or medium (10 year) term. Subdued demand across the district, in conjunction with an immediate residential rezoning without a district plan embedded structure plan / ODP is in my view likely to result in an extended and disjointed transition from the current cohesive rural character and amenity as identified by Ms Pflueger.

c. **Biodiversity** – There are no identified significant ecological values associated with the subject site in the TPDP. As above, esplanade reserve creation as associated with Taitarakihi Creek will be facilitated by the rezoning, and associated subdivision.

10.1.12 There is disagreement, or the requirement for a further response from the submitter regarding the following:

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<sup>122</sup> Submitter package. Sub 227. Davis Ogilvie [21].



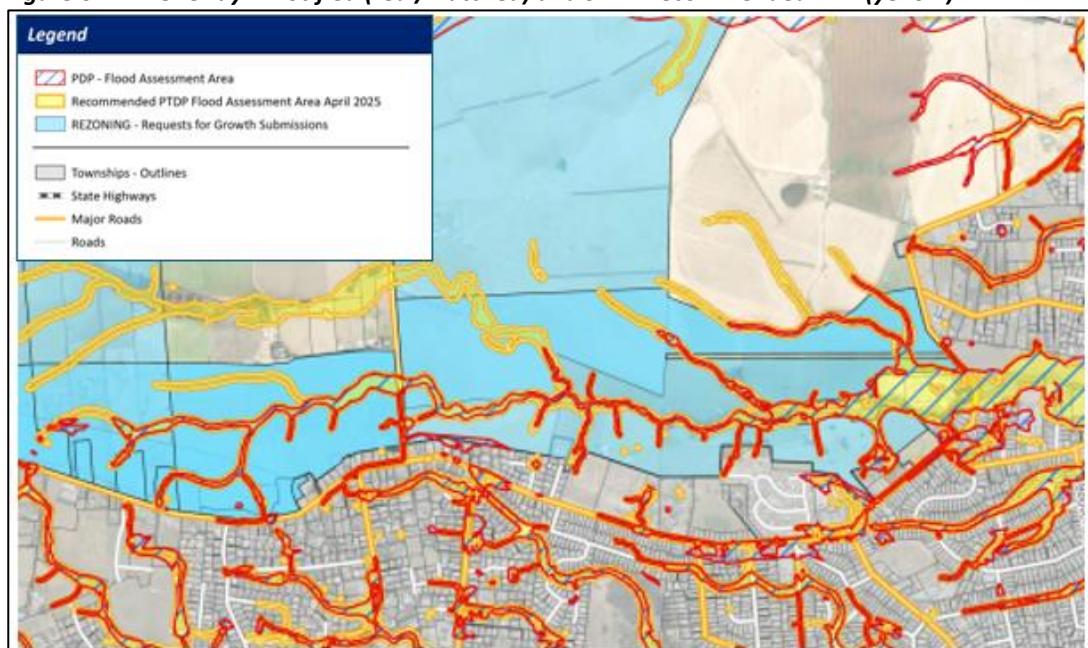
- a. **Culture and Heritage** – There is no notated historic heritage is identified in the PDP as associated with the amending proposal.

Te Ahi Tarakihi / Taitarakihi is identified as SASM-13 (Wai Taoka) with the downstream reaches on the subject site also identified as SASM 3 (Wahi Tupuna).

The Manawhenua assessment identifies the values of Te Ahi Tarakihi / Taitarakihi to iwi, including mauri and practices associated with Mahika kai. Arowhenua does not oppose residential development where Te Ahi Tarakihi is respected, protected and potentially enhanced. The assessment identifies that values will be better recognised and provided for where development occurs in a comprehensive rather than incremental manner, and where the values of Te Ahi Tarakihi are upheld<sup>123</sup>. I agree, noting that immediate rezoning sought in the amending proposal would be absent a structure plan / ODP that would ensure the strategic and integrated approach to development, and recognition and management of the cultural values identified.

- b. **Hazards** – The TPDP notified Flood Assessment Area overlay applies to those reaches of the Taitarakihi Creek within the subject site that are primarily located within FDA1 as notified and become largely internalised in FDA1 under the amending proposal. The s42A Recommendation Flood Assessment Area as responding to the ECan submission [183.228]<sup>124</sup> extends further up the reaches of the Taitarakihi Creek.

**Figure 6: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**



<sup>123</sup> Appendix 3. Manawhenua Assessment. AECL. Hall. [9]

<sup>124</sup> Refer s42ANatural Hazards Section 7.38

[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf)



The submitter package contains elements of the draft DAP Infrastructure Report<sup>125</sup>. That report acknowledges a need for upstream stormwater detention facilities to be cohesively provided within FDA1 to support residential rezoning, and that these will be needed as part of the DAP as embedded in the district plan.

I consider that the internalisation of Taitarakihi Creek within FDA1 as sought through amending the boundaries of FDA1 and FDA4 would provide benefits in terms of facilitating a cohesive response to managing flood risk.

I acknowledge the importance of having a cohesive structure plan / ODP embedded into the District Plan (as would be facilitated by the DAP process) to comprehensively manage stormwater and flood management across the subject site.

- c. **Infrastructure** – I agree with the statement in the submission package that *‘Rezoning FDA1 and FDA4 must be carefully sequenced to ensure that infrastructure is planned before ... development, in this instance, as part of the DAP process, a funding model for key infrastructure can be developed including consideration of both Council funding through the LTP and recovery through FCs’*<sup>126</sup>.

I disagree with the statement in the submission package that such can be done *‘concurrently’*<sup>127</sup> with development. That statement in the submitter package presumably seeks to support the more immediate rezoning.

The analysis in the submission package fails to identify the district plan mechanism by which to ensure that coordinated development enabled by a rezoning of FDA1 would be efficiently and effectively integrated with infrastructure to ensure a consolidated and integrated settlement pattern<sup>128</sup>. Furthermore, I do not have confidence that the immediate rezoning of FDA1 and associated funding for infrastructure provision would be able to be undertaken in an equitable manner.

I consider that given the scale of FDA1 and FDA4, the sequenced approach in SCHED15 is the more appropriate given the need to integrate with supporting infrastructure networks; ensure appropriate funding mechanisms which ensure that development pays for development and are embedded in the LTP; and the application of an embedded Structure Plan / ODP in the district plan to achieve comprehensive and integrated development to achieve **NPS-UD Objective 6, CRPS Policy 5.3.2(3) and Policy 5.3.5, and TPDP SD-O8(ii), UFD-O1(i) and E1-O1(4)** than an immediate rezoning as sought in the amending proposal.

<sup>125</sup> Submitter package. Sub 227. Appendix 1 – Draft Infrastructure Report. Procerto [pre- and post flood peak flows require two classifiable dams of 280,000m<sup>3</sup> storage capacity].

<sup>126</sup> Submitter package. Sub 227. Davis Ogilvie [12].

<sup>127</sup> Submitter package. Sub 227. Davis Ogilvie [12].

<sup>128</sup> TPDP UFD-O1

In terms of considerations relating to **water, wastewater** and **stormwater** I agree with the Council Engineering Team that *‘The information relied on by the submitter does not demonstrate what mechanisms will be used to ensure the cost of servicing the area is apportioned to the developer’* and *‘lacks sufficient detail to support the rezoning and does not address how this can be achieved in a way that meets the objectives of the PDP ...’*.

In terms of **transport** Mr Collins states: *‘...Submitter 227 refers to a draft Integrated Transport Assessment, prepared by Abley on behalf of Council, for the FDA1, FDA2, FDA4 Structure Plan. As one of the authors of this report, I confirm that the draft Integrated Transport Assessment is not intended to support rezonings of the site, rather it supports the proposed Structure Plan’*.

### Statutory consideration

- 10.1.13 Having regard to the GMS as a strategy prepared under the LGA2002<sup>129</sup>, I note that FDA1 was identified for ‘rural residential development’ in the GMS2018 and amended to ‘live zoning’ for Residential development in the GMS2002 Review, I do not consider that reference to ‘live zoning’ in the GMS2022 review implies that development could proceed in the absence of a DAP being embedded in the district plan. That area associated with FDA4 was identified in the GMS2022 Review as ‘Future Urban Zone’ but without a timeframe.
- 10.1.14 **NPS-HPL:** there is agreement that FDA1 is not HPL under cl3.5(7)(b)(i). FDA-4 remains as HPL under the transitional definition of the NPS; a rezoning is not sought through the submission. The interface between FDA1 and FDA4 as sought to be amended through the submission is HPL; as is the amendments sought to the northern FDA4 boundary.
- 10.1.15 The NPS-HPL cl3.6(4) and (5) applies to that modest area between FDA1 and FDA4 (as sought in the submission to follow a more logical contour) for that part of the submission seeking immediate GRZ for FDA1.
- 10.1.16 As issued to the Council on 12 My 2025, I have received an undated report from ‘The AgriBusiness Group’<sup>130</sup>. The report assesses cl3.6(4)(c) for all of FDA1 and FDA4, concluding that rezoning both FDA1 and FDA4 (presumably immediately) offers net environmental, social, cultural and economic benefits.
- 10.1.17 The submitter package does not provide any material consideration of the matters associated with cl3.6(4)(a) and (b), and as stated I prefer the evidence of Mr Heath in relation to sufficient residential development capacity in the district.
- 10.1.18 I have specifically considered whether the interface amendment between FDA1 and FDA4 (as uncontested HPL) as sought to be rezoned to GRZ would achieve the requirements of

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<sup>129</sup> S74(2)(b)(i)

<sup>130</sup> Assessment of land owned by Rosa Westgarth and Jan Gibson at 82 Kellands Hill Road, Timaru, for its potential to be subdivided by meeting the requirements of Clause 3.6 of the NPS-HPL.

Cl3.6. I agree with the submission package that this change is only ‘minor’ and would allow for the cohesive consideration of Taitarakihi Creek within FDA1 which would provide a more comprehensive approach to stormwater and flood management from any associated urbanisation of the block. I consider that the relevant aspects from the Agribusiness Group Report would be applicable to this modest change, representing a net benefit for the purposes of cl3.6(c). I consider given the scale of the change, any tension with cl3.6(a) and (b) are such that this aspect of a rezoning would not offend the **Objective** or **Policy 5**.

- 10.1.19 **NPS-UD:** I prefer the evidence of Mr Heath, that there is sufficient realisable residential development capacity under a high and medium growth projections to meet short (3 year) and medium (10 year) demand; the medium growth forecast being able to be satisfied with sufficient capacity beyond 2050 in the absence of capacity able to be provided by FDAs, and the former providing sufficient capacity for the next two decades without the requirement for FDAs. I agree with the following statement from Mr Heath:

*The submission is not required for sufficiency or choice, and if released early would provide unnecessary supply to the market at significant cost to ratepayers / community due to infrastructure requirements (and transfer of infrastructure funding from existing allocated projects).*

- 10.1.20 I consider that the statement in the Submitter package ‘that current residential capacity falls short under high-growth [projected] scenarios’ is incorrect<sup>131</sup>. Neither the Residential Yield<sup>132</sup> nor Novo Planning Advice<sup>133</sup> provide any analysis of realisable development capacity or demand over the short, medium or long term, nor the role of the amending proposal in meeting any anticipated shortfall in sufficiency.
- 10.1.21 In conjunction with an absence of a cohesive suite of planning mechanisms including an ODP / structure plan to be embedded in the District Plan, and associated funding arrangements agreed, I consider that the amending proposal to rezone FDA1 immediately would not give effect to **Objective 6** in terms of integrated infrastructure planning and funding decisions, and being strategic over the long term, or **Objective 1** and **Policy 1** in terms of development contributing to ‘well-functioning urban environments’. Given the statements from the Council Engineers that funding is not provided in the LTP to provide for servicing requirements for FDA4, any anticipation that FDA4 would be plan-enabled and infrastructure ready<sup>134</sup> in the medium term (10 years) would be misleading. I consider that part of the amending proposal seeking that SCHED15 DAP timing be amended for FDA4 to be less than 10 years would not give effect to the NPS-UD.
- 10.1.22 **CRPS:** For the reasons above, I consider that whilst the amending proposal to rezone FDA1 immediately is ‘attached to existing urban areas’ the absence of an appropriate suite of plan

<sup>131</sup> Submitter package. Sub 227. Davis Ogilvie [12].

<sup>132</sup> Submitter package. Sub 227. Davis Ogilvie [6].

<sup>133</sup> Submitter package. Sub 227. Davis Ogilvie [Appendix 4].

<sup>134</sup> NPS-UD Cl3.3(2) and Cl3.4(1) and (3)

mechanisms (and associated funding mechanisms) would not: ‘*promote a coordinated pattern of development*’<sup>135</sup>; ensure the appropriate ‘*integration with the efficient and effective provision, maintenance and upgrade of infrastructure*’<sup>136</sup>, nor ensure the appropriate and efficient servicing by wastewater and stormwater<sup>137</sup>.

- 10.1.23 **TPDP:** I consider that the immediate rezoning of FDA1 and change in sequencing for FDA4 is the less appropriate in terms of achieving and implementing **SD-O8(2)** which seeks to ensure new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development; and **UFD-O1(1)** and **(2)** that seeks an integrated and consolidated settlement pattern that efficiently accommodates future growth and capacity, and is integrated (and coordinated with) with (and ensures<sup>138</sup>) the efficient use of infrastructure. I consider that those aspects of the amending proposal that seek to align the boundaries of FDA1 and FDA4 with geological features (particularly internalising Taitarakihi Creek in FDA1) and topography assist, at the time of rezoning, with achieving provisions seeking a coordinated approach to infrastructure management and settlement patterns.

#### **Recommendation and section 32AA analysis**

- 10.1.24 Based on the above, the submission from Rosa Westgarth & Jan Gibson [227.1] is recommended to be **accepted in part**, as confined to the amendment of the interface boundary between FDA1 and FDA4, and (as subject to additional contour evidence from the submitter) the amendment of the northern interface of FDA4.
- 10.1.25 For the sake of clarity, those aspects of the submission seeking an immediate rezoning of FDA1, and a more responsive DAP process for FDA4 are recommended to be **rejected**<sup>139</sup>.
- 10.1.26 For the purposes of s32AA I agree with Ms Pfluger that the recommended amendments to align the FDA1/FDA4 boundary to a geological boundary is more appropriate in ensuring that future development would follow landform. I also consider that further internalising Taitarakihi Creek in FDA1 provides for a more cohesive approach to stormwater and flood management. I consider these changes, given their scale and merits do not offend achievement of the NPS-UD, or NPS-HPL, and when rezoned will provide for a more coordinated settlement pattern<sup>140</sup> in a more effective and efficient manner.
- 10.1.27 Amend the FDA1 and FDA4 spatial extent as below:

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<sup>135</sup> CRPS Policy 5.3.1

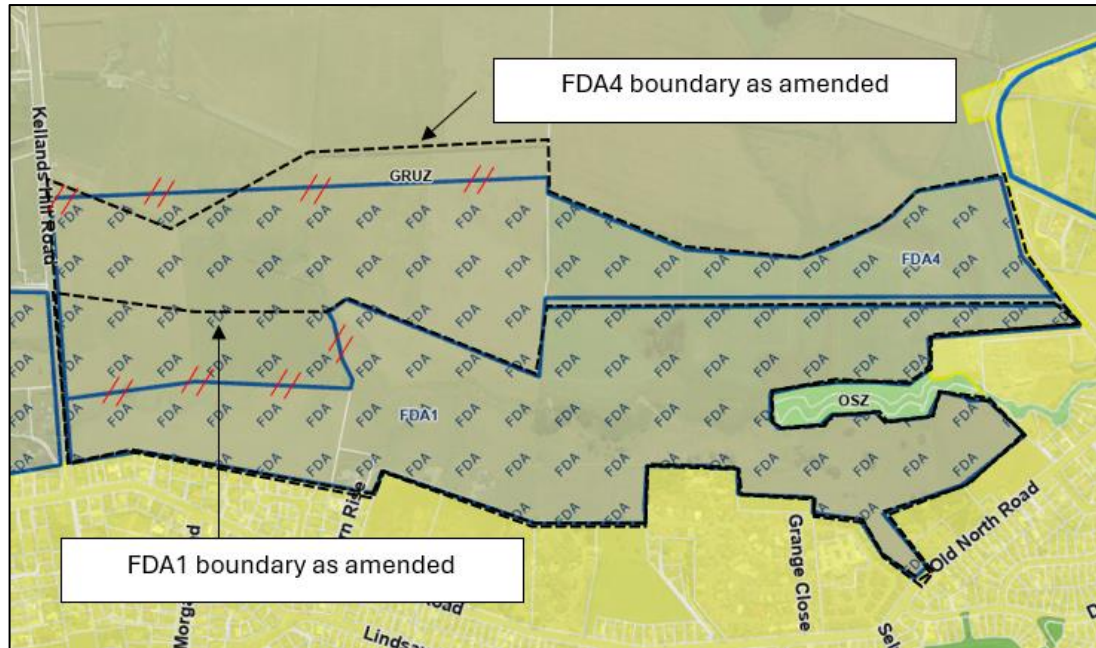
<sup>136</sup> CRPS Policy 3.3.2(3)

<sup>137</sup> CRPS Policy 5.3.5

<sup>138</sup> S42A Strategic Directions Recommended amendment.  
[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0006/876984/Hearing-A-Report-s42A-report-revised-Strategic-Directions-and-Urban-Form-and-Development-Final-including-appendix-5-April-2024.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0006/876984/Hearing-A-Report-s42A-report-revised-Strategic-Directions-and-Urban-Form-and-Development-Final-including-appendix-5-April-2024.pdf)

<sup>139</sup> Noting that SCHED15 DAP Timeframe does not foreclose an earlier process as has been undertaken by the Council for FDA1 and FDA4.

<sup>140</sup> CRPS. Policy 5.3.1. TPDP UFD-O1.

**Figure 7: Recommendation: Westgarth and Gibson (227.1)****Analysis – Waka Kotahi NZ Transport Agency [143.191]**

- 10.1.28 The submission from Waka Kotahi NZ Transport Agency [143.191] is narrowly focused to whether the transport and multi-modal implications of FDA1 are such that that rezoning to a General Residential zone remains appropriate.
- 10.1.29 These matters were considered in the preparation of the GMS2018 in terms of consideration as to integration of the 'Elloughton South' growth area with the Regional and Local Roding network. The assessment whilst broad, considered the degree to which new development would significantly affect the regional roading network and the local roading network, and identified that the FDA would '*partially meet criterion*' as associated with the transport network.
- 10.1.30 It is also noted that the FDA(s) are located in a manner that is: attached to existing urban areas; are relatively proximate to the social and functional amenities provided by the Timaru town centre, Aorangi Park, Mountain View High School and primary schools; and proximate to employment nodes.
- 10.1.31 The rationale for recommending rejecting an immediate rezoning<sup>141</sup> includes the absence of an established and embedded suite of planning mechanisms, including a structure plan / ODP, to be introduced in the District Plan to provide for the coherent development and transport permeability associated with FDA1 (and FDA4).

<sup>141</sup> Westgarth and Gibson [227.1]

- 10.1.32 The preparation and consideration of DAP through the plan change process will implement and achieve Policy **FDA-P4**, including detailed consideration of the ‘*provision of adequate, co-ordinated and integrated infrastructure*’ (**clause (5)**) and ‘*connected transport networks that allow ease of movement, to, from and within the area*’ (**clause (8)**). The application of these provisions to the preparation of DAP package and testing through the plan change process would be used to further consider transport matters such as consolidating existing access points, provision of an internal local network and connections to Pages and Kellands-Hill Roads to maintain safety, effectiveness and efficiency of the roading network<sup>142</sup>.

### Recommendation

- 10.1.33 I consider that appropriate regard has been had to the identification of FDA1 (and FDA4) in terms of broad level transport effects and consider that the submission from Waka Kotahi NZ Transport Agency [143.191] is therefore **accepted** with no consequential changes to the notified provisions.

## 10.2 Rezone for Growth – FDA2 Kellands Heights East Future Development Area

- 10.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Pages Trust & Russell Trust	203.2
Rolling Ridges Trust	211.3
Simstra family Trust	216.3
Waka Kotahi NZ Transport Agency	143.192

### Submissions

- 10.2.2 Pages Trust & Russell Trust [203.2], Simstra Family Trust [216.3] and Rolling Ridges Trust [211.2] ‘*oppose the five-year timeframe to develop FDA2 and the requirement to develop FDA2 with FDA10*’. The submitter considers FDA2 would be better developed independently with a two-year timeframe, given the council planned sewer extension at Pages Road occurring soon, as well as the demand for residential sections in this area. Additionally, the submitter considers it would provide capacity identified in the GSM Review report.

<sup>142</sup> Appendix 8. Transport. Collins. Identifies a draft Integrated Transport Assessment has been prepared for the FDA1, FDA2, FDA4 supporting a Structure Plan.

Overall, the submitters seek for SCHED15 – FDA2 to be amended as follows;

Unique Identifier	Name	Anticipated Zone	Timeframe for DAP	Additional Requirement
FDA2	FDA2 - Kellands Heights East Future Development Area – Residential Development	General Residential Zone	Priority area - 5 2 years	<del>Development Area plan to be developed in conjunction with Kellands Heights West</del>

10.2.3 Rolling Ridges Trust [211.3] consider the additional requirement of SCHED15 FDA2 should be deleted.

10.2.4 Pages Trust & Russell Trust [203.1], Rolling Ridges Trust [211.1, 211.2], Simstra Family Trust [216.2] opposes the front portion of 251, 273, 279 and 295 Pages Road being zoned General Rural within FDA2 as the submitter considers there is further demand for residential sections on the northern side of Pages Road. The submitter seeks the following requested relief:

*Rezone parts of 251, 273, 279 & 295 Pages Road from **General Rural Zone** to **General Residential Zone***

*AND*

*All consequential amendments required to address the concerns raised in this submission and/or to ensure a coherent planning document.*

10.2.5 Waka Kotahi NZ Transport Agency [143.192] recognises that the land identified for residential development is adjacent to existing urban areas. The submitter seeks consideration of whether the transport and multi-modal implications of FDA4 are appropriate and therefore whether FDA2 is appropriate to be rezoned to residential zoning.

***Analysis – Pages Trust & Russell Trust [203.2, 203.1], Simstra Family Trust [216.2, 216.3] and Rolling Ridges Trust [211.3, 211.1]***

10.2.6 As stated in the analysis associated with FDA-O2, SCHED15 – FDA **only** provides a timeframe associated with the preparation of a DAP package as associated with each FDA. It does not provide a timeframe for the necessary plan change to embed the associated DAP package into the district plan, nor authorise zoned urban (or Rural Lifestyle) activities on the FDA.

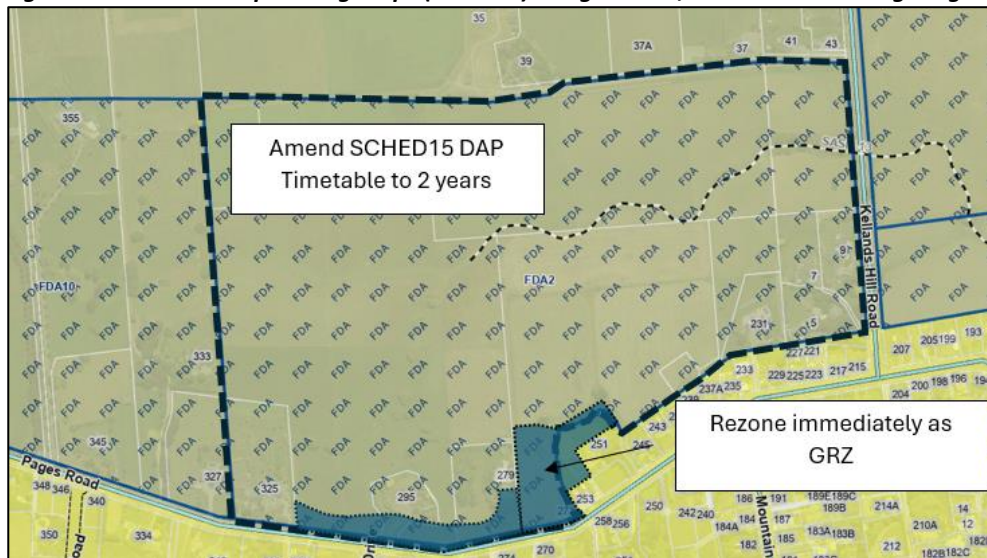
10.2.7 In summary, the submissions seek that the DAP timeframe associated with FDA2 be reduced to 2 years, not be linked to the preparation of the DAP for Kellands Heights West, and that 251, 273, 279 and 295 Pages Road be rezoned to General Residential zone immediately.

10.2.8 As above, TDC have committed funding to, and progressed the preparation of a DAP for FDA1, FDA2 and FDA4. Implementation is to be undertaken by way of plan change<sup>143</sup>; there is no commitment from TDC to fund the plan change process.

<sup>143</sup> TPDP Objective FDA-O3 and Policy FDA-P2

- 10.2.9 Property Economics<sup>144</sup> identified a yield of 490 residential allotments attributable to FDA2.
- 10.2.10 A map illustrating the location of the amending proposal in relation to the notified zoning framework is provided below, including identifying the properties at 251, 273, 279 and 295 Pages Road where the submissions<sup>145</sup> seek an immediate General Residential zoning. The s42A Reporting Officer HPL Memorandum concluded that the amending proposal is not HPL under cl3.5(7)(b)(i).

**Figure 8: Site Location planning maps (hatched) - Pages Trust, Simstra and Rolling Ridges**



- 10.2.11 A submitter package has been received (Pages Trust and Russells Trust Sub 203). Noting that the FDA overlay identifies the general appropriateness of the site for urban expansion, with the amending proposal seeking to amend the timing of the DAP process within SCHED15, and immediate GRZ rezoning for the strip fronting Pages Road, the analysis below focuses on those matters.
- 10.2.12 There is agreement as to the following:

a. **Notified Zoning** - GRUZ

- FDA2 Overlay: Kellands Heights East. General Residential Zone. Timeframe for DAP: Priority area – 5 years.

b. **Landscape and Natural Character** – the submitter package relies on the GMS2022 Review which states: *‘Undulating topography that forms a drainage depression and is an upper tributary of Taitarakihi Creek’*.

As identified for FDA1, Taitarakihi Creek is identified as subject to the esplanade reserve and pedestrian access overlays which would be facilitated by subdivision through application of the GRZ.

<sup>144</sup> Preliminary s42A Report. Attachment A. [Table 10]

<sup>145</sup> Pages Trust & Russell Trust [203.1], Rolling Ridges Trust [211.1, 211.2], Simstra Family Trust [216.2]



I agree with Ms Pfluger who considers that *‘While Rural Lifestyle development would be largely in character with existing development further west along Pages Road, the northern part of the site is currently in rural land use with open character on rolling hill country. For the northern part of the FDA, there does not appear to be any specific landscape rationale to bring the FDA development into GRZ forward. However, I consider that the earlier development of the part of the FDA located immediately adjacent to Pages Road could be considered for earlier development without adverse landscape character effects, as it would fill the development between the residential zone at 253 Pages Road and the more sporadic dwellings to the west’.*

- c. **Biodiversity** – There are no identified significant ecological values associated with the subject site. As above, esplanade reserve creation as associated with Taitarakihi Creek will be facilitated by the rezoning, and associated subdivision.

10.2.13 There is disagreement, or the requirement for a further response from the submitter regarding the following:

- a. **Culture and Heritage** – There is no notated historic heritage as identified in the PDP as associated with the amending proposal.

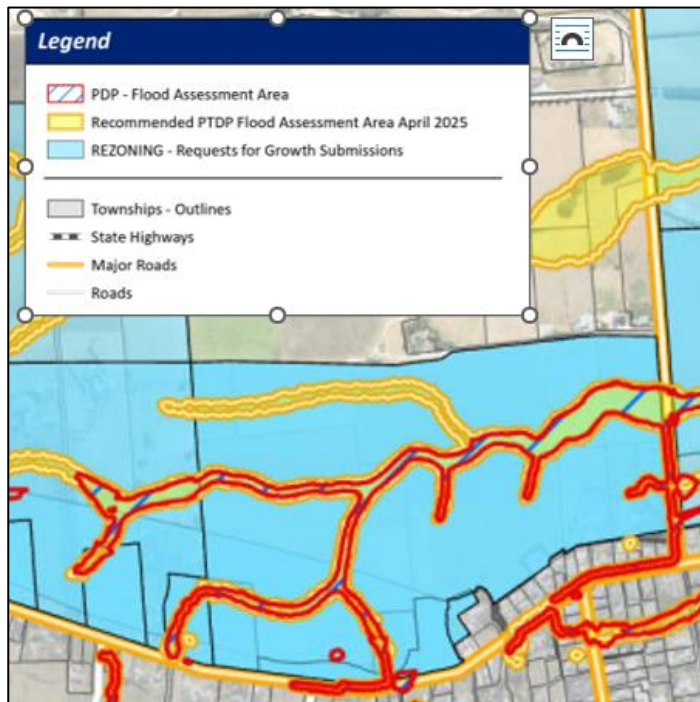
Te Ahi Tarakihi / Taitarakihi is identified as SASM-13 (Wai Taoka) with the downstream reaches on the subject site also identified as SASM 3 (Wahi Tupuna). As with FDA1 (and FDA4), the Manawhenua Assessment identifies that cultural values will be better recognised and provided for where development occurs in a comprehensive rather than incremental manner, and where the values and mauri of Te Ahi Tarakihi are upheld<sup>146</sup>. I agree.

- b. **Hazards** – Those reaches of the Taitarakihi Creek within FDA2 are subject to the TPDP Notified Hazard Assessment Overlay. The extent of the FAA along the reaches of the Taitarakihi Creek are extended under the s42A Recommendation Flood Assessment Area as responding to the ECan submission [183.228]

Whilst a comprehensive response associated with flood risk would be able to be considered under the DAP formation process (regardless of whether a 2 or 5 year timeframe), there is an identified Flood Assessment Area (flowpath) through 279 Page Road. Seeking an immediate GRZ along the frontage of Pages Road would likely preclude a more integrated mechanism introduced into the district plan by the DAP process to manage stormwater and flood flow, and cost share associated infrastructure provision. There are no details on this matter in the submission package.

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<sup>146</sup> Appendix 3. Manawhenua Assessment. AECL. Hall. [9]



**Figure 9: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**

- c. **Infrastructure** – At a detailed level, there is agreement that the immediate rezoning of 251, 273, 279 and 295 Pages Road could likely be serviced but would need to demonstrate how rezoning would not impact on future development of the wider FDA. In terms of **water**, whilst capacity is available in Pages Road any extension would need to be at the cost of the developer. For **stormwater** the specified properties are within the Timaru Stormwater Management Area currently lodged with the Regional Council for the Timaru Global Stormwater Discharge Consent and would need to conform with the requirements of the Timaru Stormwater Management Plan. For **wastewater**, there is agreement with the options for servicing identified in the submitter package for approximately 15 residential allotments<sup>147</sup>.

At a strategic level (both in terms of timetabling for FDA4 and the rezoning of 251, 273, 279 and 295 Pages Road), the Mr Kemp considers that:

*‘There is a need to plan for servicing of adjoining FDA’s in an integrated way. Ad-hoc re-zoning of these areas without understanding the impact on the wider FDA’s will potentially result in additional costs and compromise the FDA process moving forward<sup>148</sup>’.*

In terms of that part of the amending proposal that seeks to amend the DAP Schedule process to 2 years, Mr Kemp states that:

<sup>147</sup> Appendix 7. Infrastructure. Kemp

<sup>148</sup> Appendix 7. Infrastructure. Kemp

*‘Consideration must be given to the proposed Structure Plan of FDA 1, 2 and 4 and how the proposed infrastructure in this submission might impact the wider FDA servicing.... No funding exists to service these sites within the LTP’<sup>149</sup>.*

In terms of **Transport**, Mr Collins identifies that a change in the sequencing of FDA2 should be supported by a detailed consideration of transport effects on the network. That assessment would include consideration against objectives and policies in the Transport Chapter of the TPDP; the consideration of effects on the safe and efficient operation of the network; and confirmation of support by appropriate transport infrastructure.

With reference to the immediate rezoning requested for frontage with Pages Road, I note that Mr Collins explicitly states that submitters should demonstrate that the amending proposal(s) would not foreclose opportunities for an integrated and connected transport network<sup>150</sup>. He identifies that:

*“[The rezoning of 251, 273, 279 and 295 Pages Road] could compromise transport connections between FDA2 and Pages Road, such as the roading connection to Pages Road/Hunter Hills Road intersection shown in the draft Development Area Plan (DAP)”.*

Furthermore, a matter identified in the GMS2022 Review which has not been included in the submission package states:

*‘ODP should be established to design linkage through sites from Kellands Hill Road back to Pages Road. Only truly work if property owners work together to achieve network extension’<sup>151</sup>.*

Based on the Transport and Infrastructure evidence of Mr Collins and Mr Kemp respectively, I consider that the amending relief seeking GRZ rezoning for 251, 273, 279 and 295 Pages Road would be the less appropriate in terms of providing opportunities for an integrated and connected roading and infrastructure network. This is a matter that the submitter(s) could provide evidence responding to identifying a mechanism(s) to be incorporated in the district plan to preclude rezoning resolving stormwater and transport coordination with the remainder of FDA2. I also acknowledge that there is no infrastructure funding associated with FDA2 as relevant to amending the sequencing in SCHED15.

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<sup>149</sup> Appendix 7. Infrastructure. Council Engineers.

<sup>150</sup> Appendix 8. Transport. Collins.

<sup>151</sup> GMS2022 Residential Review. Appendix F: Kellands Hill Road [70]

Statutory considerations

- 10.2.14 The site as subject to FDA2 was identified in the GMS2018 for ‘Rural Residential’ development and amended to ‘live zoning’ for Residential development in the GMS2002 Review, albeit as above as subject to an ODP being embedded in the district plan<sup>152</sup>.
- 10.2.15 **NPS-UD:** As for FDA1, I prefer the evidence of Mr Heath that a change in sequencing for FDA2 (or indeed the modest individual allotments associated with 251, 273, 279 and 295 Pages Road) are not required to meet the Council’s obligations under the NPS-UD.
- 10.2.16 I acknowledge the ‘*at least*’ requirement in **Policy 2**. However, as stated in relation to other growth requests, a vast oversupply of urban rezoned land and the associated infrastructure burden is considered to be less appropriate in terms of giving effect to **Objective 6** (integrated planning and funding) and therefore **Objective 1** and **Policy 1** (well-functioning urban environments). I disagree that the material provided by Mr Patterson<sup>153</sup> and relied on in the submission package advances consideration of both realisable capacity and growth, including as related to the amending proposal.
- 10.2.17 The modest nature of the amending proposal related to 251, 273, 279 and 295 Pages Road, and the agreement that infrastructure can service this associated development would give effect to **Objective 1**, **Objective 6(a)** and **Policy 1** of the NPS-UD. However, I consider that there would be a tension with **Objective 6(b)** as an immediate rezoning along the frontage with Pages Road may preclude a more strategic approach (particularly in terms of transport (road, ped/cycling connections and stormwater management) to the comprehensive urbanisation of the entirety of FDA2.
- 10.2.18 My opinion in this matter is consistent with the economic analysis provided by Mr Heath:
- In terms of the localised rezoning along Pages Road, the extent would not move the dial in terms of sufficiency, but would have substantial economic costs if the rezoning foreclosed more integrated development (through an ODP / Structure Plan) with the remainder of the block. Where the submitter can demonstrate (and embed a mechanism in the district plan) that such a rezoning would not foreclose integrated connections with the wider FDA2 DAP process, this would result in certainty (and economic benefits) to these landowners.*
- 10.2.19 **CRPS:** In light of the transport and infrastructure advice that rezoning of to 251, 273, 279 and 295 Pages Road could preclude a more integrated and coordinated settlement pattern, and the absence of funding in the LTP associated with any amendment to the scheduling of FDA2, I consider that the amending proposals would not: ‘*promote a coordinated pattern of development*’<sup>154</sup>; ensure the appropriate ‘*integration with the efficient and effective*

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<sup>152</sup> S74(2)(b)(i)

<sup>153</sup> Scenarios of an aspirational economic future for Timaru District (2022). Patterson.

<sup>154</sup> CRPS Policy 5.3.1

*provision, maintenance and upgrade of infrastructure*<sup>155</sup>, nor (for the scheduling of FDA2) ensure the appropriate and efficient servicing by wastewater and stormwater<sup>156</sup>.

- 10.2.20 **TPDP:** I consider the change in sequencing for FDA2 and rezoning of to 251, 273, 279 and 295 Pages Road is the less appropriate in terms of achieving and implementing **SD-O8(2)** in terms of ensuring new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development; and **UFD-O1(1)** and **(2)** that seeks an integrated and coordinated settlement pattern that efficiently accommodates future growth and capacity, and is integrated and coordinated with, and ensures the efficient use of infrastructure.
- 10.2.21 I acknowledge the extent of tension with these provisions as associated with the rezoning of 251, 273, 279 and 295 Pages Road is dependent on the extent to which the submitter can demonstrate that such a rezoning would not preclude a more comprehensive and integrated development of FDA2. I note this also extends to the extent to which realisable capacity benefits these landowners, where the costs (and management) fall on the balance of FDA2.
- 10.2.22 In relation to submission from Rolling Ridges Trust [211.3] that the additional requirement of SCHED15 linking FDA2 and FDA10 '*be developed in conjunction*' be deleted, I agree. I acknowledge the TDC's existing work programme in establishing a DAP as associated with the comprehensive structure planning for FDA1, FDA2 and FDA4, as distinct from a DAP for FDA10. I note that reliance on FDA-P4 (Development Area Plans) is sufficient as it requires consideration and integration with infrastructure, surrounding areas, and the transport and open space network<sup>157</sup>.

#### **Recommendation and s32AA analysis**

- 10.2.23 For those reasons expressed above, I recommend that the submissions from Pages Trust & Russell Trust [203.2, 203.1], Simstra Family Trust [216.2, 216.3] and Rolling Ridges Trust [211.3, 211.1] be **rejected**.
- 10.2.24 The submission from Rolling Ridges Trust [211.3] is recommended to be **accepted in part** as related to removing the linking reference in SCHED15 as related to FDA2 (and consequently the reciprocal in FDA10) as below. In terms of s32AA considerations, I note that this amendment is the more efficient and effective given that TDC has already commenced preparation of a DAP for FDA2 (as combined with FDA1 and FDA4) without explicit integration with FDA10.

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<sup>155</sup> CRPS Policy 3.3.2(3)

<sup>156</sup> CRPS Policy 5.3.5

<sup>157</sup> FDA-P4(5)(7),(8) and (9).

10.2.25 The recommended amendment to the plan provisions is below:

<b>SCHED15 — SCHEDULE OF FUTURE DEVELOPMENT AREAS</b>				
<b>Unique identifier</b>	<b>Name</b>	<b>Anticipated Zone</b>	<b>Timeframe for DAP</b>	<b>Additional Requirement</b>
FDA1	FDA1 - Elloughton South Future Development Area - Residential Development	General Residential Zone	Priority area - 2 years	
FDA2	FDA2 - Kellands Heights East Future Development Area - Residential Development	General Residential Zone	Priority area - 5 years	Development Area Plan to be developed in conjunction with Kellands Heights West
.....				
FDA10	FDA10 - Kellands Heights West Future Development Area - Rural Lifestyle Development	Rural Lifestyle Zone	Priority area - 5 years	Development Area Plan to be developed in conjunction with Kellands Heights East

#### **Analysis – Waka Kotahi NZ Transport Agency [143.192]**

10.2.26 The submission from Waka Kotahi NZ Transport Agency [143.192] is narrowly focused on whether the transport and multi-modal implications of FDA2 are appropriate such that rezoning to a General Residential zone remains suitable.

10.2.27 As identified in response to the Waka Kotahi NZ Transport Agency submission on FDA1, a range of transport matters were considered through the GMS2018 process. Furthermore, the DAP and plan change process provides for additional consideration against transport matters as associated with the introduction of a structure plan / ODP to be introduced in the district plan to provide for coherent development. Also, like FDA1, FDA2 is located adjoining the existing urban area, and is relatively proximate to employment and social and functional amenity.

#### **Recommendation**

10.2.28 I consider that appropriate regard to the broad level transport effects of FDA2 has been had and will be further considered through the DAP and plan change processes. I consider that the submission from Waka Kotahi NZ Transport Agency [143.192] is therefore **accepted** with no consequential changes to the notified provisions.

### 10.3 Rezone for Growth – FDA3 Scotts Farm Future Development Area

10.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Lee Anne Burdon	72.1
Warren and Elizabeth Scott	128.2

#### ***Analysis – Lee Anne Burdon [72.1] – 73 Connolly Street, Geraldine***

- 10.3.2 Lee Anne Burdon [72.1] supports the direction of Future Development Areas and seeks clarity as to why the property at 73 Connolly Street, Geraldine, which sits closer and bounds the residential zone is not included within the Future Development Area. The submitter seeks to include 73 Connolly Streets, Geraldine as a Future Development Area.
- 10.3.3 The amending proposal is located directly to the south of FDA3, and encompasses some 8.87ha, which at a residential density of some 10 – 12 household / Ha equates to 88 to 106 households.
- 10.3.4 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

**Figure 10: Site Location (in Blue) L Burdon (72.1) and planning maps (hatched)**



- 10.3.5 A submitter package was not received in terms of the requests in the Preliminary Report. Accordingly, there is no analysis of servicing, density, natural values, highly productive land, cultural matters or transport that assist in terms of the duties in s32AA. Council Officers have

met with Ms Burdon<sup>158</sup> as was requested and have enquired as to information and process steps.

- 10.3.6 Within the TPDP, the area is zoned GRUZ. In terms of **Hazards** the site is noted as being subject to being located within the Flood Assessment Area<sup>159</sup>. The site is not notated within the **Cultural or Heritage** overlays; it is notated as ‘highly productive land’ as an overlay within identified **Natural Values**.

#### Statutory considerations

- 10.3.7 The site is not identified for Urban or Rural Lifestyle growth within the GMS2018 and GMS20022 Review for the purposes of s74(2)(b)(i).
- 10.3.8 The site is classified as HPL (LUC2) within the transitional NPS-HPL provisions. The submission seeks an FDA (of an unspecified timeframe). Whilst that request is not a ‘rezoning’, in my view Clauses 3.6(4) and (5) of the NPS-HPL should still be had regard to, given the expectation of an urban rezoning and LUC2 soils. The absence of an evaluation against these matters does not advance the rezoning. Specifically, and as reliant on the evidence of Mr Heath I note that:
- a. Under a medium growth projection, long term (30 year) demand can be met in Geraldine with a buffer of 478 dwelling units, and under a high growth projection 82 dwellings. This capacity is provided without reliance on the General Residential FDAs within Geraldine. Accordingly, the amending proposal is not required to meet expected demand for housing (Clause 3.6(4)(a)); and
  - b. Even beyond the provision of sufficient development capacity, FDAs associated with Geraldine (FDA3 – five years) provide reasonably practicable and feasible options (Clause 3.6(4)(b)); and
  - c. No evidence is provided as to the costs and benefits associated with the amending proposal.
- 10.3.9 Accordingly, and whilst the amending proposal seeks an FDA which is not specifically a rezoning for the purposes of Clause 3.6(4) and (5) – I consider that the amending proposal would not implement the relevant provisions of the NPS-HPL, specifically being **Objective 1**, **Policy 4** and **Policy 5**.
- 10.3.10 Whilst the amending proposal would be ‘attached’ to an existing urban area in terms of a consideration against **Policy 5.3.1** of the CRPS, I do not consider that it would not promote a co-ordinated pattern of development as also required by that Policy. Urbanisation in the absence of a material increase in household demand would simply duplicate infrastructure requirements, and result in the inefficient integration of infrastructure and landuse.

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<sup>158</sup> Discussions 73 Connolly Street. 31 March 2025.

<sup>159</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.



- 10.3.11 Based on the evidence of Mr Heath, the amending proposal is not required to meeting community needs for sufficient development capacity nor choice in housing (NPS-UD, **Policy 1**). I consider that the amending proposal would not be the more appropriate in achieving **UFD-O1** in supporting *consolidated settlement pattern[s] as integrated and coordinated with, and ensures the efficient use of infrastructure (clause (2) and minimising the loss of highly productive land (clause 7)*.
- 10.3.12 Information provided within the GMS2018<sup>160</sup> also identified that whilst the property would not be considered a High Hazard Zone, the flooding risk would be complex with the 100 year Average Recurrence Interval (ARI) flood depths over all of the property being expected to be in the 0 – 500 mm range with the deepest flooding near the stream or in other low areas, and the 500 year ARI, with roughly a third or so of the property closest to the stream (eastern third) and in any other significant low areas depths may be in the 0.5 – 1 metre range. Higher density development and the presence of buildings, fences, raised gardens etc would therefore have potential to block or slow the path of flooding further increasing potential flood depths in the area, and significant elevations of floor levels would be required to meet District Plan requirements. The proposal would also be considered less appropriate in terms of **SD-O4** and **NH-O1** in terms of addressing natural hazard risk.

### **Recommendation**

- 10.3.13 Accordingly, I recommend that the submission from L Burdon [72.1] be **rejected**.

### **Analysis – W and E Scott Sub# 128.2 – 22 Templar Street, Geraldine**

- 10.3.14 Warren and Elizabeth Scott [128.2] support the spatial extent of the FDA3 overlay. They seek to retain the FDA3 overlay over 22 Templer Street as notified. Alternatively. They seek to rezone the site as GRZ if Council is supportive of this approach.
- 10.3.15 The amending proposal comprises some 11.4ha at the north-eastern end of Geraldine, with a potential development yield of between 110 to 130 residential allotments (at densities of circa 10 – 12 Households / Ha). The area subject to FDA3 is largely held in one title (22 Templer Street ‘the Scott’s’ at 10.36ha), with two smaller titles fronting Templer Street (No. 26 at 0.813ha, and No. 44 at 0.141Ha). Each title contains one dwelling unit, with the Scott’s property also containing a number of farm buildings, with the balance used for pastoral grazing.
- 10.3.16 The Raukapuka Stream traverses the site in a north to south direction, which is the subject of an **Esplanade Reserve** requirement in the TPDP (SCHED12). The largely cohesive landholding would promote the efficient preparation of a DAP and associated integrated

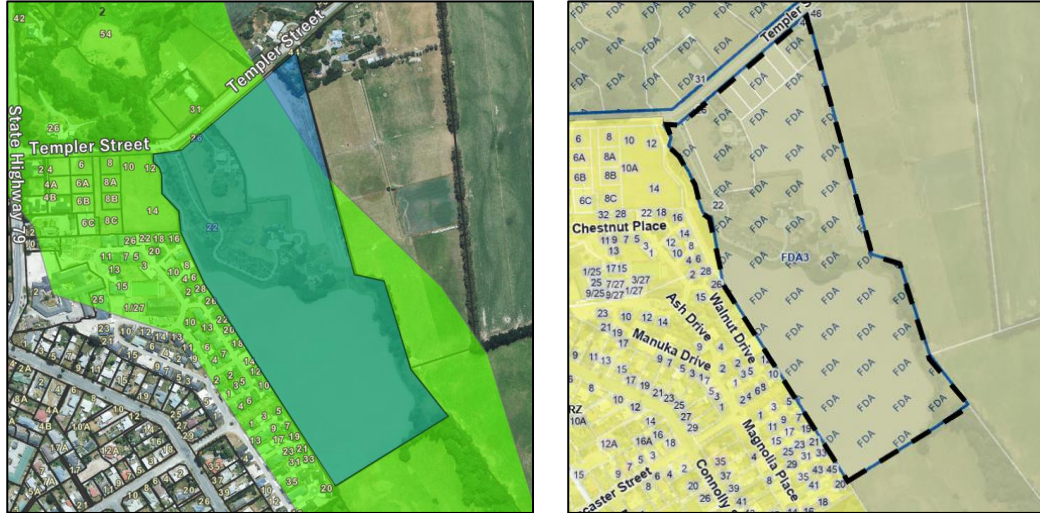
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<sup>160</sup> GMS2018. Officer’s Report. Attachment E:5

road access and connectivity, infrastructure integration and on-site stormwater management.

- 10.3.17 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

**Figure 11: Site Location (in Blue) Warren and Elizabeth Scott (128.1) and planning maps (hatched)**



- 10.3.18 A Submitter Package has been received in terms of the requests made in the Preliminary Report, albeit as limited to the Scott Property. As this relates to the largest developable block within FDA9, it is considered sufficient in guiding analysis of servicing, density, natural values, highly productive land, cultural matters and transport for the purposes of this analysis.
- 10.3.19 The TPDP identifies a GRUZ zoning for the site, with the FDA3 overlay in SCHED15 denoting a DAP Timeframe as 'Priority Area – 5 years' and an anticipated General Residential zoning.
- 10.3.20 In terms of **Hazards** the site is noted as 'Flood Hazard Assessment'<sup>161</sup>. The Submitter package includes both an CRC Flood Hazard Assessment and Geotechnical Assessment. Those assessments which I rely on, state that the property can be described as low risk '*provided the flow floodwaters through the area and flood depths are addressed*', and suitable for the proposed development<sup>162</sup> respectively. The CRC flood hazard assessment identifies that flood modelling be undertaken to demonstrate the impact of the proposal on both stormwater and large-scale river events; this would be undertaken through DAP preparation.
- 10.3.21 The amending proposal is not identified as being subject to any TPDP **Cultural** or **Heritage** overlays, including SASM.

<sup>161</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

<sup>162</sup> Submitter Package. Davis Oglivie Memorandum Report [page 4, Appendix 2 and Appendix 3]

- 10.3.22 The Raupuka Stream (spring fed) is identified in the Manawhenua Assessment<sup>163</sup> as being culturally significant, with Kāti Huirapa identifying the need to ensure that the mauri of the waterway is not desecrated by subsequent development. The assessment identifies that were the Hearings Panel to approve rezoning, Kāti Huirapa would wish to ensure connection to reticulated infrastructure so as to ensure that stormwater and wastewater did not degrade the Stream further<sup>164</sup>. Subject to reticulation and appropriate stormwater management through the subdivision process and associated regional council consents a rezoning would therefore uphold cultural values.
- 10.3.23 The Submitter package correctly identifies that the site is not located within an identified area of natural significance (**Significant Natural Area**).
- 10.3.24 I considered that subdivision as facilitated by the General Residential rezoning would require provision of esplanade reserve associated with the Raupuka Stream and would maintain or enhance natural values and biodiversity as associated with the waterway.
- 10.3.25 The site is identified as ‘highly productive land’ as an overlay in the TPDP.
- 10.3.26 In terms of the **NPS-HPL**, the site is notated as comprising LUC2 soils as mapped by the New Zealand Land Resource Inventory. The site is identified in the Growth Management Strategy Residential Review (2022) as ‘live zoning’<sup>165</sup>. Accordingly, in terms of the application of the NPS-HPL Clause 3.5(7): the site is identified as LUC Class 2 land for the application of Clause 3.5(7)(a)(ii); however the land is identified as ‘live zoning’ for ‘urban’ development within a strategic planning document, being the GMS2022 Review in terms of the application of Clause 3.5(7)(b)(i) and the mapped boundaries are identified at a sufficient level of detail to enable the cadastral boundaries to be identified in practice. I conclude that the NPS-HPL does not apply to the land.
- 10.3.27 In terms of **landscape** and **natural character** Ms Pfluger identifies that an earlier rezoning to GRZ would not be opposed in relation to landscape matters, should expansion of Geraldine to the north-east be required.
- 10.3.28 In terms of **infrastructure**, the submission package identifies that *‘the submitters have made significant progress in preparing a DAP and have included a concept plan’*<sup>166</sup>. The associated Infrastructure Assessment<sup>167</sup> identifies for **water supply** and **reticulated wastewater** would be able to connect to the subject site through the extension of the existing network by 170m with an existing easement (Lot 2 DP535668) to convey water and wastewater from the existing network on Connolly Street through the McKenzie Lifestyle Village providing for that extension to the subject property. In terms of **stormwater**, the submitter package states that stormwater basins and management could be undertaken on site. In terms of **transport**,

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<sup>163</sup> Manawhenua Assessment. Hall [pg12]

<sup>164</sup> Manawhenua Assessment. Hall [pg13]

<sup>165</sup> Timaru District GMS Review Residential (2022) [Section 9.4(d), Figure 4].

<sup>166</sup> Submitter Package. Davis Oglivie Memorandum Report [page 4, Appendix 2]

<sup>167</sup> Submitter Package. Davis Oglivie Memorandum Report [Appendix 3 S Chang]

the Submitter package incorporates a draft 'Concept Plan' providing two accessways to Templer Street, noting that the proposal would likely generate 1000 vehicle movements per day and it is anticipated that the development can be easily integrated into the traffic network; *'Integrated Transport Assessment (ITA) will need to be carried out...'*<sup>168</sup>.

- 10.3.29 The response from Mr Kemp is that *'No funding exists to support the immediate re-zoning and there is a lack of detail as to how the proposal will be achieved in a manner that ensures the integrity of the existing network and apportioning of associated costs to the developer'*<sup>169</sup>. In terms of network improvements Mr Kemp identifies that water supply network upgrades are identified but not the funding of such, and that there would be a need for a communal pump station or low-pressure network associated with wastewater.
- 10.3.30 With regards to transport and effects on the network, Mr Collins identifies an absence of insufficient evidence presented for us to determine whether these Future Development Areas could be rezoned sooner than anticipated by the notified TPDP<sup>170</sup>.

### **Recommendation**

- 10.3.31 It is considered that FDA3 upholds and implements and achieves relevant provisions of the CRPS and TPDP that seek that urban growth occurs in a form that is attached to urban areas<sup>171</sup>, encouraging housing choice<sup>172</sup> and can be appropriately supported by infrastructure<sup>173</sup>. The primary submission point supporting retention of FDA3 is **accepted** noting there are no submissions opposing FDA3, and that the notified TPDP anticipates urbanisation of the area subsequent to the preparation of a DAP within 5 years.
- 10.3.32 The secondary relief turns on whether an additional 110 to 130 residential allotments as facilitated by an immediate GRZ rezoning within the Geraldine settlement appropriately *'promotes a co-ordinated pattern of development'*<sup>174</sup> and *'integrates with the efficient and effective provision, maintenance and upgrade of infrastructure'*. The evidence from Mr Heath is that under either a high or medium growth forecast there is sufficient (and serviced) long term urban household capacity. The Attachment from Novo Group to the Submission package does not advance this matter.
- 10.3.33 The Council's review of 3W and Transport Infrastructure is that an appropriate analysis of integrity of the existing network and apportioning of associated costs has not been undertaken; nor is there an appropriate structure plan / ODP to embed in the district plan to direct co-ordinated development.

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<sup>168</sup> Submitter Package. Davis Oglivie Memorandum Report [Appendix 3 S Chang]

<sup>169</sup> Appendix 7. Infrastructure. TDC Engineers.

<sup>170</sup> Appendix 8. Transport. Collins.

<sup>171</sup> CRPS Policy 5.3.1(1)

<sup>172</sup> CRPS 5.3.1(2)

<sup>173</sup> CRPS 5.3.5

<sup>174</sup> CRPS 5.3.1

10.3.34 Based on that evidence of Mr Heath, I consider that rezoning the site in advance of the timeframe and sequencing associated with SCHED-15 and preparation of DAP as embedded in the district plan is not appropriate in terms of achieving a consolidated, sequenced, and co-ordinated pattern of development, which is efficiently integrated with infrastructure<sup>175</sup>. I reach that view based on the consideration by the 3Ws and Transport analysis provided by the Council. I also consider that this aspect of the amending proposal would be less appropriate in terms of *effectiveness* in achieving and implementing:

- **SD-O8(2)** which requires the ‘provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development;
- **UFD-O1(1)** which seeks a consolidated and integrated settlement pattern that efficiently accommodates future growth... and **(2)** is integrated and coordinated with, and ensures the efficient use of infrastructure; and
- **EI-O1(4)** which seeks effective and efficient regionally significant infrastructure is aligned with and integrates with the timing and location of urban development.

10.3.35 Were the Submitter to further develop the concept plan and supporting mechanisms for insertion in the District Plan and equitable funding mechanism, I consider that the proposal could be the more *efficient* in terms of achieving number of provisions of the CRPS and TPDP. Principally, the DAP mechanism and associated level of detail would be addressed by the landowners who would benefit from the rezoning.

10.3.36 I recommend the amending proposal seeking an immediate rezoning be **rejected**, primarily because the more immediate rezoning would not further ‘consolidated and integrated settlement patterns’ (**UFD-O1**). I also note that the preparation of the DAP under FDA-P4 would provide a process to resolve transport and flooding modelling as identified in the Submitter Package. I also do not consider there to be any risk of not acting, as provisions in the TPDP prevent further fragmentation of FDA3. Retention of FDA3 overlay is recommended to be **accepted**.

#### 10.4 Rezone for Growth – FDA4 Elloughton North Future Development

10.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rosa Westgarth & Jan Gibson	227.1
Waka Kotahi NZ Transport Agency	143.193
Canterbury Regional Council	183.166
Ryan De Joux	157.2

<sup>175</sup> CRPS Policy 5.3.1

### **Submissions**

- 10.4.2 The submissions from Rosa Westgarth & Jan Gibson [227.1] and Waka Kotahi NZ Transport Agency [143.193] are considered in conjunction with FDA1 as above.
- 10.4.3 The submission from the Canterbury Regional Council [183.166] considers that only land deemed essential for short to medium term development, as outlined in the NPS-UD, should be mapped and identified. The submitter seeks to amend the Future Development overlay to only identify land where it is required in the short-medium term as defined in the NPS-UD. SCHED15 identifies the DAP preparation process for FDA4 is 'Future Area – beyond 10 years'.
- 10.4.4 The submission from Ryan De Joux [157.2] seeks that the Council should amend all Future Development Areas on rural zoned land shown as 'beyond 10 years' to '5 to 10 years'.

### **Analysis**

- 10.4.5 Timaru District Council has commenced the preparation of a comprehensive DAP package for FDA1, FDA2 and FDA4 which includes an assessment of transport, hydrology, infrastructure, design, planning and the preparation of a suite of mechanisms (including staging) that would subsequently be embedded in the district plan. On that basis, I consider that it would be less efficient and effective to remove the FDA notation in the planning maps and associated SCHED 15 notation as associated with FDA4 as sought by Canterbury Regional Council [183.166].
- 10.4.6 In relation to the submission from Ryan De Joux [157.2], I have identified in the consideration for FDA1 / FDA4 above that the evidence of Mr Heath is that sufficient development capacity for housing exists to cater for demand over the next two decades. The evidence of the Council Engineers is that funding is not provided in the LTP as associated with servicing requirements for FDA4, any anticipation that FDA4 would be plan-enabled and infrastructure ready<sup>176</sup> in the medium term (10 years) would be misleading.

### **Recommendations**

- 10.4.7 The recommendation made was that the submission from Rosa Westgarth & Jan Gibson [227.1] be recommended to be **accepted in part** (as subject to additional contour evidence from the submitter) the amendment of the northern interface of FDA4.
- 10.4.8 The submission from and Waka Kotahi NZ Transport Agency [143.193] is recommended to be **accepted** with no consequential changes to the notified provisions.

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<sup>176</sup> NPS-UD Cl3.3(2) and Cl3.4(1) and (3)

10.4.9 The submission from the Canterbury Regional Council [183.166] is recommended to be **rejected**.

10.4.10 I recommend that the submission from Ryan De Joux [157.2] be **rejected**.

## 10.5 Rezone for Growth – FDA5 Young Farm Future Development Area

10.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Ryan De Joux	157.2
Canterbury Regional Council	183.66

### Submissions

10.5.2 SCHED15 identifies the timeline for DAP preparation for FDA5 as being ‘Future Area – Beyond 5 years’. The submission from the Canterbury Regional Council [183.166] is that the TPDP only identifies FDA’s for short-medium term as defined in the NPS-UD and would therefore seek the removal of the FDA spatial overlay and SCHED15 references to FDA5.

10.5.3 Ryan De Joux [157.2] seeks that Council amends all Future Development Areas on rural zoned land shown as ‘beyond 10 years’ to ‘5 – 10 years’. The amending proposal would change the sequencing of SCHED-15 for FDA-5 ‘Residential’ to between 5 to 10 years.

10.5.4 FDA-5 is some 13.5ha and would provide a conservative residential yield of 135 – 160 households (10 – 12 HH/Ha)<sup>177</sup>. FDA-5 is separated from Orari Station Road by a segment of undeveloped GRZ as introduced through the notified TPDP. The western edge of FDA5 adjoins the Wahi River.

10.5.5 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

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<sup>177</sup> S42A Preliminary Report. Attachment A. Property Economics. Table 10 – 147 households.

**Figure 12: Site Location (in Blue) FDA-5: Ryan De Joux (157.2) and planning maps (hatched)**



### Analysis

- 10.5.6 A submitter package has not been received in terms of the requirements of the Preliminary Report. There is no additional analysis associated with growth projects or capacity, or the sequencing of infrastructure and associated infrastructure that would provide a s32AA basis for recommending any amendment to the sequencing provided in SCHED15.
- 10.5.7 Briefly, in terms of the environment and planning context associated with the amending proposal:
- The site is zoned **GRUZ**, with an FDA notation (FDA-5) denoting in SCHED15 an anticipated Residential (GRZ) zoned outcome with a DAP as a 'Future Area – beyond 10 years'. Being identified as a 'Future Area' also means that the Timaru District Council is not responsible for the preparation of the associated DAP (FDA-P3).
  - The eastern edge adjoins the Waihi Stream which is notated as SASM-20 in terms of **Cultural Values**, and is also subject to an esplanade reserve and public access provision overlay which would be facilitated by the rezoning in terms of maintaining or enhancing **natural character** and **biodiversity values**.
  - In terms of the **natural hazards**, the site is notated as FAA under the notified TPDP<sup>178</sup>.
  - The site is currently a part of a larger (197ha – Young Property) rural block to the south which is used for arable and pastoral farming.

### Statutory considerations

- 10.5.8 The Growth Management Strategy 2018 and Review (2022) identified the site for long term residential development for the purposes of s74(2)(b)(i).

<sup>178</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.



- 10.5.9 The site is classified as HPL (LUC2) under the NPS-HPL. The submission seeking a change to sequencing in SCHED15 is not a rezoning. A more immediate sequencing and provision of a DAP associated with the rezoning to residential would not in my view be the more appropriate in terms of the requirements of cl(3.6(4) and (5) and not be the more appropriate in achieving the Objective of the **NPS-HPL**.
- 10.5.10 Based on the evaluation of Mr Heath, I agree that there is existing sufficient development capacity in Geraldine for housing to accommodate residential demand (medium and high growth forecasts) over the long term (30 years) in the absence of the provision of any FDA. I have identified above that the anticipated yield and medium term (within the next 10 years) capacity provided by FDA3 will add a further 120 households to the Geraldine housing market. The evidence of Mr Heath is that there is sufficient capacity to meet Geraldine settlement's dwelling needs to 2053, even under a high growth scenario.
- 10.5.11 Accordingly, the amending proposal whilst increasing residential choice and location in the market, would discourage redevelopment and consolidation of the existing urban area, and decrease the efficient integration of infrastructure with new development (as the network would be required to service a dispersed and underutilised urban area), and accordingly would not promote a coordinated pattern of development as sought by **CRPS 5.3.1** and **5.3.2**, and achieving well-functioning urban environments as required by **Objective 1** of the **NPS-UD**.
- 10.5.12 I consider that the change in sequencing in the Ryan De Joux [157.2] submission would also be the less appropriate, in considering the effectiveness and efficiency of achieving the implementation of the following TPDP provisions:
- a. **SD-01(2)** in terms of achieving a '*co-ordinated pattern of development*' or '*efficiently connect to reticulated sewer infrastructure*', nor is required to ensure '*sufficient residential development capacity to meet demand and household choice*'.
  - b. **UFD-O1** a consolidated and integrated settlement pattern that: *(i) efficiently accommodates future growth ... and (ii) is integrated and coordinated with, and ensures the efficient use of infrastructure.*
- 10.5.13 In considering the removal of FDA5 as sought by the Canterbury Regional Council [183.166] I consider that the matter is finely balanced. Based on the evidence of Mr Heath, urbanisation of the site as necessary to provide for residential sufficient development capacity would not be required within the next 30 years<sup>179</sup>, and under a medium growth scenario and with FDA3 developed in advance well beyond that.
- 10.5.14 Effectively this would mean that the site is identified in the TPDP as providing for urban growth and infrastructure investment with little prospect of such demand eventuating to an

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<sup>179</sup> S42A Preliminary Report. Appendix A. Property Economics. Table 12 and Table 13.

extent that would result in outcomes that would implement and achieve **UFD-O1** in achieving a ‘*consolidated and integrated settlement pattern*’.

- 10.5.15 However: the area is contained in one large landholding and the GRUZ and FDA provisions would ensure that the subject area would not be further fragmented or developed to the extent which would compromise future urbanisation, should it be required; that as a ‘Future Area – beyond 10 years’ there is no express requirement (and associated resourcing) on the TDC to prepare the DAP package for the site; the site is contiguous with the existing Geraldine urban area; and there is no obligation on any party to pursue a plan change seeking urbanisation. Ultimately this matter is finely balanced. Canterbury Regional Council may wish to provide further information that would guide this matter.

### **Recommendations**

- 10.5.16 The submission from Ryan De Joux [157.2] is **rejected**.
- 10.5.17 The submission from the Canterbury Regional Council [183.166] is **rejected**.

## **10.6 Rezone for Growth – FDA6 Factory Road Future Development Area**

- 10.6.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Aitken, Johnston, and RSM Trust	237.1, 237.2
Ryan De Joux	157.2
Canterbury Regional Council	183.166

### **Submissions**

- 10.6.2 Aitken, Johnston, and RSM Trust [237.1] are in support of the intent of the Future Development Area Overlay (FDA6) across 26 and 52 Factory Road. However, the submitter [237.2] opposes the ‘beyond ten year’ time frame for the Development Area Plan given that all councils are required to review the District Plan every ten years, the submitter considers it does not make sense to provide the land supply to then defer it until the next district plan review.

The submitters seek the following amendments to FDA6 Factory Road Future Development Area:

- Amend **SCHED15, FDA6** to remove any timeframe associated with the implementation of the Future Development Area.

OR alternatively

- Amend **SCHED15, FDA6** to decrease the timeframe to 5 years. AND
- Grant any other consequential or similar relief that is necessary to deal with the concerns and the issues raised in this submission or any subsequent further submissions.

10.6.3 Ryan De Joux [157.2] seeks that Council amends all Future Development Areas on rural zoned land shown as 'beyond 10 years' to '5 – 10 years'.

10.6.4 The Canterbury Regional Council [183.166] consider that only land deemed for short- or medium-term development as outlined in the NPS-UD should be identified. As identified in SCHED15 with a DAP preparation process of 'Future area – beyond 10 years', the submission would remove the spatial extent of FDA6 from the planning maps and from the Schedule.

10.6.5 The amending proposal relates to a 17.93Ha block, which has an estimated residential yield of between 180 to 215 household allotments (10 – 12HH/Ha)<sup>180</sup>.

10.6.6 FDA-6 (and the scope of the submission) relates to three titles which are held under single ownership:

- |                   |                       |          |
|-------------------|-----------------------|----------|
| • 26 Factory Road | Lot 2 DP 377989       | 8.3425Ha |
| • 52 Factory Road | Part of Lot 39 DP6860 | 9.3836Ha |
| • - Factory Road  | Lot 38 DP 6860        | 0.0213Ha |

There are single dwellings located on 26 and 52 Factory Road respectively, with the balance used for arable and pastoral activities. Access is provided from Factory Road, and Seddon Street connects to the south of the site.

10.6.7 Cohesive ownership, large base allotments, an absence of structures, and multiple frontages to the road network would aid in the formation of a cohesive and integrated Development Area Plan for the site.

10.6.8 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

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<sup>180</sup> S42A Preliminary Report. Attachment A. Property Economics. Table 10 – 238 households.

**Figure 13: Site Location (in Blue) FDA-6: Aitken, Johnston and RSM Trust (37.1, and 237.2) Ryan De Joux (157.2) and planning maps (hatched)**



### Analysis

- 10.6.9 A Submitter package was received on behalf of Aitken, Johnston, and RSM Trust. The package contains material associated with the statutory framework, servicing and a Memo from Novo Group which effectively sets out the requirements of the NPS-UD and does not advance matters in terms of the contribution, or otherwise of the amending proposal to achieving well-functioning urban environments<sup>181</sup>.
- 10.6.10 Matters that are agreed include:
- Notified Zoning** – GRUZ with an FDA Overlay (FDA6 – Factory Road Future Development Area – General Residential Zone – Timeframe for DAP ‘Future Area – Beyond 10 Years’).
  - Biodiversity** - There are no Natural Values overlays on the amending proposal site. Dependent on subdivision design, modest increases in natural character and biodiversity could be achieved as associated with the Taumatakahu Stream, albeit these would need to be introduced through any subsequent structure plan / ODP as esplanade reserves are not mandated in the TPDP.
  - Hazards** – The amending proposal is the subject to the Flood Assessment Area Overlay<sup>182</sup>. The Submitter package contains a Canterbury Regional Council Flood Hazard Assessment<sup>183</sup> which confirms that the property would likely be affected by flooding in a 100-year ARI event and that overall the ‘*flooding at the property can be described as low risk*’, although extensive development could result in significant changes to the

<sup>181</sup> Submitter Package. Sub 237. Davis Oglivie. Attachment 2 – Novo Group – Nueman.

<sup>182</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

<sup>183</sup> Submitter Package. Sub 237. Davis Oglivie. Attachment 1 – Canterbury Regional Council.

modelled flooding and would result in changes in the pattern and behaviour of flooding in the area.

- e. **Culture and Heritage** – The amending proposal is located within the SASM-4 Wahi Tupuna Overlay that applies to Waitarakao to Orari, inland to Seadown Road and including Arawhenua and Temuka. There is not a SASM overlay specifically associated with The Taumatakahu Stream. The area is of significance to Kāti Huirapa given associations with Waiateruati Pā, despite the land being subsequently drained and converted for agricultural use<sup>184</sup>. Kāti Huirapa would not wish to see the mauri of any adjoining waterways diminished and the preservation of mahika kai and taonga species through ensuring future dwellings are connected to reticulated services<sup>185</sup>.

#### 10.6.11 Matters that are disputed include:

- a. **Landscape and Natural Character** – It is agreed that the site is largely characterised by open space arable and pastoral grasslands, albeit with two residences and miscellaneous farm sheds. The site is considered to exhibit a primarily rural character and amenity, although there is intensive residential development to the south, and peri-urban lifestyle development to east. The Taumatakahu Stream traverses the very north-eastern corner of the site. The Stream is not notated in the TPDP in terms of an overlay for either Esplanade Reserve provision or Public Access Provision.

Ms Pluger advises that:

*“In my view, the openness, rural character and absence of rural lifestyle development makes this site less suitable for residential development from a landscape perspective as anticipated under the TPDP as associated for FDA6. The urban growth boundary would be less clearly detectable, leading to an appearance of urban sprawl into the rural environment to the north of Temuka. Accordingly, I consider that from a landscape perspective an approach that consolidates the existing urban area is preferable to a more immediate residential expansion into this area. There is no support for that part of the submission that seeks immediate rezoning, or that the DAP process be brought forward to five years as sought”.*

- b. **Infrastructure and Servicing** – the submitter package identifies that **water** supply can be serviced by the Council’s urban network, including sufficient capacity. Mr Kemp however advises that such requires modelling and confirmation of capacity. The package considers that the **reticulated wastewater** network is proximate to the site, however a low-pressure network system or communal pump station would be needed to overcome constraints to meet Council Infrastructure Standards and the Building Code. Mr Kemp considers that the impact of the proposal on downstream sewer constraints has not been assessed or provided. In terms of **stormwater**, stormwater basins and management could be undertaken on site subject to obtaining the necessary

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<sup>184</sup> Manawhenua Assessment. Hall [3]

<sup>185</sup> Manawhenua Assessment. Hall [4]

regional council consents, with Mr Kemp identifying that the site is outside the Temuka Stormwater Management Area.

There is no technical assessment provided on **Transport**. Whilst I acknowledge that the site has considerable frontage along Factory Road and the ability extending the Seddon Street Road reserve, Mr Collins considers that the submitter package is devoid of: an appropriate consideration of the amending proposal against the relevant Transport objectives and policies; an analysis as to effects on the safe and efficient operation of the network; and support by appropriate transport infrastructure<sup>186</sup>.

Council engineers advise that there is no Long-Term Plan funding provided for upgraded servicing infrastructure to facilitate development of this site, with any prioritisation associated with urbanisation of this block affecting the delivery of other workstreams<sup>187</sup>.

### Statutory considerations

- 10.6.12 The subject of the submission(s) from Ryan De Joux [157.2] and Aitken, Johnston, and RSM Trust [237.1] and [237.2] are narrowed to the timeframe within SCHED15. The focus of that analysis is related only to whether a more responsive process to facilitate rezoning to a General Residential zone (either immediately or as amended by a DAP timeframe of 5 years) is the more appropriate in terms of:
- a. Giving effect to the NPS-HPL, as associated with the primary relief of immediate rezoning to General Residential zone;
  - b. Sufficient development capacity, and choice in dwelling location and types;
  - c. Integration with servicing infrastructure; and
  - d. Efficiency and effectiveness as associated with the preparation of a Development Area Plan (FDA-P4) and associated Plan Change (FDA-O1).
- 10.6.13 In terms of the primary relief for rezoning to GRZ, the Submitter package accepts that the amending proposal (excluding a small area to the south) is HPL under the transitional provisions of the **NPS-HPL**<sup>188</sup>. The site is predominantly classed as LUC-2 as mapped by the New Zealand Land Resource Inventory.
- 10.6.14 Accordingly, CI 3.6(4) requires territorial authorities to only allow urban rezoning where the conjunctive tests in that clause are considered and met; in relation to CI 3.6(4)(a) the evidence of Mr Heath is that there is sufficient feasible capacity in Temuka to satisfy long term (2053) demand under a medium growth forecast, and both the short (3 year) and

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<sup>186</sup> Attachment 7. Infrastructure. Collins.

<sup>187</sup> Attachment 7. Infrastructure. Kemp.

<sup>188</sup> Submitter Package. Sub 237. Davis Oglivie [3.2]

medium (ten year) term under a high growth forecast; there is no assessment provided by the Submitter in terms of the costs and benefits of rezoning to consider CI 3.6(4)(c).

- 10.6.15 The primary amending proposal seeking General Residential zoning immediately would neither satisfy cl 3.6(4)(a) or (b) or 3.6(5). There is no assessment provided in relation to cl3.6(4)(c). Therefore, I conclude that the immediate rezoning as sought in that part of submission [237.2] would not give effect to the **Objective**, or **Policy 4** and **5** of the **NPS-HPL**. Given the LUC2 classification, consideration of this matter will not change given Governments stated intent to remove LUC3 from consideration as HPL. I therefore recommend that this part of the submission be **rejected**.
- 10.6.16 The Submitter package identifies a subsidiary relief to the primary submission, that that part of the southern extent of the amending proposal which is not HPL be ‘immediately rezoned as General Residential<sup>189</sup>’. I recommend that that relief be **rejected**, including based on the evidence of Ms Pfluger that the existing urban boundary is well defined. In my view such an incremental rezoning would not promote a ‘*coordinated pattern of development*’ to give effect to **CRPS Policy 5.3.1** and would not better achieve ‘*a consolidated and integrated settlement pattern*’ as sought by **UFD-O1**.
- 10.6.17 The following assessment considers that part of the amending proposals [237.2] and [157.2] seeking a 5-year DAP process within SCHED15.
- 10.6.18 As set out in the Submitter Package and largely agreed with in my assessment above, the subject site has considerable attributes associated with the long(er) term urban growth of Temuka including: a cohesive development area held in single ownership; the ability to manage the effects of urbanisation such that there would not be detrimental adverse effects on sensitive natural and cultural values; and proximity and accessibility to the existing urban area, including jobs and community services<sup>190</sup>.
- 10.6.19 However, based on the evidence of Mr Heath, a more responsive urbanisation is not required to meet sufficiency requirements to meet the needs in terms of household types, price or location (**NPS-UD Policy 2**); Mr Kemp has identified that funding is not identified in the LTP, and that ‘*downstream infrastructure constraints (sewer network capacity limitation) may impact the feasibility of achieving a successful development moving forward*’ meaning that the any rezoning would not contribute to development capacity as it would not be integrated with the provision of ‘*adequate development infrastructure to support the development of land for housing or business use*’<sup>191</sup>.
- 10.6.20 I consider that an earlier rezoning would be the less appropriate in terms of achieving ‘*well-functioning urban environments*’ (NPS-UD **Objective 1**) or further *the concentration or coordinated pattern of development* as required by the CRPS (**CRPS Policy 5.3.1**) or Strategic

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<sup>189</sup> Submitter Package. Sub 237. Davis Oglivie [3.2, Figure 2]

<sup>190</sup> Policy 1(a) and (c) NPS-UD.

<sup>191</sup> NPS-UD Definition of ‘development capacity’. Refer also cl 3.4(4)

Directions of the TPDP (**SD-O1**), nor be the more appropriate in further the achievement of **UFD-O1** which seeks ‘*a consolidated and integrated settlement pattern that (i) efficiently accommodates future growth and capacity for ... residential activities*’; and (ii) *is integrated and coordinated with, and ensures the efficient use of infrastructure*’.

- 10.6.21 Simply put, the addition of capacity (and infrastructure servicing demands) as associated with a further 200 household allotments, in excess of the existing realisable capacity which is forecast to meet demand well beyond the life of the TPDP will not consolidate the Temuka settlement pattern, nor support the efficient integration of infrastructure.
- 10.6.22 The Council has not scheduled funding for a DAP (FDA6) as associated with the DAP process in its LTP.
- 10.6.23 I do not consider that advancing the FDA6 DAP process to 5 years is efficient (having regard to the costs and benefits).
- 10.6.24 It is considered that there is little risk with not acting (in terms of accepting the amending proposal). The TPDP provisions prevent fragmentation and development associated with the GRUZ zoning associated with the site.
- 10.6.25 In terms of the amending proposal from Canterbury Regional Council to remove FDA6 from the Planning Maps and SCHED15, I consider the matter to be finely balanced. I note the evidence of Mr Heath that under a medium growth scenario urbanisation of the site would not be necessary to provide for residential sufficient development capacity within the next 30 years, albeit under a high growth scenario modest additional household demand could be required beyond the medium (10 year) term. I have also identified that no infrastructure funding is identified in the LTP to support infrastructure servicing of the site.
- 10.6.26 However, as above I consider that the site represents a contiguous extension to Temuka, should it be needed, is held in a cohesive landholding, and is relatively close to several of the key facilities, including schools, social services, and the functional and social amenity provided by the Temuka Town Centre (at a distance of some 1.7km). As the area is identified as ‘Future Area – beyond 10 years’ there is no express requirement (and associated resourcing) on the TDC to prepare the DAP package for the site; and there is no obligation on any party to pursue a plan change seeking urbanisation. The Canterbury Regional Council is requested to provide further information that would guide this matter.

### **Recommendations**

- 10.6.27 I recommend that the submissions from Aitken, Johnston, and RSM Trust [237.2] and Ryan De Joux [157.2] be **rejected**.
- 10.6.28 I recommend that the submissions from the Canterbury Regional Council [183.166] be **rejected**.



## 10.7 Rezone for Growth – FDA7 Thompson Future Development Area

10.7.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Darren Wayne Rae	95.1
Greenfield, McCutcheon, Tarrant, Sullivan and Ellery	34.4

### Submissions

10.7.2 Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.4] support FDA7 and the associated 2-year priority. The submitter seeks for FDA4 to be retained as notified.

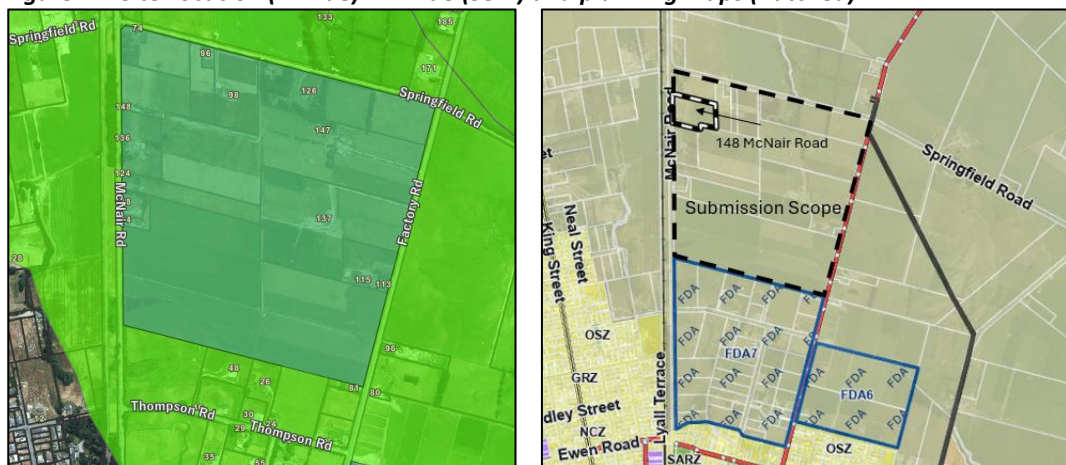
10.7.3 Darren Wayne Rae [95.1] considers additional rural lifestyle properties should be provided to enable growth in Temuka. The submitter seeks for FDA7 to be extended north to include their property at 148 McNair Road.

### Analysis - DW Rae [95.1] – Temuka, 148 McNair Road

10.7.4 The submission seeks the extension of FDA7 north to Springfield Road, this would encompass an area of some 68ha. The submission detail is specific to the property at 148 McNair Road which is 2.43ha in size. The amending proposal would be demarcated by the boundaries of Factory Road, Springfield Road and McNair Road, would be located some 800m from the nearest urban (GRZ) boundary, and would adjoin notified FDA7 to the south.

10.7.5 A map illustrating both the submission scope and the property at 148 McNair Road is shown below.

**Figure 14: Site Location (in Blue) DW Rae (95.1) and planning maps (hatched)**



- 10.7.6 A submitter Package was not received in terms of the requests contained in the Preliminary Report. Accordingly, there is no analysis of servicing, density, natural values, highly productive land, cultural matters or transport that assist in terms of the duties in s32AA.
- 10.7.7 The site is zoned **GRUZ**. Overlays include Flood Assessment Area (**Natural Hazards**<sup>192</sup>) and Wahi Tupuna (SASM-4, **Cultural Values**).

#### Statutory consideration

- 10.7.8 The site is not identified for Urban or Rural Lifestyle growth within the Growth Management Strategy 2018 and Review (2022) for the purposes of s74(2)(b)(i).
- 10.7.9 Under the transitional NPS-HPL provisions, the site is classified as HPL (LUC2). The amending proposal in extending FDA7 north is not an immediate rezoning. Regardless, as identified for other submitters, given the inherent expectation of a rezoning associated with being notated as an FDA in the Plan, I consider that the submission requires consideration against the NPS-HPL; in this instance, **Objective 1**, **Policy 4** and **Policy 6**. There is no analysis provided by the submitter with regard how the proposal would achieve the criteria in Clause 3.10, with the requirement under Clause 3.7 that Territorial authorities are otherwise directed to '*avoid rezoning of highly productive land....*'.
- 10.7.10 I consider that there is not sufficient evidence provided to enable an evaluation of the amending proposal for the purposes of s32AA.
- 10.7.11 The amending proposal relates to an area primarily used for pastoral agricultural activities, with site sizes ranging from 26ha to 0.4ha, and an average of some 6ha. A number of smaller allotments front McNair Road.
- 10.7.12 A maximum yield in the absence of sewer reticulation (2Ha lots) would be in the order of some 30 allotments.
- 10.7.13 To the extent that a consideration against the provisions in the **NPS-UD** is relevant to a Rural Lifestyle amending proposal, under a medium growth forecast additional dwelling supply is not required to meet '*as a minimum*' the long-term sufficiency requirements in the NPS (**Policy 2**).
- 10.7.14 In terms of a consideration against the higher order statutory framework, I consider that the amending proposal:
- (b) Would not give effect to the NPS-HPL, specifically **Objective 1** and **Policy 4** and would create an expectation for Rural Lifestyle rezoning which would not achieve **Policy 6**.

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<sup>192</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

Whilst not a rezoning, the extended FDA sought relates to an area notated as HPL under the transitional requirements (LUC2) and is substantially used for productive purposes.

- (c) The amending proposal would neither ‘concentrate’ nor be ‘attached to existing urban areas’ to achieve and implement **SD-O1(ii)**, nor given its separation from Temuka’s urban boundary represent Rural Lifestyle development that is ‘integrated with the environment and appropriate infrastructure’ to achieve **RLZ-O5**.

10.7.15 Accordingly, I recommend that the submission from RW Rae [95.1] be **rejected**.

**Analysis - Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.4] – Temuka, FDA7**

10.7.16 The site is zoned **GRUZ**, with an accompanying FDA7 overlay as identified in SCHED15 for Rural Lifestyle Zone and a Priority area – 2-year DAP. The amending proposal is one of support for the notified TPDP provision associated with FDA7 and states in the submission [13]:

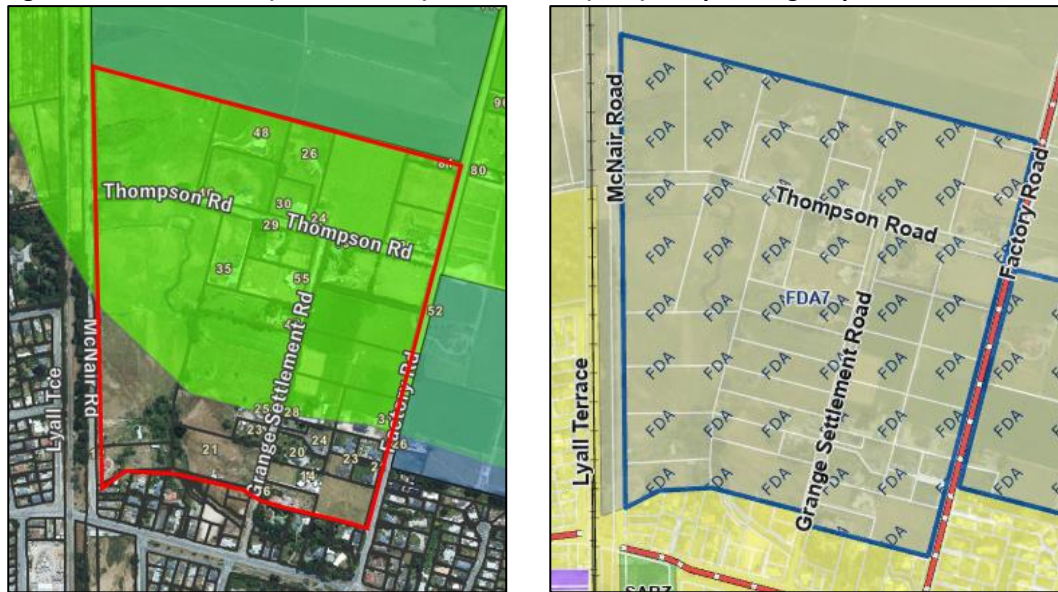
*“Support for FDA7 Thompson Road Future Development Areas and the associated 2-year priority” (as identified in SCHED15).*

10.7.17 A map illustrating the location of FDA7 in relation to Temuka is shown below. The associated land area is 40.5ha and consists of allotments that are typically less than 2ha in size. There is only one larger cohesive allotment of some 13ha fronting McNairs Road which is partly transected by the Taumatakahu Stream as notated for esplanade reserve<sup>193</sup> and pedestrian access provision within the TPDP. Much of the block is considered to already exhibit a character and amenity akin to the qualities sought within the Rural Lifestyle zone (**RLZ-O2**); the absence of commercial scale rural production within the block means that adverse reverse sensitivity effects on productive rural uses would be unlikely.

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<sup>193</sup> SCHED12 – Schedule of Esplanade Reserves (Entire Length)

**Figure 15: Site Location (in red outline) Sullivan et al (34.4) and planning maps**



10.7.18 A submitter package was received. There is agreement as to the following:

- a. **Notified Zoning and the FDA7** – GRUZ, with a 2 Year DAP process for Rural Lifestyle zone;
- b. **Landscape** – Exhibits primary a Rural Residential character and amenity, with limited productive rural activity. Ms Pfluger identifies that *'The allotments typically follow the size and nature of that expected in a rural lifestyle area. A number of smaller lots are already found within this block of land. .... Mechanics associated with maintaining natural character, as practical, would be undertaken through the DAP process and subsequent plan change'*.
- c. **Biodiversity** – Values are attributable to the Taumatakahu Stream. I consider that subdivision facilitated by the Rural Lifestyle Zoning would better recognise and provide for these values than the TPDP GRUZ zoning.
- d. **Cultural Values** – These are notated as SASM-4 (Waiarakao to Orari) and SASM18 (Te Taumatakahu oKahu Steram) in the TPDP. The Manawhenua Report prepared by Ms Hall at Aoraki Environmental Consultancy Ltd, identifies<sup>194</sup> that the area is of substantial value as associated with *'Waiateruati Pā and the land surrounding the Pā that was utilised by Kāti Huirapa for growing and gathering Mahika kai resources'*. Accordingly, water quality and the protection of remaining waterways and springs is critical to preserving what is left of mahika kai and taonga species; therefore, if landowners were to develop sites as a greater density than is already the case, *'Kāti Huirapa would insist on future dwellings being connected to Council's reticulated networks for water supply, wastewater and stormwater'*. I agree.

<sup>194</sup> Manawhenua Report. Hall. [28 Grange Road, Temuka, pg 4]

- e. **Infrastructure** –The Mr Kemp has identified that ‘As noted by the submitter, extensive work needs to occur in relation to the serviceability of the area. The submission does not seek to change the FDA approach, so there is nothing additional to comment on other than noting the servicing constraints may impact on the achievability of a re-zoning through the FDA process’<sup>195</sup>.

I consider that the density limits as predicated on wastewater reticulation<sup>196</sup> would preclude further subdivision of the block in the absence of wastewater reticulation. This would preclude (with the exception of LOTS 16-19 35-37 DP 6860 BLK II AROWHENUA SD (12.78Ha)) additional allotments, and thereby largely maintaining the current density as advised by Aoraki Environmental Consultancy Ltd. The DAP and Plan Change process (FDA-P2 and FDA-P4) would provide an opportunity to confirm reticulation for the block prior to rezoning.

- f. **Hazards** – the site is notated as ‘Flood Hazard Assessment’, however as this area is already identified as an FDA there is an expectation that hazard risks can be appropriately managed<sup>197</sup>.

#### Statutory consideration

- 10.7.19 As outlined in the s42A NPS-HPL Memo, the subject area is HPL (LUC2) under the transitional provisions of the NPS-HPL. The site was identified as a growth ‘circle’<sup>198</sup> in the GMS2018 but not carried through within the GMS2022 review. This analysis is agreed by Ms McMullan<sup>199</sup>. The submitter package does not provide a consideration of Clauses 3.7 and 3.10 on the basis that the submission does not seek a rezoning, and is in support of the FDA.
- 10.7.20 Lastly, for the reasons given above I rely on the evidence of Mr Heath with regard to the provision of sufficient development capacity. I consider that the FDA represents an increase (albeit modestly especially in the absence of wastewater reticulation) in the ‘types’ of dwellings available to the Temuka housing market.
- 10.7.21 There are no submissions opposing the FDA or DAP process timetable in SCHED15. The submission from Greenfield, McCutcheon, Tarrant, Sullivan and Ellery [34.4] is in support of the notified TPDP with respect to the site. I recommend that the submission from Greenfield, McCutcheon, Tarrant, Sullivan and Ellery Sub# 34.4 be **accepted**.

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<sup>195</sup> Appendix 8. Infrastructure. Kemp.

<sup>196</sup> Part 2 – District Wide Matters / Subdivision / Sub P15(3) and SUB-S1(4)(4) ‘in any other areas, 5000m<sup>2</sup> if there is a sewer connection to each residential lot, otherwise 2ha’.

<sup>197</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

<sup>198</sup> <https://environment.govt.nz/assets/publications/land/National-Policy-Statement-Highly-Productive-LandGuide-to-implementation-March-2023.pdf> at [18] requires identification of land parcels.

<sup>199</sup> Submitter Package. Sullivan et al. Sub 34.

**Recommendations**

10.7.22 The submission from Greenfield, McCutcheon, Tarrant, Sullivan and Ellery Sub# 34.4 be **accepted**.

10.7.23 The submission from RW Rae [95.1] be **rejected**.

**10.8 Rezone for Growth – FDA8 Manse Road Future Development Area**

10.8.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi NZ Transport Agency	143.194

**Submissions**

10.8.2 Waka Kotahi NZ Transport Agency [143.194] recognises that land identified as rural lifestyle development, as set out in FDA8, 9, 10 and 11 are adjacent to existing urban areas. However, the submitter seeks further regard be given to the consideration that the land is further away from amenities, public transport, and multimodal transport routes thereby placing reliance to travelling by private vehicle. Additionally, the submitter questions how FDAs will achieve transport outcomes in relation to Central Government direction on climate change. The requested relief is to consider the matters described to determine whether FDA8 Manse Road Future Development Area is appropriate to be rezoned as rural lifestyle.

**Analysis – FDA8 Manse Road Future Development Area**

10.8.3 The submission from Waka Kotahi NZ Transport Agency [143.194] is narrowly focused on whether appropriate transport and multi-modal outcomes associated with FDA-8 would be achieved, such that rezoning to Rural Lifestyle zone remains appropriate.

10.8.4 FDA-8 relates to a 46ha block located on the southern extent of Pleasant Point, direct frontage is provided by Smart Munro Road and Longview Road, as well as Shere Street. Extensions from Kyber Street, Khan Street and Kandahar Street would also provide direct access into the land area. Property Economics have identified a potential yield of 79 rural lifestyle allotments<sup>200</sup>.

10.8.5 The site is slightly elevated above the existing Pleasant Point settlement, and contains a mix of allotment sizes from 2ha to 20ha.

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<sup>200</sup> Preliminary s42A Report. Attachment A. Property Economics [Table 10]



- 10.8.6 A map illustrating the location of the site (and associated land use classification and zoning) is provided below:

**Figure 16: Site Location (in Blue) Waka Kotahi [143.194] and planning maps (hatched)**



- 10.8.7 In terms of the specific transport focus contained within the submission from Waka Kotahi, the site was assessed during the preparation of the GMS2018 as being able to integrate efficiently with the regional and local road networks. At its closest point the subject area is some 300m from the Pleasant Point Town Centre zone, and at its furthest some 1.3km. DAP preparation as pursuant to Policy FDA-P4(8) also requires *'the provision of multi-modal transport links (including active transport links) and connected transport networks ... from and within the site'*.
- 10.8.8 It is considered that FDA-8 is attached to an existing urban area, and subject to the requirements of FDA-P4 would promote (in terms of the transport network) a co-ordinated pattern of development<sup>201</sup>; provision of a zoned rural lifestyle opportunity in Pleasant Point would also promote further housing choice<sup>202</sup>.
- 10.8.9 However, it is acknowledged that given the scale and role of employment activities and amenities in Pleasant Point, that the FDA (and associated rezoning) would be heavily reliant on travelling by private vehicle for access to goods, services and employment. It is considered that FDA8 would be less appropriate in promoting energy efficiency in urban forms and transport patterns<sup>203</sup>, and would not support reductions in greenhouse gas emissions<sup>204</sup>. This is a function of the character of Rural Lifestyle zoned opportunities, regardless of where they are located, but is exacerbated for FDA8 giving the limited functional and social amenity (employment, community facilities and range of retail and service activities) available in Pleasant Point to facilitate shorter vehicle kilometres travelled (VKT) by residents in any subsequent Rural Lifestyle zone.

<sup>201</sup> CRPS Policy 5.3.1(1)

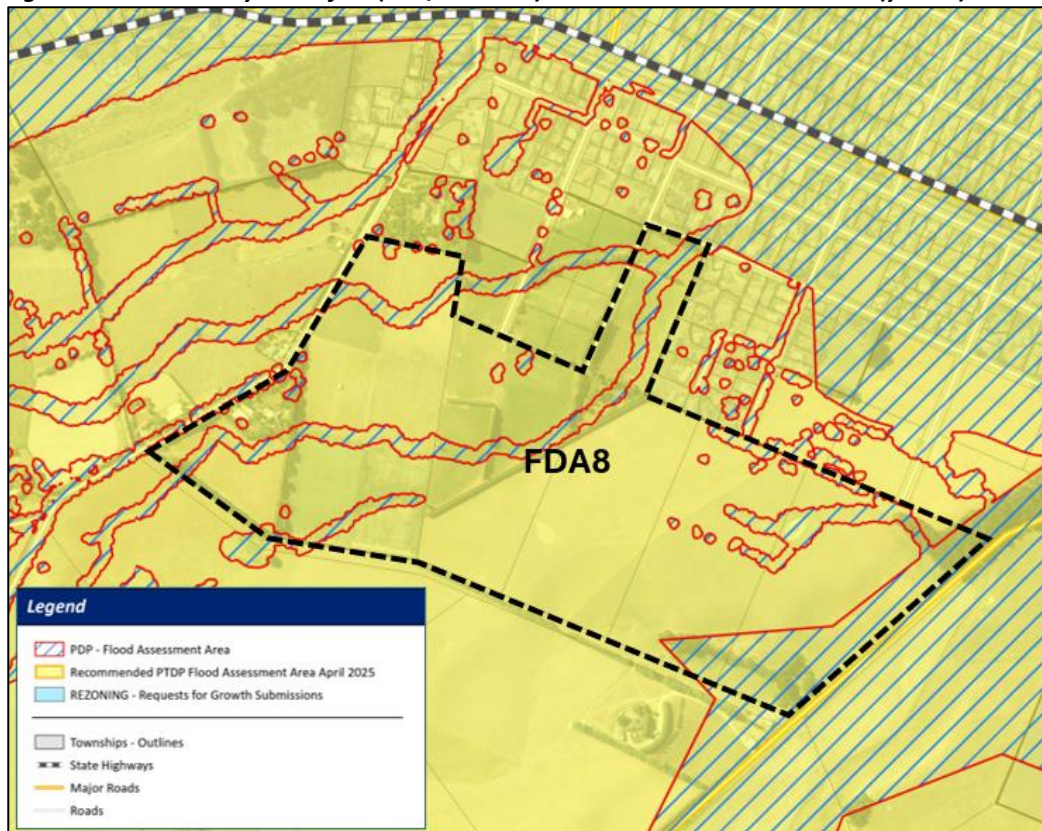
<sup>202</sup> CRPS Policy 5.3.1(2)

<sup>203</sup> CRPS Policy 5.3.1(3)

<sup>204</sup> NPS-UD Objective 8(a) and Policy 1(f)

- 10.8.10 In terms of the specific transport matters raised in the submission by Waka Kotahi, I consider that retention of FDA-8 is finely balanced.
- 10.8.11 FDA-8 would achieve a number of provisions in the higher order documents: the site is absent sensitive natural environment values and cultural values<sup>205</sup> (as notated in the TPDP); and would provide housing choice through growth that attaches to existing urban areas.
- 10.8.12 In terms of **natural hazards**, the site is largely absent of material Flood risk<sup>206</sup> as notated as FAA under the notified TPDP. However as subject to the remodelled FAA as sought by Environment Canterbury [183.228]<sup>207</sup> the full of extent of FDA8 would become subject to the FAA overlay.

**Figure 17: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**



- 10.8.13 However, the proposal would not further a consolidated settlement pattern<sup>208</sup> given that the evidence of Mr Heath identifies sufficient capacity in Pleasant Point (in the absence of FDA-8) to meet both medium and high growth projected demand to 2053; nor promote energy efficient urban forms and settlement patterns<sup>209</sup>.

<sup>205</sup> UFD-O1(vi)

<sup>206</sup> SD-O4, UFD-O1(ix)

<sup>207</sup> Refer s42ANatural Hazards Section 7.38

[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf)

<sup>208</sup> UFD-O1

<sup>209</sup> SD-O3(iii)



Statutory consideration

10.8.14 In terms of a wider context to the submission I am aware of the following matters which are of relevance to the determination by the Panel:

- a. **NPS-HPL.** The subject site is deemed to be HPL under the transitional provisions of the NPS-HPL. The site is zoned a combination of Rural 1 and Rural 2 under the Operative Timaru District Plan. Under the TPDP the site is noted General Rural zone, as notated with the FDA-8 overlay. The site is notated as comprising Land Use Capability Class 2 and 3 soils as mapped by the New Zealand Land Resource Inventory. The site is not identified in the GMS2022 Review by cadastral boundaries. Accordingly, as the soils associated with FDA-8 are HPL the relevant provisions associated with a rezoning to Rural Lifestyle would be CI3.7 and CI3.10.

Whilst the FDA process is not a rezoning, the consequence of the DAP preparation pursuant to FDA-P4 and subsequent plan change request for the introduction into the District Plan would, as considered against the directive provisions of the NPS-HPL, be destined to fail. I would not consider that FDA-8 would have sufficient constraints or benefits respectively in terms of CI3.10(1)(a) or (c); the Property Economics analysis also identifies sufficient development capacity for Pleasant Point (medium or high growth forecasts) to 2053 not that Rural Lifestyle opportunities is considered in that analysis as part of an 'urban environment' to provide sufficient development capacity.

- b. **Infrastructure.** Initial assessments for the GMS2018 identified that there would be costs associated with wastewater and water supply for firefighting; with the former requiring a sewer network and pump station upgrade to provide reticulation, and the latter requiring a booster pump at the more elevated sites.

10.8.15 For the purposes of s74(2)(b), I have had regard to the GMS2018 which identifies (not at a cadastral level of detail) the western extent of FDA8 as 'Manse Road Rural Residential'. The term 'regard' means give due attention but not necessarily prevail. The NPS-HPL as coming into force in October 2022 represents a highly directive approach to the protection and management of highly productive land that was not in force when the GMS2018 was approved by the TDC.

10.8.16 On the basis of the above, and primarily the implications of the NPS-HPL, retention of FDA-8 is considered to be both less *efficient* (in terms of costs to establish a DAP, and likely statutory and directive hurdles in the NPS-HPL which seek to prevent rezoning of HPL<sup>210</sup>), and *effective* (modest benefits in terms of housing choice and connection to an established urban area, but would not achieve provisions in terms of the efficient integration with

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<sup>210</sup> NPS-HPL Objective. Policy 4, Policy 6.

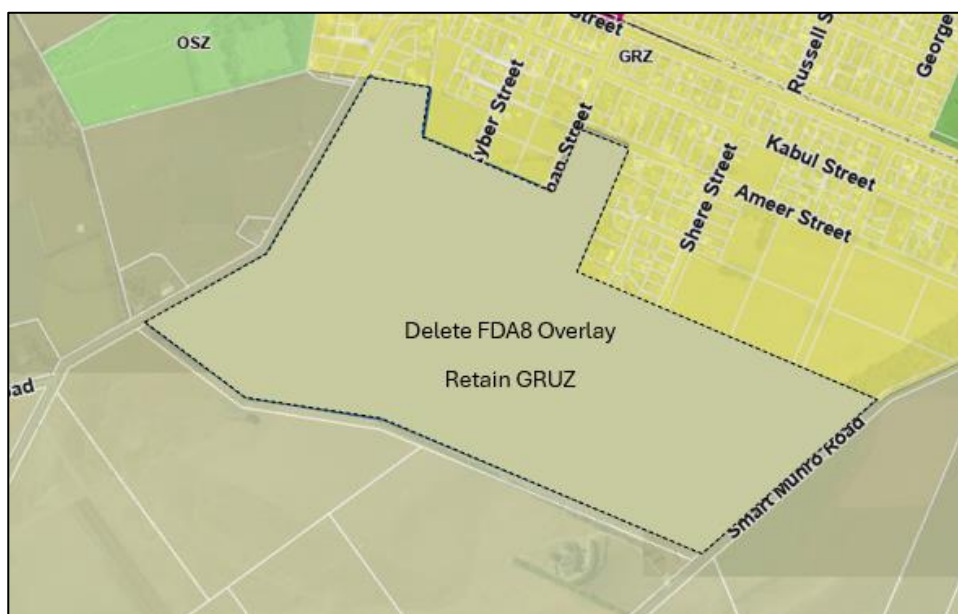
infrastructure<sup>211</sup>, capability to efficiently connect to servicing<sup>212</sup>, and the promotion of energy efficient urban forms and settlement patterns<sup>213</sup>) in achieving or giving effect to the relevant statutory framework when considered as a whole.

### Recommendations and s32AA analysis

10.8.17 The submission from Waka Kotahi NZ Transport Agency [143.194] is recommended to be **accepted**.

10.8.18 The amended change to SCHED-15 and planning maps are as below:

SCHED15 — SCHEDULE OF FUTURE DEVELOPMENT AREAS				
Unique identifier	Name	Anticipated Zone	Timeframe for DAP	Additional Requirement
<del>FDA8</del> <sup>214</sup>	<del>FDA8 – Manse Road Future Development Area – Rural Lifestyle Development</del>	<del>Rural Lifestyle Zone</del>	<del>Priority area – 5 years</del>	
<del>FDA8</del> <sup>89</sup> [Renumber accordingly]	FDA <del>8</del> <sup>89</sup> - Gleniti North Future Development Area - Rural Lifestyle Development	Rural Lifestyle Zone	Priority area - 5 years	



<sup>211</sup> UFD-O1(ii) NPS-UD Objective 6(a)

<sup>212</sup> SD-O1(ii)

<sup>213</sup> SD-O3(iii), NPS-UD Policy 1(e), Objective 8.

<sup>214</sup> Waka Kotahi NZ Transport Agency [143.194]

## 10.9 Rezone for growth – FDA9 Gleniti North Future Development Area

- 10.9.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Anne-Marie Ford and Mostafa Mohamed Ammar	217.1
Holly Renee Singline and RSM Trust Limited	27.9, 27.11
Waka Kotahi NZ Transport Agency	143.195

### Submissions

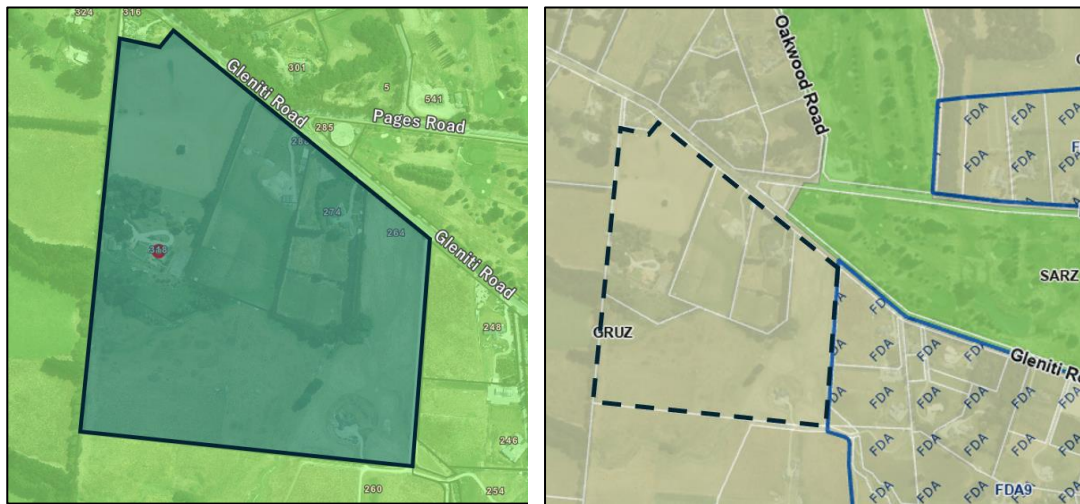
- 10.9.2 Holly Renee Singline and RSM Trust Limited [27.9] support the inclusion of 210 Gleniti Road in FDA9 and seek to retain as notified.
- 10.9.3 Holly Renee Singline and RSM Trust Limited [27.11] also request that the DAP timeframe be shortened from 5 years to 2 years given that council commenced the district plan review over 7 years ago.
- 10.9.4 Anne-Marie Ford and Mostafa Mohamed Ammar [217.1] considers the property at 318 Gleniti Road should be included with FDA9 given the area already has rural residential development present, and there is existing demand for residential properties on the northern edge of Timaru's urban area.
- 10.9.5 Waka Kotahi NZ Transport Agency [143.195] recognises that the land identified for rural lifestyle development as identified in FDA9 is adjacent to existing urban areas, however the submitter seeks further consideration of the transport matters described in their submission point as to whether FDA9 is appropriate to be rezoned to rural lifestyle zoning.

### Analysis – Anne-Marie Ford and Mostafa Mohamed Ammar [217.1] – 318 Gleniti Road, Timaru

- 10.9.6 Anne-Marie Ford and Mostafa Mohamed Ammar [217.1] considers the property at 318 Gleniti Road should be included with FDA9 given the area already has a rural residential character, and there is existing demand for residential properties on the northern edge of Timaru's urban area. The submitter seeks the following amendments:
- (a) Amend the boundary of FDA9 to include 318 Gleniti Road (and other properties between the existing boundary and the proposed extension);
- AND
- (b) Any consequential and/or alternative amendments to address the matters raised in this submission.
- 10.9.7 The submission seeking the expansion of FDA9 to include 318 Gleniti Road also incorporates through its scope the properties at 264, 274 and 288 Gleniti Road as are located to the west of FDA9, with the northern extent bounded by Gleniti Road.

- 10.9.8 Collectively the amending proposal relates to 22.34 hectares which would provide a Rural Lifestyle Yield of between eight and thirty-five (35) allotments dependent on the provision of wastewater reticulation<sup>215</sup>. The amending proposal comprises of four existing allotments, the largest at 10.82ha and 6.24ha, and the smallest a 2.96ha and 2.32ha; each contains a dwelling.
- 10.9.9 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

**Figure 18: Site Location (in Blue) Ford & Ammar [217.1] and planning maps (hatched)**



- 10.9.10 A submitter package was not received in terms of the requests set out in the Preliminary Report. There is no corresponding analysis of servicing, density, natural values, highly productive land, cultural matters or transport that assist in terms of the duties in s32AA. The original submission states that the FDA9 overlay extension is warranted due to: market demand; that the area has rural residential development present; and is a minor extension to FDA9.
- 10.9.11 Within the TPDP, the area is zoned **GRUZ**. The amending proposal is not identified as being subject to any **Natural Hazard** overlays<sup>216</sup>. SASM-12 (Wai Taoka) Ōtipua (Saltwater) Creek extends through the amending proposal in terms of **Cultural** overlays, and the corresponding esplanade provision is notated on the planning maps although that requirement does not extend to public access provision. There are no notated **Natural Values** identified in the TPDP as associated with the amending proposal.
- 10.9.12 The area subject to the submission, in my view exhibits a semi-rural character and amenity that remains consistent with the outcomes sought in GRUZ-O2. The site is characterised by substantial areas of open space and pastureland associated with a rolling topography

<sup>215</sup> Rule SUB-S1(4).4

<sup>216</sup> The amending proposal is not contained in the remodelled FAA as sought by Environment Canterbury [183.228]

interspersed with shelterbelts. Whilst I acknowledge that the residential density is well below 40Ha<sup>217</sup> I consider this area is distinguishable from smaller lots further to the east as notated as FDA9. I also consider that extending FDA9 to include the amending proposal would not provide a particularly defensible western edge given the nature of the fragmented allotments further west along Gleniti Road.

#### Statutory consideration

- 10.9.13 The site is not identified for Urban or Rural Lifestyle growth within the Growth Management Strategy 2018 and Review (2022) for the purposes of s74(2)(b)(i).
- 10.9.14 The site is classified as HPL (LUC3) within the transitional NPS-HPL provisions. The submission in seeking an extension of FDA9 (SCHED15 – Priority Area 5 years) is not a rezoning. However, Clauses 3.7 and 3.10 in my view should still be had regard to, given the expectation of a Rural Lifestyle zoning as sought (unless the NPS-HPL is amended in the interim, to preclude LUC3 from the classification of HPL). This was identified in the s42A HPL Memo<sup>218</sup>.
- 10.9.15 In the absence of an evaluation from the submitter against the matters in Clause 3.10 of the NPS-HPL, I am not satisfied that the amending proposal would otherwise avoid the loss of productive capacity of land-based primary production, nor would avoid fragmentation of large and geographically cohesive land areas, given the two larger lots of 6.2 and 10.8ha respectively appear to be utilised for pastoral agricultural activities. In my view, the amending proposal, whilst not a rezoning, would seek to facilitate a zoned outcome that would not be the more appropriate in terms of giving effect to **the Objective** of the NPS-HPL and corresponding **Policy 4** and ultimately **Policy 6**.
- 10.9.16 In terms of the indirect consideration against the **NPS-UD** (referencing the statutory context as discussed on the interplay with the NPS-UD, National Planning Standards and CRPS as to the role and purpose of the Rural Lifestyle zone in providing sufficient development capacity and contribution to well-functioning urban environments), I do not consider that the amending proposal is required to ensure sufficiency in development capacity (**Policy 2**), nor to provide for a variety of homes in terms of type and location (**Policy 1**). The evidence of Mr Heath is that there is sufficient development capacity to meet Timaru settlement's housing needs for the next two decades, even under a high growth scenario.
- 10.9.17 In absence of technical evaluation associated with infrastructure servicing, I conclude that the amending proposal would not achieve **Objective 6** in terms of integrated infrastructure funding and planning decisions, or represent strategic planning decisions over the medium and long term. Overall, I consider that the amending proposal would not give effect to **Objective 1** of the NPS-UD and would not assist in the provision of 'well-functioning urban environments'.

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<sup>217</sup> Rule SUB-S1(3)

<sup>218</sup> Applicability of NPS-HPL to proposed rezonings. Memo dated 21 January 2025 [24]

- 10.9.18 The amending proposal would not consequently further achievement of **SD-01(2)** in terms of achieving a ‘co-ordinated pattern of development’ or ‘efficiently connect to reticulated sewer infrastructure’.
- 10.9.19 I have concluded that the amending proposal would not be the more appropriate in terms of responding to existing rural character and amenity (**GRUZ-O2**) and would be difficult to distinguish from existing cadastral fragmentation further west along Gleniti Road.
- 10.9.20 I also note that the absence of an evaluation does not address how values associated with the SASM-12 (Wai Taoka) Ōtipua (Saltwater) Creek would be respected, protected and potentially enhanced as would be sought by **SASM-P8**.
- 10.9.21 Accordingly, I recommend that the submission from Anne-Marie Ford and Mostafa Mohamed Ammar [217.1] be **rejected**. I would retain that recommendation regardless of whether the amending proposal engages with the NPS-HPL given the Government’s signalled intentions to removed LUC3 from classifying HPL.

**Analysis – Holly Renee Singline and RSM Trust Limited [27.9, 27.11] – 210 Gleniti Road, Timaru**

- 10.9.22 Holly Renee Singline and RSM Trust Limited [27.9] supports including 210 Gleniti Road in FDA9, however requests [27.11] that the DAP timeframe be shortened from 5 years to 2 years given that the Council commenced the district plan review over 7 years ago. The submitter seeks the following amendment:

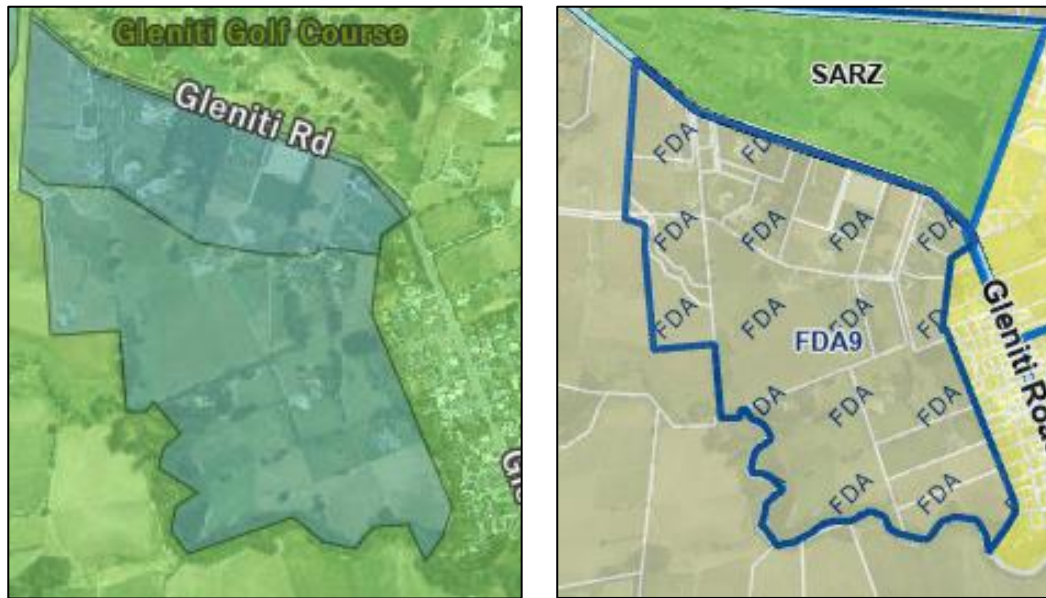
Unique Identifier	Name	Anticipated Zone	Timeframe for DAP	Additional Requirement
FDA9	FDA9 - Gleniti North Future Development Area - Rural Lifestyle Development	Rural Lifestyle Zone	Priority area - <b>5 2</b> years	

- 10.9.23 The amending proposal relates to a 51ha land area that borders the Gleniti Golf Course and Gleniti Road to the north, and the southern boundary follows Opitua Creek; the eastern boundary adjoins the General Residential Zone (GRZ) to the east, and a larger 10ha rural landholding (Sub 217.1) adjoins FDA9 to the east. At a density as serviced by wastewater reticulation, a potential capacity of 87 dwellings would be provided<sup>219</sup>.
- 10.9.24 A map illustrating the location of the site (and associated LUC classification) and zoning is provided below.

<sup>219</sup> Property Economics. Residential Capacity Report (2024) [Table 10].



Figure 19: Site Location (in Blue) Rabbidge et al (Sub# 27.9, 27.11) and planning maps (hatched)



10.9.25 A submitter package was received, it is limited in terms of providing an analysis as to the matters identified in the Preliminary Report as targeted to the submission relief, and is largely absent of any technical expert evaluation, including Three Waters.

10.9.26 Matters that are agreed include:

- a. **Notified Zoning** – GRUZ with an FDA Overlay (FDA9 – Gleniti North Future Development Area – Rural Lifestyle Development – Timeframe for DAP ‘Priority area – 5 years).
- b. **Landscape and Natural Character** – FDA9’s southern and eastern border adjoins the Opitua Creek and tributary as notated in the TPDP for esplanade reserve, with the southern extent of the Opitua notated for both esplanade reserve and public access provision. Subdivision under a Rural Lifestyle Zone would facilitate the acquisition of esplanade reserve.

I agree that the smaller allotments (circa 0.2 to 1.9ha fronting Gleniti Road provide ‘very limited rural activity’<sup>220</sup>, however consider that larger lots further to the south (11.7ha, 9.72ha and 4.12ha) still exhibit some rural character as associated with pastoral activities. Ms Pfluger advises that ‘If an appropriate design is prepared for the development of the site, taking into account natural character and amenity considerations, it could be appropriate to bring the development of the FDA forward from 5 to 2 years in light of existing and adjacent residential development’<sup>221</sup>. She also advises that the ultimate development of the block should be integrated with the recognition and protection of a green / blue corridor associated with Ōtipua Creek.

<sup>220</sup> Submitter Package. Sub#27. Rabbidge [2.2]

<sup>221</sup> Attachment 3. Landscape. Pfluger.

- c. **Biodiversity** – There are no Natural Values overlays on the amending proposal site. I consider the Ōtipua Creek provides opportunities to increase the width of the esplanade reserve and enhance natural values. The strategic and integrated provision of these corridors can be facilitated by the DAP and rezoning process associated with the FDA.
- d. **Hazards** – Limited parts of the FDA are subject to notated Flood Assessment Area notations as associated with overland flowpaths<sup>222</sup>.
- e. **Culture and Heritage** – That part of the amending proposal which contains the Otipua Creek and tributaries is subject to SASM-12 (Ōtipua (Saltwater) Creek). The Manawhenua Report concludes that *‘Arowhenua and AECL do not opposed future residential development within the identified area(s) on the proviso that the Otipua Creek (is) respected, protected and potentially enhanced’*<sup>223</sup>.

10.9.27 Matters that are disagreed, or require further consideration and evidence from the submitter includes:

- a. the Submission package provides limited information as requested in the Preliminary Report as to **infrastructure and servicing**. Whilst the package notes that **water supply** can be serviced by the Council’s urban network; **reticulated wastewater** is not confirmed. Mr Kemp advises that *‘there is currently no funding allocated for future development works and the bringing forward of timeframes would potentially impact on other workstreams....there is no information provided in the submission package that progresses a DAP process in terms of identifying infrastructure needs, funding and connections; nor provides rationale for why the SCHED15 DAP process should be commenced earlier than identified in the TPDP. The submission should be rejected’*<sup>224</sup>. In terms of **stormwater**, whilst it may be that stormwater basins and management could be undertaken on site there is no assessment provided for such.

Mr Kemp also advises that the Submitter package does not address how the entire FDA can be serviced in a coherent and integrated manner.

In terms of **transport**, the Submitter package considers that access can be provided by both Gleniti Road and Snowdown Road; the package identifies that access could be provided by road / right of way linkages as part of a future Plan Change, and I note that FDA-P4(8) requires *‘connected transport networks that allow ease of movement, to, from and within the area’* which supports integrated and internal roading access in comparison to a series of access points and rights of way to the roading network. Mr Collins has advised that the Submitter Package contains insufficient evidence to

<sup>222</sup> There is no material change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

<sup>223</sup> Manawhenua Report. AECL. Hall [pg 9]

<sup>224</sup> Attachment 7. TDC. Infrastructure Engineers.



determine funding implications for associated with the request – in terms of planning, rezoning, infrastructure provision etc<sup>225</sup>.

### Statutory considerations

- 10.9.28 The subject of the submission is narrowed to the timeframe within SCHED15. The focus of the analysis is related only to whether a more responsive process to facilitate rezoning to Rural Lifestyle zone is the more appropriate in terms of:
- a. Sufficient development capacity, and choice in dwelling location and types;
  - b. Achieving and implementing the Strategic Directions objectives, in particular integration with servicing infrastructure; and
  - c. Efficiency and effectiveness as associated with the preparation of a Development Area Plan (FDA-P4) and associated Plan Change (FDA-O1).
- 10.9.29 To the extent that it is relevant in relation to the **NPS-UD**, the evidence of Mr Heath is preferred that there is sufficient (urban) development capacity available. The material prepared by Mr Patterson does not advance this matter. A more responsive planning process to facilitate a Rural Lifestyle rezoning is not required to meet requirements associated with Policy 2 or Objective 1 and Policy 1 of the NPS-UD. Mr Heath advises that *'a more responsive DAP process (and associated plan change) would result in economic costs where this displaces infrastructure funding as associated with existing and anticipated funding programmes'*.
- 10.9.30 Mr Heath has identified that sufficient zoned capacity exists to meet housing demand under both a medium and high growth forecast beyond 20 years, with only the latter requiring the release of additional capacity through the FDAs to satisfy long (30 year) demand for housing.
- 10.9.31 A more responsive planning process of 2 Years as sought in the submission is not required to meet sufficiency requirements for dwelling choice or location (**NPS-UD Policy 2**). I consider that an earlier rezoning would be the less appropriate in terms of achieving 'well-functioning urban environments' (NPS-UD Objective 1) or further a *coordinated pattern of development* as required by the CRPS (**CRPS Policy 5.3.1**) or Strategic Directions of the TPDP (**SD-O1**).
- 10.9.32 The site is HPL under the transitional provisions of the NPS-HPL (LUC3). The area of the amending proposal was identified under the GMS2018 for Rural Residential development but not to the extent that would enable the identification of land parcels suitable for development. The amending proposal area was not separately identified in the GMS2022 Review. The Submission package does not provide any information regarding Clauses 3.7 and 3.10 of the NPS-HPL, noting that the Submission is in support of the notified FDA.

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<sup>225</sup> Attachment 8. Transport. Collins.

- 10.9.33 In terms of integration with servicing infrastructure, I note the evidence from Mr Kemp points to the absence of LTP funding for wastewater reticulation and an absence of analysis in the submission package as to identifying infrastructure needs, funding and connections. The relief in the submission is considered to be less appropriate in terms of achieving **SD-O8(2)** and **SD-O1((2))**.
- 10.9.34 In addition, the requirement for integrated service provision and transport links (**FDA-P4**), as well as accounting for the views of Arowhenua in terms of recognition and protection of the values associated with SAM-12 will take time to be resolved between the landowners. I consider that discussions as to network funding of network services, the extent of integration, and the DAP process would be more appropriately advanced through a 5-year timeframe as associated with SCHED15 as notified.
- 10.9.35 I do not consider that advancing the FDA9 DAP process to 2 years is efficient (having regard to the costs and benefits).
- 10.9.36 Accordingly, I recommend that the submission from Holly Renee Singline and RSM Trust Limited [27.11] be **rejected**. The property at 210 Gleniti Road is retained in FDA9 and the submission is **accepted**.

**Analysis – Waka Kotahi NZ Transport Agency [143.195] – FDA9**

- 10.9.37 Waka Kotahi NZ Transport Agency [143.195] recognises that the land identified for rural lifestyle development as identified in FDA9 is adjacent to existing urban areas, however the submitter seeks further regard be given as to whether FDA9 is appropriate to be rezoned to Rural Lifestyle zoning.
- 10.9.38 These matters were considered in the preparation of the GMS2018 in terms of consideration as to integration of the ‘Gleniti North’ growth area with the regional and local roading network. The assessment whilst broad, identified that the FDA would ‘*partially meet criterion*’ as associated with the transport network and recommended that the subject area be included for Rural Residential Growth in the GMS. Consequently, it was included in the notified TPDP.
- 10.9.39 The DAP process **FDA-P4** requires further detailed consideration as to ‘*provision of adequate, co-ordinated and integrated infrastructure*’ (**clause (5)**) and ‘*connected transport networks that allow ease of movement, to, from and within the area*’ (**clause (8)**). The application of these provisions, and testing through the Plan Change process would be used to further consider transport matters such as consolidating existing access points, provision of an internal local network and connections to Gleniti Road to maintain safety, effectiveness and efficiency of the roading network.
- 10.9.40 I consider that appropriate regard has been had to the identification of FDA9 in terms of broad level transport effects and consider that the submission from Waka Kotahi NZ Transport Agency [143.195] is therefore **accepted** with no consequential changes to the notified provisions.

### Recommendations

- 10.9.41 The submissions from Ford and Ammar [217.1] and Holly Renee Singline and RSM Trust Limited [27.11] be **rejected**.
- 10.9.42 The submissions from Waka Kotahi NZ Transport Agency [143.195] and Holly Renee Singline and RSM Trust Limited [27.9] be **accepted**.

### 10.10 Rezone for Growth – FDA10 Kellands Heights West Future Development Area

- 10.10.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Oliver Amies	22.1
Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie	33.1, 33.5
Gerald Auston Morton and Susan Anne Morton and Woollcombe Trustees 2 Limited	11.1
Lucinda Robertson	65.1
Waka Kotahi NZ Transport Agency	143.196

### Submissions

- 10.10.2 Oliver Amies [22.1] is in support of FDA10 which will provide a mix of residential and lifestyle lots. No specific relief has been sought.
- 10.10.3 Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.1, 33.5] consider the proposed FDA10 as notified (which includes the southern part of 333, 335, 365, 398, 397 and 403 Pages Road) would not be able to provide sufficient space to provide the required infrastructure and create a functional rural lifestyle area as only part of their land is within FDA10. The submitter seeks to extend the boundaries of FDA10 to include all of the land at 333, 335, 365, 385, 397 and 403 Pages Road.

Additionally, the submitter seeks to amend FDA10 as follows:

Unique Identifier	Name	Anticipated Zone	Timeframe for DAP	Additional Requirement
[...]	[...]	[...]	[...]	[...]
FDA10	FDA10 - Kellands Heights West Future Development Area Rural Lifestyle Development.	Rural Lifestyle Zone	Priority area - 5 <u>2</u> years	Development Area Plan to be developed in conjunction with Kellands Heights East

- 10.10.4 Gerald Auston Morton and Susan Anne Morton and Woolcombe Trustees 2 Limited [11.1] seek to amend FDA10 should be extended to include 509 and 427 Pages Road.
- 10.10.5 Lucinda Robertson [65.1] is generally supportive of FDA10 and its redevelopment for rural lifestyle purposes but seeks to amend the priority timeframe of 5 years to 2 years.
- 10.10.6 Waka Kotahi NZ Transport Agency [143.196] acknowledge that the land identified for rural lifestyle development as identified in FDA10 is adjacent to existing urban areas, however the submitter seeks further consideration be given as to whether FDA10 is appropriate to be rezoned to rural lifestyle zoning.

**Analysis – Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.1, 33.5] – FDA10, Pages Road**

- 10.10.7 The submission(s) are in two parts:
- Extend FDA-10 to include all of the land at 333, 335, 365, 385, 397 and 403 Pages Road; and
  - Amend the timeframe of preparation of a DAP from 5 to 2 years.
- 10.10.8 The extended area sought through the submission is zoned **GRUZ**. The associated area is 21ha and consists of the northern extent of the following titles, each of which contributes circa 5.0 ha via rectangular rural allotments to the cumulative total:
- Part of Lot 2 DP 352790
  - Part of Lot 2 DP 73340
  - Part of Lot 2 DP 82024 and Part of Lot 3 Deposited Plan 78854 and
  - Lot 2 DP 82367.
- 10.10.9 An anticipated yield, in the absence of wastewater reticulation would be in the order of 10 two-hectare allotments, and 20 where reticulation was to be provided.
- 10.10.10 Maps illustrate the amending proposal below. The block is used for arable and pastoral activities, with a predominantly open space rural character, albeit with a more peri-urban rural lifestyle character and amenity south towards Pages Road. The qualities and characteristics of that part of the subject properties further from Pages Road are considered

to convey a character and the qualities of the General Rural Zone (**GRUZ-02**), particularly in pasture landscapes (Clause 4).

**Figure 20: Site Location (in red outline) Ford et al (33.1, 33.5) and planning maps (hatched)**



10.10.11 A submitter package was received, it is however limited in terms of providing an analysis as to the matters requested in the Preliminary Report, and is absent of any technical expert evaluation, including Three Waters. There is agreement as to the following:

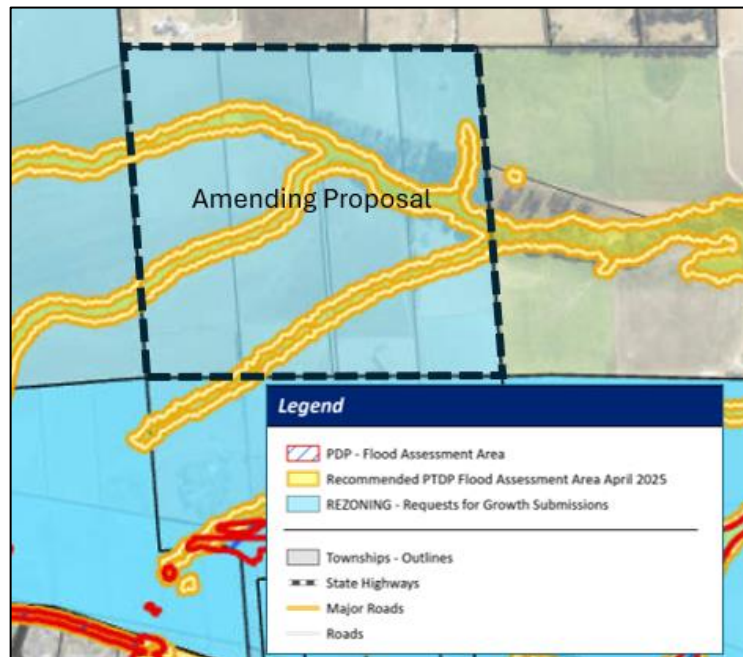
- a. **Notified Zoning** – GRUZ.
- b. **Biodiversity** – There are no **Natural Values** overlays associated with the amending proposal.
- c. **Cultural and Heritage** – there are no SASMs or Historic Heritage Items or sites as associated with the site. The Manawhenua Report identifies that the Te Ahi Tarakihi / Taitarakihi Creek is a stream fed watercourse where the upper (as contained in the subject area) is ephemeral<sup>226</sup>, with the associated concern as to maintaining and enhancing the mauri of the waterway. The Assessment identifies that future development is not opposed provided that the waterway(s) are respected, protected and potentially enhanced<sup>227</sup>.
- d. **Hazards** – There are no Natural Hazards overlays in the TPDP.

10.10.12 There remains disagreement, or matters to be responded to by the submitters as to the following:

<sup>226</sup> Appendix 3. Manawhenua Report. Hall. [pg 8]

<sup>227</sup> Appendix 3. Manawhenua Report. Hall. [pg 9]

- a. **Hazards** – As subject to the remodelled FAA as sought by Environment Canterbury [183.228]<sup>228</sup> a number of natural depressions related the amending proposal become subject to the FAA overlay.



**Figure 21: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**

- b. **Landscape** – Ms Pfluger identifies that the landscape character and amenity exhibits rural openness. I am unsure what is meant in the submission package by the statement of ‘*no significant natural character values*’<sup>229</sup>. For clarification I consider that site exhibits a rural amenity for the purposes of s7(c) of the RMA and in the context of **GRUZ-O2** which sets out the character and qualities of the General Rural zone.

Ms Pfluger<sup>230</sup> considers that “*The extension of FDA10 into this currently rural area with rolling hill country would, in my view, constitute sprawl that is not in character with the FDAs identified to the east, as it would extend much further north from Pages Road.*”. I agree.

- c. **Infrastructure** – No technical information on infrastructure provision is provided in the submission package. The assessment concludes ‘*Additional conversations are necessary with the Infrastructure Department [of Council] to confirm the amount of upgrades that will be required which will then determine the level of funding required. Further comment will be provided in due course*’<sup>231</sup>. To date I am unaware of whether these conversations have occurred.

<sup>228</sup> Refer s42ANatural Hazards Section 7.38  
[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf)

<sup>229</sup> Submitter Package. Sub 11. McMullan [2.2]

<sup>230</sup> Appendix 3. Landscape. Pfluger

<sup>231</sup> Submitter Package. Sub 11. McMullan [3.4]

In terms of **wastewater reticulation**, the package identifies ‘very limited capacity’ being available, but ‘believes the rezone can be reticulated’<sup>232</sup>. The Sewer Treatment Analysis provided concludes “The analysis provides an estimate of the existing sewer network’s capacity and the potential for additional connections based on assumed pipe gradients. However, given the identified limitations, further validation through hydraulic modelling and real-world monitoring is recommended for more accurate planning and infrastructure development”.

There is no information provided as to the integration of the proposed Rural Lifestyle zoning with appropriate infrastructure (**RLZ-05**), or connection with reticulated drinking water supply (**RLZ-P1(2)**).

**Water supply.** No information is provided.

**Stormwater** is proposed to be managed (presumably on site) in accordance with regional council consents<sup>233</sup>.

**Transportation** and access is identified as being provided by way of RoW<sup>234</sup> which I would estimate in servicing rear allotments would be more than 450m in length.

I understand from the Council’s Engineering Team that a similar assessment to that recorded for Morten et al (Sub 11) is relevant. There are no funded plans for reticulation or additional infrastructure in the LTP to support the amending proposal.

#### Statutory consideration

10.10.13 The site was not identified in the GMS2018 or GMS2022 for the purposes of s74(2)(b)(i).

10.10.14 As outlined in the NPS-HPL Memo, the subject area is HPL (LUC3) under the transitional provisions of the NPS-HPL. This analysis is agreed by Ms McMullan<sup>235</sup>. The submitter package does not provide a consideration of Clauses 3.7 and 3.10 on the basis that this matter should be deferred until after the regional council has completed its mapping exercise and / or changes to the NPS-HPL occur. As stated in the Statutory Section, I have assessed proposals against how the statutory framework exists at the time of assessment. For completeness, I do not consider the existing HPL status afforded to the site to be the only, or even deciding, factor behind the recommendation.

10.10.15 Acknowledging a rezoning is not being sought, I consider that the amending proposal would not be the more appropriate having regard to the **Objective** and **Policy 4** and **Policy 6** of the NPS-HPL. There is no information in the Submitter Package as to even a cursory consideration of the matters contained within Clause 3.10 of the NPS-HPL.

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<sup>232</sup> Submitter Package. Sub 11. McMullan [3.2, Attachment 2 Sewer Treatment Systems Analysis]

<sup>233</sup> Submitter Package. Sub 11. McMullan [3.3]

<sup>234</sup> Submitter Package. Sub 11. McMullan [4.0]

<sup>235</sup> Submitter Package. Morton et al Sub 11 [8.1].

- 10.10.16 In terms of both the addition of an expanded FDA10 as sought in the submission, and the request for a more responsive 2-year DAP process, I accept the evidence of Mr Heath. That analysis states that under a medium growth scenario there is sufficient existing capacity to accommodate demand (in the absence of any FDAs) to 2053, and as associated with a High Growth Projection it will be *'more than two decades before additional [FDA] land is strictly required'*. Mr Heath also advises that there would be economic costs associated with foreclosing productive potential where there are sufficient alternatives to accommodate both residential capacity requirements and 'limited' opportunities to provide for Rural Lifestyle choice<sup>236</sup>.
- 10.10.17 To the extent that the NPS-UD is relevant, I consider the amending proposal(s) would have a detrimental effect on decisions that affect urban environments being *'strategic over the medium and long term'* and *'integrated with infrastructure planning and funding decisions'* (NPS-UD **Objective 6**), and the capacity is not required to contribute to *'well-functioning urban environments'* for the purpose of giving effect to **Objective 1** and **Policy 1**.
- 10.10.18 In terms of an evaluation, I consider the following:
- a. **NPS-UD:** To the extent that it is relevant, the amending proposal would not be the more appropriate in terms of giving effect to the NPS-UD. Neither a more responsive DAP process nor an expanded rural lifestyle spatial extent better provides for *'well-functioning urban environments'* (**Objective 1**) as the proposal is not required to fulfil requirements for sufficient development capacity (**Policy 2**) nor ensure variety in type, price or location (**Policy 1**) but would have detrimental implications for the achievement of **Objective 6**.
  - b. **NPS-HPL:** The amending proposal would not advance giving effect to **Objective 1**, **Policy 4** and **Policy 6** of the NPS-HPL, acknowledging that the rezoning is subject to a further separate process. As above, I do not consider an unalignment with the NPS-HPL to be the only factor in recommending rejection to the amending proposal.
  - c. **CRPS:** I disagree with Ms McMullan's consideration of the applicable CRPS provisions. The proposal does not assist in achieving a *'consolidated and co-ordinated pattern of development'*<sup>237</sup> as it introduces further capacity undermining both consolidation of existing zoned capacity and resulting in the dispersal and inefficient provision of infrastructure. (**CRPS - Objective 5.2.1**). The proposal would not represent *'limited'* rural residential development that *'promotes a coordinated pattern of development'* (**CRPS – Policy 5.3.1**), The amending proposal does not further the integration of development with the efficient and effective provision of infrastructure (**CRPS - Policy 5.3.2(3)**).
  - d. **TPDP:** I consider that the amending proposal would not achieve and implement: **Objective SD-O1(2)** as to limiting Rural Lifestyle opportunities (in the district) and

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<sup>236</sup> Appendix 6. Economics. Heath

<sup>237</sup> Submitter Package. Sub 11. McMullan [7.0]



ensure these achieve a co-ordinated pattern of development and are capable of efficient infrastructure connection; nor **RLZ-O5** which seeks that *rural lifestyle development is integrated with the environment and appropriate infrastructure*.

10.10.19 Accordingly, I recommend that the submissions from Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.1, 33.5] (both expansion and scheduling) be **rejected**.

**Analysis – GA Morton and SA Morton and Woolcombe Trustees [11.1] – FDA10, Pages Road**

10.10.20 The area associated with the amending proposal is zoned **GRUZ**. The associated area is 49.0 Hectares and consists of three moderate scale rural blocks of 17.2Ha, 22.0Ha and 10 Ha respectively. It is understood, from the submission that resource consent 101.2021.97 authorised Lot 8 DP603407 (22ha) to be spilt into five lots of 2.12ha, 5.01ha, 5.12ha, 4.87ha and 4.96ha. I understand that no s224 certificate has been issued for these titles and the subdivision is not identified in the Submitter package. An anticipated yield, in the absence of wastewater reticulation would be in the order of 18 – 20 two-hectare allotments.

10.10.21 Maps illustrate the amending proposal below. The block is utilised for pastoral rural activities and exhibits an open rural character and amenity as analogous with the character and qualities of the General Rural Zone (**GRUZ-O2**), particularly in terms of large allotments with areas of open space (Clause (1), primary production (Clause 2) and pasture landscapes (Clause 4).

10.10.22 I acknowledge that the amending proposal borders the more peri-urban rural residential character associated with Pages Road especially further east towards Timaru’s urban area. The western boundary is the Gleniti Golf Course. The southern boundary is notated as FDA10 which is identified in SCHED15 for Rural Lifestyle Development with a corresponding Priority 5 Year DAP timeframe.

**Figure 22: Site Location (in red outline) Morton et al (11.1) and planning maps (hatched)**



10.10.23 A submitter package was received, it is however limited in terms of providing an analysis as to the matters identified in the Preliminary Report, and is absent of any technical expert evaluation, including Three Waters. There is agreement as to the following:

- a. **Notified Zoning** – GRUZ.
- b. **Biodiversity** – There are no **Natural Values** overlays identified in the TPDP associated with the amending proposal.
- c. **Cultural and Heritage** – there are no SASMs or Historic Heritage Items or sites as associated with the site identified in the TPDP. The Manawhenua assessment<sup>238</sup> identifies that the rural allotments form the catchment of the Te Aitarakihi Creek (SASM-13), which contains wai taoka values and is an important waterway for Kāti Huirapa. The assessment states that rural properties should not be rezoned to allow ad hoc development to occur, where there would be no comprehensive assessment or overview of the area, and the values of Te Ahi Tarakihi will be lost as developers focus on economic maximisation. *Arowhenua and AECL do not oppose future residential development within the identified areas on the proviso that the Te Ahi Tarakihi and Ōtipua Creek are respected, protected and potentially enhanced*<sup>239</sup>.
- d. **Hazards** – There are no applicable Natural Hazards overlays in the notified TPDP.

10.10.24 There is disagreement, or matters to be responded to by the submitters as to the following:

- a. **Hazards** – As subject to the remodelled FAA as sought by Environment Canterbury [183.228]<sup>240</sup> a number of natural depressions related the amending proposal become subject to the FAA overlay.

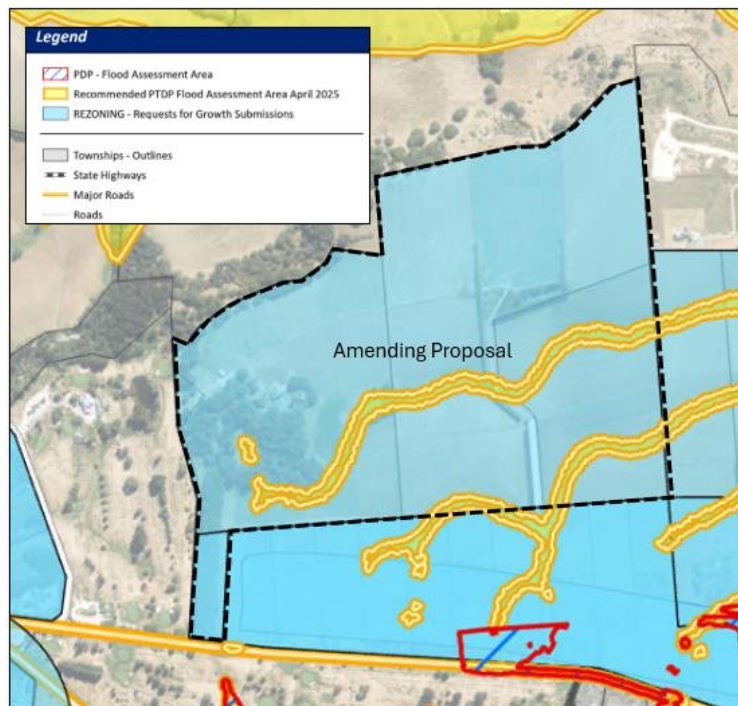
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<sup>238</sup> Appendix 3. Manawhenua Report. Hall. [pg 7]

<sup>239</sup> Appendix 3. Manawhenua Report. Hall. [pg 9]

<sup>240</sup> Refer s42ANatural Hazards Section 7.38

[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0009/998856/Natural-Hazards-Coastal-Enviroment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0009/998856/Natural-Hazards-Coastal-Enviroment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf)



**Figure 23: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**

- b. **Landscape** – The Landscape consideration of Ms Pfluger identifies that [the proposed extension of FDA10] *‘would extend into the hinterland, which includes rolling hills that currently display a strong rural character with relatively high amenity. In my view, the proposed extension of FDA10 extension would lead to a substantial change in development pattern and adverse effects on rural character’*<sup>241</sup>. I agree.

I am unsure what is meant in the submission package by the statement of *‘no significant natural character values’*<sup>242</sup>. For clarification and based on the evidence of Ms Pfluger, I consider that site exhibits a cohesive rural amenity for the purposes of s7(c) of the RMA and is consistent with **GRUZ-02** which sets out the character and qualities of the General Rural zone.

- c. **Infrastructure** – The Submission package does not contain any information as requested in the Preliminary Report as to servicing. The Submitter Package identifies wastewater reticulation would not be provided. There is no information provided as to the integration of the proposed Rural Lifestyle zoning with appropriate infrastructure (**RLZ-05**), or connection with reticulated drinking water supply (**RLZ-P1(2)**). Transportation and access are to be provided by Morton Lane, and potentially an additional RoW. Council’s Transport Engineers identify that the absence *‘of information means that an analysis of the impact on the Council’s infrastructure is unable to be provided’*<sup>243</sup>.

<sup>241</sup> Appendix 3. Landscape. Pfluger.

<sup>242</sup> Submitter Package. Sub 11. McMullan [2.2]

<sup>243</sup> Appendix 7. Infrastructure. Kemp.

Statutory consideration

- 10.10.25 The site was not identified in the GMS2018 or GMS2022 for the purposes of s74(2)(b)(i).
- 10.10.26 As outlined in the NPS-HPL Memo, the subject area is HPL (LUC3) under the transitional provisions of the NPS-HPL. This analysis is agreed by Ms McMullan<sup>244</sup>. The submitter package does not provide a consideration of Clauses 3.7 and 3.10 on the basis that the submission does not seek a rezoning, and is in support of the FDA.
- 10.10.27 To the extent that the amending proposal which seeks Rural Lifestyle opportunities is relevant to consider against the provisions of the NPS-UD, I am reliant on the evidence of Mr Heath. His evidence is that the long term (30 year) dwelling capacity requirement for Timaru can be met in the absence of the release of any additional FDA land for residential or rural lifestyle development as associated with a medium growth projection (sufficiency without FDA + 2,070), and even with consistent high growth (the high growth scenario) it will be *'more than two decades before additional land is strictly required'*.
- 10.10.28 I do not consider that the amending proposal provides a meaningful contribution to giving effect to the NPS-UD **Policy 1(a)(i)**. Based on the evidence of Mr Heath the existing zoned capacity (and notified FDAs) provides for different locations and types of homes to contribute to *'well-functioning urban environments'*.
- 10.10.29 Under even a high growth forecast additional land is not required and would have a detrimental effect on decisions that affect urban environments being *'strategic over the medium and long term'* and *'integrated with infrastructure planning and funding decisions'* (NPS-UD **Objective 6**).
- 10.10.30 Consequently, and acknowledging a rezoning is not being sought, I consider that the amending proposal would not be the more appropriate having regard to **Objective 1** and **Policy 4** and **Policy 6** of the NPS-HPL. There is no consideration in the Submitter package of Clause 3.10 of the NPS-HPL.
- 10.10.31 In terms of an analysis, I consider the following:
- a. **NPS-UD:** To the extent that it is relevant, the amending proposal is not the more appropriate in terms of giving effect to the NPS-UD. The amending proposal (as subject to a further DAP process and Plan Change) would not better provide for *'well-functioning urban environments'* (**Objective 1**) as the proposals is not required to fulfil requirements for sufficient development capacity (**Policy 2**) nor ensure variety in type, price or location (**Policy 1**). There is an absence of infrastructure evaluation in the Submitter package. Mr Heath has identified existing realisable capacity exceeds demand over at least the next two decades. Infrastructure planning and integration as associated with the amending proposal, despite the modest yield would not advance achievement of **Objective 6**.

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<sup>244</sup> Submitter Package. Morton et al Sub 11 [8.1].

- b. **NPS-HPL:** The amending proposal would not advance giving effect to **Objective 1, Policy 4** and **Policy 6** of the NPS-HPL, acknowledging that the rezoning is subject to a further separate process, and the LUC3 classification associated with the site. I do not consider the HPL classification to be the sole determinant for my recommendation to reject the amending proposal.
- c. **CRPS:** I disagree with Ms McMullan’s consideration of the applicable CRPS provisions. I do not consider that the amending proposal assists in the ‘consolidation’ of existing urban areas (**CRPS - Objective 5.2.1**), nor in conjunction with the notified FDAs represents ‘limited’ rural residential development that ‘promotes a coordinated pattern of development’ (**CRPS – Policy 5.3.1**), although I acknowledge that in expanding FDA10 as sought in the submission the proposal would remain ‘attached to .. urban areas’. The amending proposal does not further the integration of development with the efficient and effective provision of infrastructure (**CRPS - Policy 5.3.2(3)**).
- d. **TPDP:** I consider that the amending proposal would not achieve and implement **Objective SD-O1(2)** as to limiting Rural Lifestyle opportunities (in the district) and ensure these achieve a co-ordinated pattern of development and are capable of efficient infrastructure connection. I have also concluded that the existing landscape characteristics and amenity are more closely aligned with those qualities and characteristics associated with **Objective GRUZ-O2**.

10.10.32 I recommend that the submission from GA & SA Morton and Woolcombe Trustees 2 Limited [Sub 11.1] be **rejected**.

**Lucinda Robertson [65.1]**

10.10.33 For reasons above I also recommend that the submission from Lucinda Robertson [65.1] seeking that the sequencing of the DAP for FDA-10 be amended to 2 years is also **rejected**.

**Oliver Amies [22.1]**

10.10.34 The submission in support of FDA10 is recommended to be **accepted**.

**Analysis – Waka Kotahi NZ Transport Agency [143.196]**

10.10.35 The submission is focused on whether the notation associated with FDA10 is appropriate to be rezoned for rural lifestyle purposes having regard to whether the land will be reliant on private vehicle use as the only way to travel, and appropriateness in terms of transport outcomes associated with Central Government direction.

10.10.36 These matters were considered in the preparation of the GMS2018 in terms of consideration as to integration of the ‘Kellands Heights- Rural Residential’ growth area with the Regional and Local Road network. The assessment whilst broad, considered the degree to which new development would significantly affect the transport network, and whilst identifying

that the FDA would '*partially meet criterion*' as associated with the transport network recommended that the subject area be included for Rural Residential Growth in the GMS. Consequently, it was included in the notified TPDP.

- 10.10.37 Rural lifestyle by its function of the character and consequential location (on the periphery of more intensive urban areas) is reliant on private vehicle for access.
- 10.10.38 **CRPS Policy 5.3.1** acknowledges that 'limited' opportunities for rural residential development can be provided for as subject to criteria (attached to urban areas, promotes a coordinate pattern of development). Accordingly, the statutory framework provides for rural residential development as part of accommodating the district's growth needs.
- 10.10.39 It is considered that FDA10 is relatively proximate to commercial and employment centres, by being located on the immediate periphery of the Timaru settlement.
- 10.10.40 FDA-P4 requires in the preparation of DAPs (including for FDA-10) detailed consideration as to '*provision of adequate, co-ordinated and integrated infrastructure*' (**clause (5)**) and '*connected transport networks that allow ease of movement, to, from and within the area*' (**clause (8)**). The application of these provisions and testing through the plan change process would be used to further consider transport matters such as consolidating existing access points, provision of an internal local network and connections to Pages Road to maintain safety, effectiveness and efficiency of the roading network.
- 10.10.41 I consider that appropriate regard has been had to the identification of FDA-10 in terms of broad level transport effects and consider that the submission from Waka Kotahi NZ Transport Agency [143.196] is therefore **accepted**.

### **Recommendations**

- 10.10.42 There are no changes to the TPDP as a consequence of considering these submissions.
- 10.10.43 The submission from Waka Kotahi NZ Transport Agency [143.196] and Oliver Amies [22.1] is **accepted**.
- 10.10.44 The submissions from Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie [33.1, 33.5], GA & SA Morton and Woolcombe Trustees 2 Limited [11.1] Lucinda Robertson [65.1] are **rejected**.

### 10.11 Rezone for Growth – FDA11 Templer Street Future Development Area

10.11.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
David & Susanne Payne	160.2
George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harpe	108.2
Ryan De Joux	157.2
Glenda Kellanhan	26.1
Waka Kotahi NZ Transport Agency	143.197
Canterbury Regional Council	183.166

#### Submissions

- 10.11.2 David & Susanne Payne [160.2] and George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper [108.2] oppose FDA11, inclusive of its associated rule and development timeframe. The submitters consider it is unreasonable to prevent future development for a period of ten years. Additionally, they consider the area is highly fragmented, and has rural lifestyle in character, and therefore should be rezoned as rural lifestyle now. The submitters seek to delete FDA11 in its entirety from the Future Development Overlay.
- 10.11.3 Ryan De Joux [157.2] seeks to amend all Future Development Areas shown as Future Area - Beyond 10 years" to Future Area - Beyond 5 to 10 years.
- 10.11.4 Glenda Kellahan [26.1] considers that the present level of subdivision on Templer Street, Geraldine is inconsistent with the current rural zoning. The submitter notes that this does not give effect to the NPS-UD, as well as Timaru Growth Management Strategy, Strategic Direction 1, 3, 7 and 8 and Part 2 of the RMA, section 7 (b) and (ba). The submitter seeks to rezone the land bound by Templer Street, Main North Road and Bennetts Road from General Rural to Rural Lifestyle.
- 10.11.5 Waka Kotahi NZ Transport Agency [143.197] recognises that the land identified for rural lifestyle development as identified in FDA11 is adjacent to existing urban areas, however the submitter seeks further regard be given as to whether FDA11 is appropriate to be rezoned to rural lifestyle zoning.
- 10.11.6 The Canterbury Regional Council [183.166] consider that only land deemed for short- or medium-term development as outlined in the NPS-UD should be identified. As identified in SCHED15 with a DAP preparation process of 'Future area – beyond 10 years', the submission would remove the spatial extent of FDA6 from the planning maps and from the Schedule.

**Analysis – David & Susanne Payne [160.2] and George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper [108.2], G Kellahan [26.1] – FDA11, Geraldine**

- 10.11.7 The amending proposal as located at the northern end of Geraldine township relates to an area of some 56ha, as fully contained within the road network of Main North Road / SH76, Bennett Road and Templer Street.
- 10.11.8 Within the block individual sites range from 0.09ha to 8.79ha, with an average site size of circa 1.6ha. There are no allotments with a site size exceeding 40ha (GRUZ min<sup>245</sup>), and only 8 allotments with a site size exceeding 2ha<sup>246</sup>, of which only three of these (including the Payne's property, **Figure 25**) exceed 4ha.
- 10.11.9 The area is relatively flat in topography, with the predominant land cover being associated with rural residential activities, small scale pastoral paddocks and remnant orchards demarcated by shelter belts, rural fencing and large-scale mature trees.
- 10.11.10 The Raukapuka Stream traverses through the middle on the block from the north to south and is also delineated by mature margin plantings.
- 10.11.11 That area of the amending proposal that directly fronts Main North Road / SH79 and the corner of SH79 / Bennet Road is fragmented into smaller titles relative to the remaining block, with activities that are primarily residential and rural lifestyle in nature, and associated character and amenity. The Geraldine Farmshop and Cafe provides a moderate scale commercial enterprise fronting Main North Road, halfway between Templer Street to the south and Bennett Road to the north.
- 10.11.12 Given the extent of fragmentation to the underlying cadastral boundaries, and extent of residential and rural residential activities being undertaken, the overall amenity and character is that of a semi-rural environment. This is unsurprising given proximity to Geraldine, and the extent of approved subdivision that has been undertaken in this area over the last two decades.
- 10.11.13 A map illustrating the location of the site, in relation to the transition HPL soils classification and TPDP zoning is provided below:

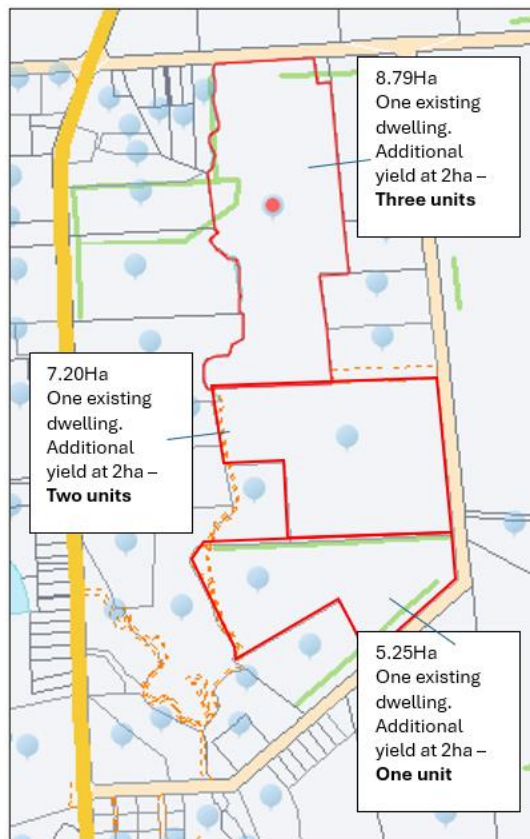
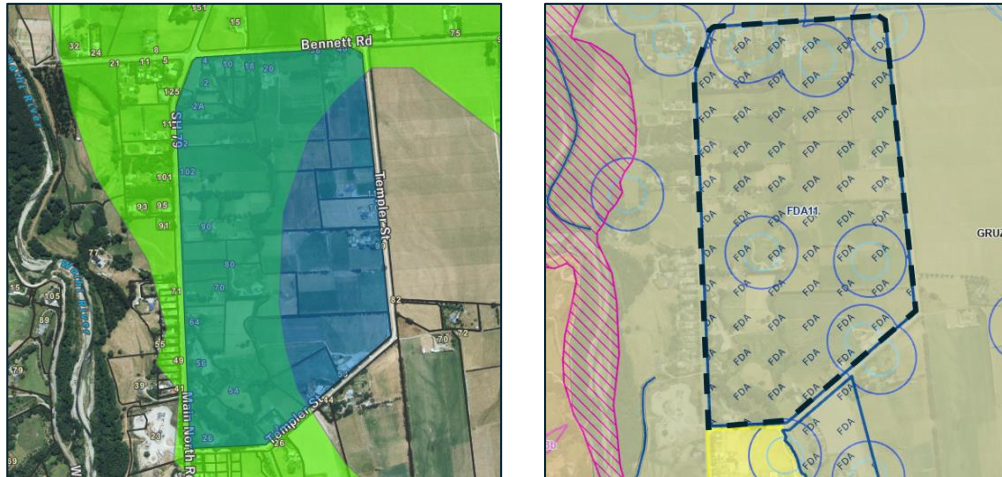
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<sup>245</sup> SUB-S1(3) GRUZ

<sup>246</sup> SUB-S1(4)(2) 2Ha in the 2Ha lot size control area, or where no sewer connection is provided.



**Figure 24: Site Location (in Blue) Payne [160.2] and Harper et al [108.2] and planning maps (hatched)**



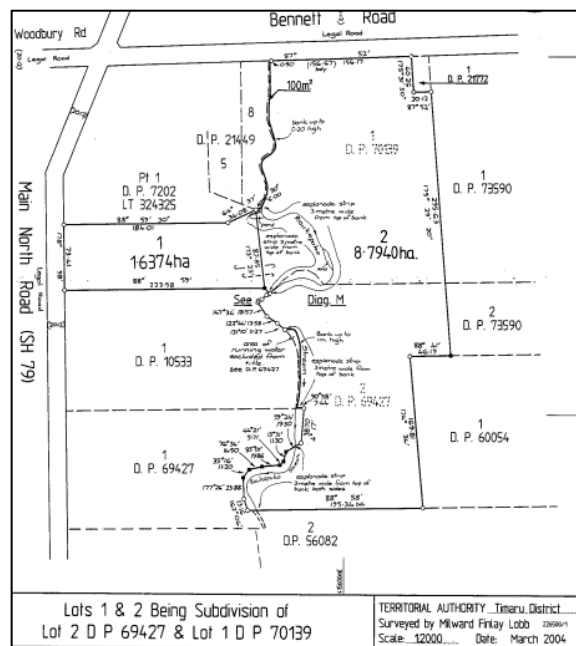
**Figure 25: RLZ Development yield at 2Ha min (Rule)**

10.11.14 A submitter package was received [Payne Sub 160], providing further assessment against several matters as requested within the s42 Preliminary Report.

10.11.15 The following matters are agreed:

- a. **Notified Zoning** – GRUZ with an FDA Overlay (FDA11 – Templer Street Future Development Area – Rural Lifestyle – Timeframe for DAP ‘Future area – beyond 10 years’).

- b. **Landscape and Natural Character** – FDA11 is transected by the Raukapuka Stream which is notated in the TPDP as esplanade reserve. I acknowledge the riparian planting undertaken on the Payne property adjoining the eastern margin of the Stream<sup>247</sup>, and note the existing esplanade strip of 3m wide (as registered in September 2005<sup>248</sup>) as created through the creation of Lot 1 and 2 356462 (**Figure 26**). The esplanade reserve notation in the TPDP would provide an opportunity for the additional provision of esplanade margin and associated natural character values which would be advanced through the amending proposal.



**Figure 26: Excerpt of Record of Title – Lots 1 and 2 356462 and 3m wide Esplanade Strip**

I agree with Ms Wharfe that the character of the area effectively functions as a '*rural living environment ... and that character would continue through any new development*'<sup>249</sup>. I further consider that the character and amenity exhibited by existing land uses and subdivision patterns is aligned with the outcomes sought in **RLZ-02**, including aspects associated with natural character and openness (cl 1), with a high level of amenity and outlook (cl 3), and residential buildings that integrate with the natural and rural character of the area (cl 4). The landscape outcomes present are less aligned with the character and qualities expected with the General Rural zone (**GRUZ-02**). In particular, the block as a whole would not provide a cohesive character and quality that comprises of '*large allotments with large areas of open space*' (cl 1).

I agree with Ms Pfluger that "*it would be acceptable from a landscape effects perspective to develop the internal lots to similarly sized rural lifestyle allotments*

<sup>247</sup> Submission Package [160]. Wharfe [pg 5]

<sup>248</sup> Interest 6569056.1

<sup>249</sup> Submission Package [160]. Wharfe [pg 6]

(around 1.5Ha to 2Ha) which would be consistent with the existing landscape character and development. The sites around this block of land provide relatively high amenity with mature trees; effects of additional dwellings set within a relatively high level of open space would be largely internalised”.<sup>250</sup>

- c. **Biodiversity** – I agree with Ms Wharfe that there are no biodiversity notations for FDA11. As above, I consider that the Raukapuka Stream provides opportunities to increase protection for esplanade margins (via subdivision) and enhance natural values. These opportunities would be facilitated by a Rural Lifestyle zoning.
- d. **Hazards** – The FDA is identified as being subject to the Flood Hazard Assessment overlay. Matters associated with flood floor levels<sup>251</sup> and subdivision design<sup>252</sup> (and floodplain functioning) are considered to appropriately address residual risk. There are no changes to the spatial extent of the FAA under the s42A Natural Hazards consideration of Environment Canterbury [183.228]<sup>253</sup>.

10.11.16 The following matters are disagreed, or require further consideration by the submitter:

- a. **Culture and Heritage** – I agree with Ms Wharfe that the site is not subject to cultural or heritage notations<sup>254</sup>. However, the Manawhenua Assessment identifies that the site is proximate to the Waihi River which is identified as SASM-20 due to wai taoka values associated with the awa<sup>255</sup>; in addition, the Raukapuka Stream which is a spring fed waterway as a tributary of the Waihi River flows through the centre of FDA11. The mauri of these waterways is culturally significant to Kāti Huirapa, as well as contributing to the mana of the Kāti Huirapa<sup>256</sup>. The assessment identifies that were the Hearings Panel to approve the rezoning, *‘Kāti Huirapa would like to see the existing Council reticulated infrastructure extended to accommodate the future density so as to ensure stormwater and wastewater do not degrade the Waihi River and Raukapuka Stream further’*<sup>257</sup>.
- b. In terms of Infrastructure –
  - i. For **water supply** the Te Moana water supply is identified as being available for rural uses and application to residential sized lots is not supported<sup>258</sup>. However as identified by Mr Kemp:

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<sup>250</sup> Appendix 3. Landscape. Pfluger

<sup>251</sup> NH-R1

<sup>252</sup> Including amendments recommended by the s42A Reporting Officer Subdivision SUB-R5

<sup>253</sup> Refer s42ANatural Hazards Section 7.38

[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf)

<sup>254</sup> Submission Package [160]. Wharfe [pg 6]

<sup>255</sup> Attachment 3. Manawhenua Assessment. Hall [11]

<sup>256</sup> Attachment 3. Manawhenua Assessment. Hall [12]

<sup>257</sup> Attachment 3. Manawhenua Assessment. Hall [13]

<sup>258</sup> Appendix 8. Infrastructure. Kemp.

*“At 5000m<sup>2</sup> density the possible demand on the Te Moana – Geraldine Flat water scheme is significant and would require further modelling to confirm capacity. With the existing property fragmentation, 2Ha lot size minimums would allow for approximately an additional 6 allotments. The Te Moana – Geraldine Flat water scheme can accommodate this increase in demand.”*

- ii. For **stormwater** the submitter package identifies that on-site management could be provided, however no information is provided to assess that conclusion, and presumably management is more able to be addressed at larger residential densities. The Council Engineers identify that any requirement for ECan regional consents should be at the developers cost and undertaken at an integrated manner across the entire land area.
- iii. For **wastewater** Council engineers have identified that there are no plans to fund or install wastewater reticulation to facilitate further development as associated with the amending proposal. A cohesive landowner funded wastewater network extension (and associated infrastructure) would be challenged by the extent of fragmented titles, with any additional beneficial yield limited to a handful of landowners within the block. Mr Kemp identifies that *‘Geraldine infrastructure is unable to accommodate the disposal of blackwater (on-site holding tanks), meaning waste needs to be transported to Timaru for disposal’*<sup>259</sup>.

Whilst it is understood that this matter remains in dispute, under the application of the RLZ the TPDP would limit density to 2Ha/allotment<sup>260</sup>, albeit that ECan rules within the Canterbury Land & Water Regional Plan<sup>261</sup> require consent for new on-site wastewater treatment systems on sites below 4 hectares in area.

- iv. For **transport** the amending proposal has frontage to Templer Street and Bennett Road. Access connections to Main North Road/ SH79 would be at the discretion of the NZTA, however based on **Figure 25** and a minimum 2ha allotment size (unreticulated) no additional allotments could be provided fronting Main North Road.

At a minimum 2ha density (unreticulated), only an additional six allotments would be enabled generating up to an additional 60 vpd, therefore less than 50veh/hr<sup>262</sup>. Whilst no transport modelling is provided in the submitter package, it would be considered at that level of density, that a modest increase in vpd would not be material in terms of traffic network capacity or efficiency<sup>263</sup>. However, I note that

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<sup>259</sup> Appendix 7. Infrastructure. Kemp  
<sup>260</sup> SUB-S1(4).4 to implement SUB-P15(3). Recommended to be retained S42A Report Subdivision. Boyes [7.1.26] Attachment 1.  
<sup>261</sup> CRC Land and Water Plan. Rule 5.8  
<sup>262</sup> Appendix 8. Transport. Collins. ‘Threshold for ‘Moderate and large scale effects submissions’.  
<sup>263</sup> TRAN-O2

Mr Collins also identifies an absence of an integrated transport assessment which would be required to support immediate rezoning at a more intensive density<sup>264</sup>.

Rural Lifestyle zoning does not promote modal choice or active transport; however, the amending proposal is identified as an FDA which anticipates such a land use, and the block adjoins the existing Geraldine Urban area, with a mid-point some 1.5km from the Town Centre, with the Geraldine Town Centre providing a providing a relatively high level of social and functional amenity (such as access to a Supermarket, community facilities, and convenience retail).

The Mr Kemp concludes:

*'The FDA process is intended to support coherent development. Further ad-hoc development without any controls will result in additional constraints of reticulated services being provide into the future. Re-zoning to 5000m<sup>2</sup> minimum without a FDA process is not supported'*<sup>265</sup>.

#### Statutory consideration

10.11.17 It is agreed that the amending proposal is HPL under the **NPS-HPL**<sup>266</sup>, with a broad band of LUC-2 classified soils running through the area.

10.11.18 As a rezoning is sought the relevant provisions are the **Objective, Policy 4** and **Policy 6**, and cl3.7 and cl3.10. The stated direction is that *'Territorial authorities must avoid rezoning except as provided in cl3.10'*.

10.11.19 An assessment from Stuart Ford (AgriBusiness Group) is provided in the submission package<sup>267</sup>. Whilst that assessment is targeted to the Payne site, I consider and accept that assessment for the purpose of this analysis as being suitable to apply to the amending proposal (being the wider block). In reaching that conclusion I note that that cost / benefit assessment has been undertaken on the 8.8ha Payne property which represents the largest cohesive landholding in the block, and that reverse sensitivities issues would be ubiquitous within the block.

10.11.20 I consider that the exemption provided in Cl3.10 is appropriately applied to the amending proposal. In particular, in terms of cl3.10(1)(a) and (b)(i) as associated with scale (constraints on primary production and significant loss), and (b)(iii) as to matters associated with reverse sensitivity from the established rural lifestyle properties throughout the block.

10.11.21 The amending proposal whilst resulting in a modest tension with Policy 4 in that part of the HPL land is currently used for land based primary production (apple orchards), is considered to give effect to the **NPS-HPL**.

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<sup>264</sup> Appendix 8. Transport. Collins

<sup>265</sup> Appendix 7. Infrastructure. Kemp

<sup>266</sup> Submission Package [160]. Wharfe [pg 7]

<sup>267</sup> Submission Package [160]. Wharfe [Appendix 6]

- 10.11.22 The evidence of Mr Heath is that there is sufficient residential development capacity for Geraldine to 2053 under either a high or medium growth forecast.
- 10.11.23 To the extent that it remains relevant to the **NPS-UD**, the provision of excessive residential development opportunities via a low-density rural lifestyle area that does not consolidate urban areas or efficiently integrate with supporting infrastructure has the potential to undermine the achievement of well-functioning urban environments as sought.
- 10.11.24 An unreticulated wastewater development with a minimum density of 2ha would yield an additional six rural lifestyle allotments. An immediate rezoning would enable those six allotments promptly, rather than a 10+ years delay as associated with the DAP process and then further considered via subsequent plan change.
- 10.11.25 At a density of 2Ha, and no anticipation of reticulated servicing, I do not consider that this outcome will have any material effect on achieving well-functioning urban environments as sought by **Objective 1** and **Policy 1** of the **NPS-UD**. Council engineers have stated that there is no funding or planning for the provision of waste-water reticulation for the block which could otherwise deplete funding decisions and strategic decisions associated with urban infrastructure. Based on the above, I consider that the amending proposal would not offend the NPS-UD. I would consider there to be a tension with Objective 6 were a more intensive and serviced form of Rural Lifestyle zone sought.
- 10.11.26 I consider that there remain some tensions with the amending proposal and the requirements of the **CRPS**. However, I consider that the degree of tension would be reduced through the imposition of a Specific Control Area (further) precluding subdivision below 2ha, in combination with the following considerations:
- a. The resultant number of additional allotments enabled by an unreticulated 2ha minimum would be six. This would not be considered to have a material effect in terms of the achievement of **Objective 5.2.1** (consolidation of urban areas) and **Policy 5.3.1(1)** – providing for limited rural residential development. The amending proposal is attached to the existing Geraldine Urban area. The defensible zone boundaries associated with rezoning the block (within Templer Street, Bennett Road, and Main North Road / SH79) in conjunction with the existing extent of fragmented titles within the block through recognition of a Rural Lifestyle zone (now, rather than in 10+ years) better achieves a co-ordinated pattern of development.
  - b. The resultant development would not be served by community wastewater reticulation but would be able to efficiently and effectively integrate transport infrastructure and manage stormwater. This however requires further consideration by the submitter with regard to water supply (**Policy 5.3.2**). There remains a tension with the achievement of **Policy 5.3.5** in that rezoning without wastewater reticulation creates a potential issue between the minimum density enabled by the TPDP and the requirements of the Canterbury Land and Water Plan, as well as the advice from Manawhenua as to effective network disposal of stormwater. That tension is however reduced as the district plan

already recognises limited instances of Rural Lifestyle zoned density of no less than 2ha where these are not connected to wastewater<sup>268</sup>.

c. Ms Pfluger advises that:

*'At a density of 2Ha / allotment, I do not consider there to be any landscape basis for retaining the notified TPDP approach for the SCHED15 10 year + DAP process...I consider 2ha lots to be an appropriate landscape outcome that maintains a degree of openness between the two nodes that contain smaller properties in the north-western and south-western corners....*

*In my view, 5000m<sup>2</sup> lots would be smaller than the existing surrounding lots and it is likely that the amenity of the outer lots would be compromised to some extent by the proximity of other dwellings in the centre, with an associated change of semi-rural outlook and open space. In addition, in the absence of an embedded structure plan / ODP in the district plan, it is not clear if the remaining landscape/natural character and amenity values associated with the block would be able to be maintained or enhanced<sup>269</sup>.*

Based on the advice of Ms Pfluger I consider that rezoning to enable a 2Ha density, reinforced through a Special Control Area overlay of 2Ha would maintain the character of the existing block (**Policy 5.3.1(4)**), and also facilitate the creation of additional esplanade margin protections in a manner that would maintain and enhance the amenity values and character of this environment (**Policy 5.3.3(2)**).

d. Based on the assessment provided by Mr Ford for the applicant, I consider the amending proposal would mitigate the extent of reverse sensitivity effects and conflicts within the block (**Policy 5.3.12(b)**).

10.11.27 Overall, I consider that the rezoning to a density of no more than 2ha would give effect to the provisions of the CRPS. I acknowledge that this may create a conflict where the outcomes of the zone (as unreticulated at 2ha) may not be able to be achieved where appropriate on-site disposal consents are unable to be obtained from Environment Canterbury to protect ground water quality and uphold cultural values. The submitter and Environment Canterbury are requested to advise on this matter further ideally in evidence prior to the Hearing.

10.11.28 In terms of achieving and implementing the provisions of the TPDP, I consider the following:

- a. I agree with the evidence of Ms Wharfe<sup>270</sup> that the block is not aligned with the outcomes, character or environmental qualities expressed for the General Rural Zone.
- b. I also agree that the amending proposal exhibits the characteristics and outcomes anticipated through Objectives **RLZ-O1** to **RLZ-O3**, that the existing qualities and characteristics of the area represents the landscape and natural character outcomes of a Rural Lifestyle zone as set out in the consideration of these values above. The amending proposal is largely consistent with the outcomes in **RLZ-O5** given integration with the roading network and ability to facilitate water supply at a density of 2Ha. Whilst

<sup>268</sup> SUB-S1(4).4 to implement SUB-P15(3).

<sup>269</sup> Appendix 3. Landscape. Pfluger.

<sup>270</sup> Submission Package [160]. Wharfe [pg 7]

community wastewater reticulation will not be provided, there is some ability to facilitate on-site treatment for the small number of existing allotments which may be able to further subdivide<sup>271</sup> and obtain necessary regional council consents.

- c. I consider that the rezoning would largely achieve and implement the relevant Strategic Directions and Urban Growth provisions of the Plan. The amending proposal:

- **SD-O1(2):** Represents limited rural lifestyle residential opportunities attached to an existing urban area, and as contained within the roading network with defensible geo-physical boundaries is considered to contribute to co-ordinated settlement patterns.

Community wastewater reticulation is neither funded nor planned, either now or within the Long-Term Plan to coincide with SCHED15. Accordingly, that tension with this part of the provision exists regardless of when rezoning is considered. The proposal, at a 2 Ha minimum density as reinforced through a Specific Control Overlay achieves the Policy.

10.11.29 In terms of the submissions from Waka Kotahi NZ Transport Agency [143.197] and the Canterbury Regional Council [183.166] I have further considered the transport consequences associated with FDA11 and SCHED15 timing in relation to those submissions seeking an immediate rezoning. I have concluded that a rezoning to Rural Lifestyle zone as well as being subject to a Specific Control Area specifying a minimum allotment size of 2Ha, is the more appropriate.

### Section 32AA

10.11.30 The recommendation to accept the submission from D&S Payne [160.2], and that part of the Submission from George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper [108.2], G Kellahan [26.1] requires consideration as pursuant to **s32AA**. I consider the following:

- The amending proposal gives effect to the NPS-HPL, based on the analysis provided by Mr Ford and in particular the rezoning pathway provided by clauses 3.7 and 3.10.
- The amending proposal gives effect to the NPS-UD in that the outcome will not have any material effect on achieving well-functioning urban environments as sought by **Objective 1** and **Policy 1** of the NPS-UD
- In terms of giving effect the **CRPS**, at a minimum residential density of 2Ha the rezoning will:
  - not have a material effect on consolidation outcomes<sup>272</sup>;

<sup>271</sup> As consistent with SUB-P15 and SUB-S4.4

<sup>272</sup> CRPS Objective 5.2.1



- will provide for additional (commensurate) limited rural residential opportunities as attached to an existing urban area, and physically contained therefore providing a co-ordinated pattern of development<sup>273</sup>;
  - can be generally serviced by infrastructure. The exception being network wastewater<sup>274</sup> which provides residual tension with the consenting requirements of Environment Canterbury, and Manawhenua values<sup>275</sup>. The submitter is requested to confirm or dispute the Te Moana – Geraldine Flat Water scheme capacity at that density; and
  - amenity and landscape characteristics of the environment would be maintained or enhanced.<sup>276</sup>
- d. The qualities and characteristics of the amending proposal exhibit predominantly a rural lifestyle character and amenity as described in RLZ-O2 and effectively, at a minimum density of 2Ha / allotment represents infill consistent with the character and amenity of this block.
- e. Infrastructure, except for network wastewater, as necessary to support a rural lifestyle zoned outcome is in place (transport) or able to efficiently be established, telecommunications<sup>277</sup>. The absence of wastewater providing residual tension albeit as subject to regional council consents for on-site treatment. The limited extent of rural lifestyle yield would not compromise achieving a '*consolidated and integrated settlement pattern*'<sup>278</sup>.
- f. Community wastewater reticulation is neither funded nor planned, either now or within the Long-Term Plan to coincide with SCHED15. Accordingly, tension with **SD-O1(2)** requiring capability for efficiently connecting to reticulated sewer infrastructure is not altered by the amending proposal to rezone immediately.
- 10.11.31 The amending proposal, which seeks rezoning to RLZ, and as amended to specify a minimum 2Ha allotment size as a Specific Control Area is the more efficient and effective approach to achieve and implement these provisions of the TPDP.

### Recommendations

- 10.11.32 It is recommended that the submission from D&S Payne [160.2], and that part of the submission from George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper [108.2], G Kellahan [26.1] be **accepted in part**, as the recommendation for

<sup>273</sup> Policy 5.3.1

<sup>274</sup> Policy 5.3.2 and Policy 5.3.5

<sup>275</sup> Policy 5.3.2 and 5.3.5

<sup>276</sup> Policy 5.3.1(4) and 5.3.3(2).

<sup>277</sup> UFD-O1(ii)

<sup>278</sup> UFD-O1

rezoning is accompanied by an additional 2ha minimum allotment Specific Control Area overlay. A consequential amendment is the removal of the 'highly productive land' overlay from the site.

10.11.33 The submission from Ryan De Joux [157.2] be **accepted in part**.

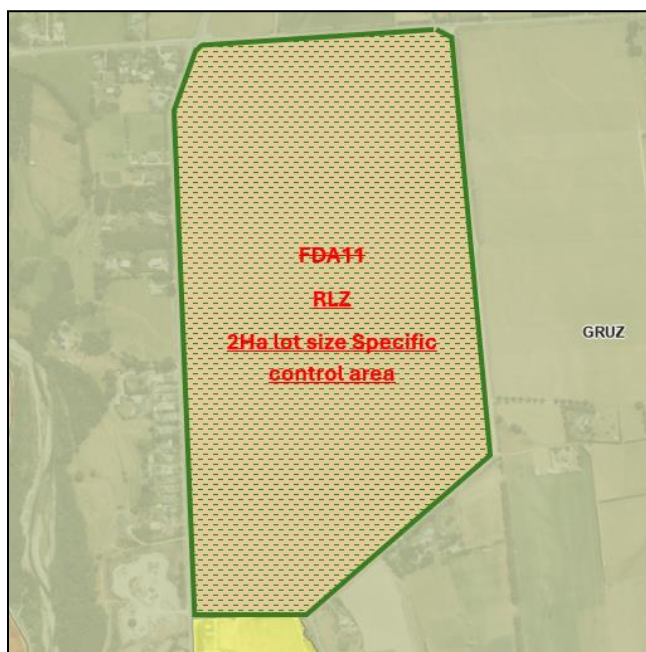
10.11.34 The submission from Canterbury Regional Council [183.166] is **accepted in part**, in that the recommendation is a removal of the FDA overlay in the planning maps and from SCHED15.

10.11.35 The submission from Waka Kotahi NZ Transport Agency [143.197] is **accepted in part**, given the overall evaluation above.

10.11.36 The recommendation is to remove the FDA notation and amend the zone of the following land area as associated with that block between Templer Street, Bennett Street and Main North Road / SH79 from GRUZ to RLZ, amend the planning maps and remove reference to the 'Templer Street Future Development Area - Rural Lifestyle' from SCHED-15 as below:

10.11.37 The amended change to SCHED-15 and planning maps are as below:

SCHED15 — SCHEDULE OF FUTURE DEVELOPMENT AREAS				
Unique identifier	Name	Anticipated Zone	Timeframe for DAP	Additional Requirement
<del>FDA11</del>	<del>FDA11 – Templer Street Future Development Area – Rural Lifestyle</del>	<del>Rural Lifestyle Zone</del>	<del>Future Area – beyond 10 years</del>	
FDA <del>12</del> 11 [Renumber accordingly]	FDA <del>12</del> 11 - Sir Basil Arthur Park Future Development Area - Industrial Development	General Industrial Zone	Priority area - 2 years	



Consequential amendments:

- Insert 2Ha Specific Control Area overlay
- Delete 'Vesatile Soils' overlay

## 10.12 Rezone for Growth – FDA12 Sir Basil Arthur Park Future Development Area

10.12.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.20

### Submissions

10.12.2 There are no submissions that oppose FDA12 Sir Basil Arthur Park Future Development Area.

10.12.3 Alpine Energy Limited [55.20] is in support of council providing a clear direction for future industrial development in the Washdyke area. The submitter has not provided any requested relief.

### Analysis

10.12.4 No amendments are sought to the notified provisions.

### Recommendations

10.12.5 The submission from Alpine Energy [55.20] is recommended to be **accepted**.

## 10.13 Rezone for Growth – FDA13 Seadown Road Future Development Area

10.13.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Alpine Energy Limited	55.21
Canterbury Regional Council	183.66
White Water Properties LTD	248.1
Ryan De Joux	157.2

### Submissions

10.13.2 Alpine Energy Limited [55.21] is in support of council providing a clear direction for future industrial development in the Washdyke area. The submitter has not provided any requested relief.

10.13.3 The submission from Canterbury Regional Council [183.66] seeks to amend the Future Development Areas to only identify land as a future development area where it is required in the short to medium term as defined in the NPD-UD.

10.13.4 White Water Properties LTD [248.1] considers that all land within FDA13 should be rezoned GIZ as the submitter considers the land is ideally situated for industrial development. The

submitter also considers rezoning the land to GIZ would better align with relevant planning documents. The submitter seeks the following requested relief to the planning maps:

1. *Rezone all of the land in FDA13 to General Industrial, and*
2. *Make any necessary amendments to support the rezoning*

10.13.5 Ryan De Joux [157.2] seeks that the FDA13 timeframe identified in SCHED15 be amended from 10 years to 5 – 10 years.

**Analysis – White-Water Properties LTD [248.1] and Ryan De Joux [157.2]**

10.13.6 Under the White-Water Properties LTD [248.1] amending proposal, the 61 Hectare site would be rezoned immediately to GIZ.

10.13.7 The subject site consists of 11 titles, with a density of circa 4ha/HH. The area predominantly exhibits an open and pastoral rural character, interspersed with shelter belts and containing residential dwellings as associated with each landholding. The topography of the site is generally flat. The site has frontage to the Timaru-Temuka Highway / SH1 to the west, and Seadown Road to the east. The adjoining land to the south is zoned GIZ, whilst land to the north and northeast is zoned General Rural Zone<sup>279</sup>.

The site is located on the northern perimeter of the Timaru settlement and is attached to the Washdyke Industrial area by the southern GIZ boundary. Ms Pfluger notes '*Currently FDA 13 has a well-defined boundary to the industrial zone to the south and only a few dwellings are located within it. A few clusters of rural lifestyle dwellings are separated by open pastoral areas*<sup>280</sup>'.

10.13.8 The northern part of the site is subject to contamination as recorded in the Canterbury Regional Council Listed Land Use Register as associated with livestock dip. This matter would be resolved through application of the NES-Contaminated Soils and is not considered to be an impediment to the amending proposal(s) seeking a more responsive rezoning.

10.13.9 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

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<sup>279</sup> Noting land to the east is the subject of North Meadows [190.1]

<sup>280</sup> Appendix 3. Landscape. Pfluger.

**Figure 27: Site Location (in Blue) De Roux FDA-14 (157.2) and planning maps (hatched)**



10.13.10 Submission packages have been received from White Water Properties Ltd [248.1] and De Joux [157.2]. These do not provide information in relation to the provision of integrated infrastructure, or an assessment (or critique of the Property Economics analysis) as to sufficient development capacity for industrial land.

10.13.11 An analysis of these matters is considered necessary to support the relief associated with the amending proposal, especially given the absence of analysis associated with infrastructure provision and integration.

10.13.12 The submission package(s) accept that the site would meet the interim definition of HPL in the NPS-HPL which would *'prevent rezoning'*<sup>281</sup>. The submission package suggests that ideally the TPDP be deferred until Environment Canterbury has mapped HPL in the CRPS and signalled government changes in direction have occurred.

10.13.13 In the absence of a detailed analysis in the Submission package, I consider that the following matters are of relevance to the subject site:

- a. **Notified Zoning – GRUZ**, FDA-13 Overlay identified SCHED-15 as 'Seadown Road Future Development Area – General Industrial Zone. Future Area – beyond 10 years'.
- b. **Landscape** – Ms Pfluger identifies that FDA 13 has a well-defined boundary to the industrial zone to the south. She considers that *'The rezoning of this FDA will lead to a substantial change in landscape character from the currently relatively open, rural character. However, given that the existing GIZ lies immediately adjacent to this FDA (and extending slightly further north to the east) I consider that industrial land uses would not be an unexpected activity in this environment when required in future'*.<sup>282</sup>

<sup>281</sup> Submission package. Whitewater Properties Ltd [2]

<sup>282</sup> Appendix 3. Landscape. Pfluger.

- c. **Biodiversity** - there are no notated ecological areas associated with the amending proposal, or identified waterways.
- d. **Infrastructure** – Advice from the Council’s Engineering Team is in summary that the subject site is not connected, nor able to be efficiently connected to existing network services given the separation from the existing Timaru township. Mr Kemp states:
- i. For **water supply** a new watermain would be required to service the site (as extended from the existing watermain at Washdyke).
  - ii. For **wastewater** ‘Sewer is not located near the site and would require extension and upgrades which are not identified in the LTP’. The submitter package identifies that were inland port facilities to continue expanding reticulated sewer may not be required and alternative means suffice.
  - iii. For **stormwater** whilst this could be partially attenuated on new allotments, the downstream capacity of the stormwater system is not sufficient to service future development. Potentially a new drain would be required to coast.

In conclusion, the Council’s Engineers state:

*‘No infrastructure to the site is proposed. This will impact on the overall management of Council’s network now and into the future. The submission is recommended to be rejected on this basis....There are concerns in relation to on-going management of servicing and the lack of detail as to what level of servicing is required from Council. If no Council servicing is provided there is the potential that any growth beyond the current planning process will be cost prohibitive to provide the servicing necessary to support a future land use’<sup>283</sup>.*

- iv. For **transport**, no Integrated Transport Assessment is provided. It is presumed that the associated development would require upgrades / intersections to existing network infrastructure. Mr Collins advises that as a ‘large scale’ amending proposal<sup>284</sup> the matters that would be necessary to understand whether the proposal could be supported from a transport perspective should have included (in the submitter package) should consider:

- alignment with Transport objectives and policies in the TPDP;
- an assessment of potential effects (and mitigations) associated with the safe and efficient functioning of the existing transport network;
- that the proposal would be supported by appropriate transport infrastructure.

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<sup>283</sup> Appendix 7. Infrastructure. Kemp.

<sup>284</sup> Appendix 8. Transport. Collins.

- g. **Hazards** – Located with the Flood Assessment Area Overlay. There are no changes to the spatial extent of the FAA under the s42A Natural Hazards consideration of Environment Canterbury [183.228].
- h. **Cultural Values** – The Manawhenua Assessment identifies that the Washdyke area is culturally significant to Kāti Huirapa a result of the proximity to Waitarakao / Washdyke Lagoon. Any development of FDA-13 would need to be designed and serviced so as not to degrade or contribute to the decline of the Waitarakao / Washdyke Lagoon<sup>285</sup>. The site is not the subject of SASM overlay.

#### Statutory consideration

- 10.13.14 The site was not identified in the GMS2018. The GMS2022 Business Review identified the area for future growth as providing *‘opportunity for a future inland port (assuming a future business case supports such a venture’*; no timeframe was provided. The site is not considered to be identified for future urban development in terms of the application of the NPS-HPL cl3.5(7)(b)(i), nor having regard<sup>286</sup> to the GMS2018 and GM2022 as identified to provide for industrial growth within the life of the notified district plan.
- 10.13.15 The submission package accepts the site is HPL (LUC3) under the **NPS-HPL**, the *‘effect of which would be prevent rezoning’*<sup>287</sup>, and requesting deferment until Environment Canterbury’s mapping exercise has been completed.
- 10.13.16 There is no supporting analysis provided in the submission package pursuant to cl3.6(4) and (5) of the **NPS-HPL**.
- 10.13.17 The evidence from Mr Heath is that the Timaru settlement has sufficient industrial zoned capacity over the short to medium term, and it is not until the end of the long-term period (20+ years) that there is a potential capacity issue. He states:
- ‘It is recommended that the submission(s) seeking immediate rezoning or a more responsive DAP process are rejected. This is on the basis of existing land sufficiency to cater for demand, and the associated disproportionate infrastructure costs associated with servicing this area to provide for industrial activities and associated employment’*<sup>288</sup>.
- 10.13.18 The evidence from the Council Engineers is that network servicing and infrastructure upgrades are not identified in the LTP. Mr Collins notes there is no analysis provided as to transport effects, including those on the wider network. Nor is there an assessment of works and funding associated with access / supporting infrastructure on the road network.

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<sup>285</sup> Appendix 3. Manawhenua Assessment. Hall [15]  
<sup>286</sup> S74(2)(b)(i)  
<sup>287</sup> Submitter package. Whitewater Properties [248.1]  
<sup>288</sup> Appendix 6. Economics. Heath.

Accordingly, the site could not be considered as ‘infrastructure ready’ pursuant to cl3.4(3) of the NPS-UD in either the short or medium term.

10.13.19 I therefore consider:

- a. **NPS-HPL:** The amending proposal seeking immediate rezoning [Whitewater Sub 248.1] does not meet the conjunctive criteria contained in cl3.6(4), with the associated directive on the Council to *not allow* the urban rezoning. The rezoning would not give effect to the **Objective** and **Policies 4** and **5**. The submission from De Joux [Sub 157.2] seeks a change in the sequencing for DAP preparation and not an immediate rezoning and would not engage with **Policy 5**. The status of the land as HPL (LUC3) is not the sole determinant in terms of the recommendation.
- b. **NPS-UD:** Neither proposal [Whitewater Sub 248.1, or De Joux Sub 157.2] is considered to give effect to the **NPS-UD** in terms of contributing to ‘well-functioning urban environments’ (**Objective 1** and **Policy 1**).

The amending proposal(s) would not provide a necessary contribution to enabling different business sectors in terms of location and site size<sup>289</sup> in a manner that contributes to well-functioning urban environments.

I reach that conclusion based on: the evidence of Mr Heath that there is sufficient capacity and variability present within the Timaru business market to provide for industrial demand to beyond the medium (10 year) term; and that the Council engineers have identified that infrastructure necessary to service the area is not funded in the LTP (nor advanced in either analysis or funding in the submitter package), and would impact on the overall management of Council’s network now and into the future. The amending proposal(s) does not give effect to **Objective 6** in relation to integrated infrastructure and funding decisions, and is not strategic in terms of medium- and long-term local authority decisions.

- c. **CRPS:** The subject site is ‘*attached to*’ the northern extent of Washdyke. However, given the absence of supporting infrastructure as identified by the Council engineers, and extent of sufficient development capacity for industrial activities as identified by Mr Heath I consider the amending proposal(s) would neither ‘*promote a coordinated pattern of development*’, nor ‘*encourage within urban areas ... business opportunities ... that supports urban consolidation*’<sup>290</sup>.

The amending proposal would not result in integration with the efficient and effective provision, maintenance or upgrade of infrastructure (as required by **Policy 5.3.2(3)(a)**) or provide for sustainable and efficient transport movement (**Policy 5.3.2(3)(b)**). Neither submission package advances planning mechanisms: including a structure plan / ODP; nor infrastructure analysis; and implications for public funding programmes to

<sup>289</sup> NPS-UD Policy 1(b)

<sup>290</sup> CRPS Policy 5.3.1(1) and 5.3.1(2).



otherwise demonstrate how a comprehensive and strategic approach to urban development on the site would be undertaken.

The amending proposal(s) without appropriate supporting network infrastructure and identified funding is not considered to give effect to the requirements of **Policy 5.3.5**. That Policy seeks to ensure that development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater and potable water. As identified by the Council Engineers, neither amending proposal [Whitewater Sub 248.1 seeking immediate rezoning, or De Joux Sub 157.2 seeking a more responsive DAP process] advances consideration of infrastructure servicing, or (given the development capacity evidence of Mr Heath) the implications for the Council's management and funding of network.

I consider that the amending proposal(s) does not give effect to the CRPS.

- d. **TPDP:** The amending proposal(s) would be the less appropriate in terms of achieving and implementing **UFD-O1** which seeks '*a consolidated and integrated settlement pattern that (i) efficiently accommodates future growth... and (ii) is integrated with the efficient use of infrastructure*', and **SD-O8(2)** which seeks that '*the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development*', and **EL-O1(4)** that requires *effective ... and efficient regionally significant infrastructure that is aligned and integrates with the timing and location of urban developments*'.

10.13.20 I recommend that the submission from Whitewater Sub 248.1 and De Joux Sub 157.2 be **rejected**.

#### **Analysis – Canterbury Regional Council [183.166]**

10.13.21 The submission from the Canterbury Regional Council [183.166] seek to delete FDA13 Seadown Road Future Development Area in its entirety.

10.13.22 I have requested that Mr Collin's specifically consider this matter. He states:

*'Given the absence of a transport analysis provided relating to bringing forward the rezoning of FDA13 FDA14 I consider that rezoning should not be brought forward. However, in my view NZTA's submission does not, in itself, provide sufficient evidence that FDA13 and FDA14 should be deleted. Further consideration of alternative locations for future development is recommended, should FDA13 and FDA14 be rejected, and this should be through a holistic assessment rather than purely focused on transport outcomes'*<sup>291</sup>.

10.13.23 Mr Heath has also considered this matter and states:

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<sup>291</sup> Appendix 8. Transport. Collins.

*'In terms of the submissions from CRC ..., these are finely balanced. Whilst the site creates tension with the NPS-UD in terms of promoting a well-functioning urban environment in terms of current demand and sufficiency, retaining the site in SCHED15 provides a release valve as subject to monitoring should additional capacity be necessary, noting based on the PE analysis that this would be well beyond the life of this district plan'*<sup>292</sup>.

10.13.24 The evidence from Ms Pfluger<sup>293</sup> is that the given the existing GIZ boundary is adjacent to the site, a transition to industrial land uses would not be unexpected when required in the future. The evidence from Mr Kemp<sup>294</sup> is that the site is not serviced nor is there funding available in the LTP, but that the site would likely be able to be serviced through network extensions.

#### Statutory considerations

10.13.25 The matter is finely balanced.

10.13.26 The Property Economics District Industrial Capacity Report (2025)<sup>295</sup> identifies that that there is industrial land sufficiency beyond the medium (10 year) term<sup>296</sup>; with any shortfall forecast towards the end of the long (30 year) term period.

10.13.27 As above, a more responsive rezoning to General Industrial would not give effect to the relevant provisions of the NPS-UD or CRPS, nor achieve and implement relevant TPDP provisions, principally as these objectives and policies relate to fostering a consolidated, coordinated and integrated settlement pattern. However, retention of FDA13 provides a development resource or release valve should additional capacity become necessary, as coupled with the requirements of **FDA-O2**, **FDA-P4** and **FDA-P5**.

10.13.28 Unlike residential capacity, the Property Economics Industrial Report identifies that a requirement for long term demand is possible. I acknowledge the expert evidence of Ms Pfluger that the site adjoining the existing GIZ would not (when required) represent an unexpected transition from rural to industrial character; and Mr Kemp that servicing extensions (non-Trade waste) could be provided as subject to funding. Therefore, I consider that retention of FDA13 would assist the Council in terms of strategic decisions affecting the urban environment (**Objective 6, NPS-UD**), and the FDA overlay (**FDA-O2, FDA-P1**) would preclude development that would otherwise comprise or foreclose options for the development of existing urban areas (**Policy 5.3.2(1)(b)**).

10.13.29 In terms of s32 it is considered that retention of the FDA overlay (as compared the option of its removal) ensures that the land is not compromised or foreclosed in terms being able to

<sup>292</sup> Appendix 6. Economics. Heath.

<sup>293</sup> Appendix 3. Landscape. Pfluger.

<sup>294</sup> Appendix 3. Infrastructure. Kemp.

<sup>295</sup> Appendix 5.

<sup>296</sup> Based on a high growth forecast, in conjunction with competitiveness margins, and absent of any FDA

accommodate coordinated and integrated future industrial development. However, this is subject to considerable growth in demand. The economic and social costs largely fall on the landowners given the suite of additional controls on land use and subdivision within the FDA Chapter provisions.

10.13.30 Environment Canterbury are requested to provide additional assessment on this matter that may assist.

10.13.31 On the basis of the above, the submission from the Canterbury Regional Council [183.166] seeking to delete FDA13 Seadown Road Future Development Area in its entirety is recommended to be **rejected**.

### **Recommendations**

10.13.32 The submission from Whitewater [248.1] seeking an immediate General Industrial Zone, and from De Joux Sub 157.2 seeking that the sequencing of FDA-13 be amended to between 5 – 10 years is **rejected**.

10.13.33 the submission from the Canterbury Regional Council [183.166] seeking to delete FDA13 Seadown Road Future Development Area in its entirety is **rejected**.

10.13.34 the submission from Alpine Energy Limited [55.21] did not express a relief but is considered to represent support for the notified FDA13. I recommend that the submission be **accepted**.

## **10.14 Rezone for Growth – FDA14 Kennels Road Future Development Area**

10.14.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi NZ Transport Agency	143.198
Phar Lap Raceway Trustees (FS)	279.1FS (Support)
Ryan De Joux	157.2
Phar Lap Raceway Trustees (FS)	279.2FS (Oppose)
Canterbury Regional Council (Environment Canterbury)	183.166

### **Submissions**

10.14.2 Ryan De Joux [157.2] seeks that the FDA14 timeframe identified in SCHED15 be amended from 10 years to 5 – 10 years. Phar Lap Raceway Trustees (as further submitter 279.2FS) oppose the submission on the basis that the legal status of the racecourse as a reserve vested in the Trustees can only be changed via the provisions of the Reserves Act or by special legislation.

10.14.3 Waka Kotahi NZ Transport Agency [143.198] opposes FDA14 as the submitter considers that it does not integrate with the existing urban area and therefore is not likely to achieve a

reduction in VKT's. Additionally, the submitter notes the area is adjacent high-speed environments and is concerned that objectives of the NPSUD and provisions of the CPRS are unlikely to be achieved. The submitter seeks to delete FDA14 Kennels Road Future Development Area in its entirety. Phar Lap Raceway Trustees (as further submitter 279.1FS) support the submission.

- 10.14.4 Canterbury Regional Council Sub [183.166] seeks to consolidate FDAs and only include areas where required for short – medium term as defined in the NPS-UD.

***Analysis – Ryan De Joux [157.2], Waka Kotahi NZ Transport Agency [143.198], Canterbury Regional Council Sub [183.166]***

- 10.14.5 Ryan De Joux [157.2] seeks a more responsive process as associated with SCHED-15 for the preparation of a DAP as associated with FDA-14 by an amendment to SCHED-15 that FDA-14 would be notated as 'Priority Area 5 – 10 years'. Under Policy **FDA-P4** the Council would be required to prepare the Development Area as a 'priority area'.
- 10.14.6 The subject area is a total of 53 Ha held in three titles, with the largest being under the control of the trustees of Timaru Racecourse (at some 31ha, 330 Hilton Highway), it is understood that the land itself is owned by the Department of Conservation (DOC), with the process to transfer this land subject to Crown Land sale/offer process<sup>297</sup>. The residual (17Ha) is held by Timaru Developments Ltd (105 Kennels Road) and NJ and SR van Heeswyck.
- 10.14.7 The site is located on the northern perimeter of the Timaru settlement and is visually and physically separated to the edges of Washdyke by the Timaru Racecourse and a small pocket of intervening GRUZ. The site is located between State Highway 1 and State Highway 8.
- 10.14.8 The topography of the site is generally flat and contains several shallow depressions associated with overland flow paths.
- 10.14.9 Parts of the site (330 Hilton Highway) are subject to verified contamination as recorded in the Canterbury Regional Council Listed Land Use Register as associated with pesticides.
- 10.14.10 That part of the site associated with the Timaru Racecourse is zoned SARZ within the TPDP; the balance of the site is zoned GRUZ. A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

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<sup>297</sup> Appendix 3. Manawhenua Assessment. Hall [page 15]

**Figure 28: Site Location (in Blue) De Roux FDA-14 (157.2) and planning maps (hatched)**



- 10.14.11 The Submission package does not provide information relating to the provision of integrated infrastructure, or an assessment (or critique of the Property Economics analysis) as to necessity in terms of sufficient development capacity for housing, or the contribution the proposal would make to such. The submitter package states that *'In TDL's experience Council planning simply does not keep pace with the market and is restricting development opportunities'*.
- 10.14.12 The Submitter package analysis primarily relates to the property at 105 Kennels Road, proposing a yield of 150 lots at medium density. The Property Economics assessment identifies a total yield across FDA-14 of 718 household allotments<sup>298</sup>.
- 10.14.13 In the absence of detailed analysis in response to the Preliminary Report, I consider that the following matters are of relevance to the subject site:
- Notified Zoning – GRUZ**, FDA-14 Overlay identified SCHED-15 as 'Kennels Road Future Development Area – Urban Development'. Future Area – beyond 10 years. Unlike the other identified FDA in the Schedule which specifies an anticipated zone. FDA-14 is identified for 'Urban Development' which is presumed to be either General Industrial Zone or General Residential Zone.
  - Landscape** - the subject site contains several small structures associated with the operations of the racecourse and farming operations. The character and amenity are predominantly semi-rural, as attributed to the flat topography, extent of open space and pastoral activities on the site. However, the broader character (off-site) contains clusters of more intensive semi-rural development as synonymous with its location as peripheral to the Timaru settlement. There is a cluster of small-scale residential allotments located at the edge of the northeastern edge of Kennels Road and Pleasant Point Highway, as establishing as associated with a recent subdivision of Jamal Lane. Ms Pfluger identifies that the area would be *'separated from Timaru township by the*

<sup>298</sup> Preliminary s42A Report. Attachment A. Property Economics [Table 10]

*presence of large industrial zones and the racecourse (with associated open spaces that provide rural character. Given that this FDA would be disconnected from the existing township, including public facilities/services, transport and amenities, it does not appear to be particularly suitable for residential development*<sup>299</sup>. I agree.

- c. **Biodiversity** – there are no notated ecological areas or waterways identified in the TPDP associated with FDA14.
- d. **Infrastructure** – Advice from Mr Kemp is that the subject site is not connected, nor able to be efficiently connected to existing network services given the separation from the existing Timaru township. He identifies that there is no funding in the LTP for service provision and compared to other existing FDAs which are more proximate to urban areas, providing a more reactive DAP process for this site in the absence of demand would not achieve the urban growth objectives of the TPDP. He states:

*“No details are included as to servicing provisions for FDA14. Previous reporting by Council estimated that provision of services to the site in a manner that is efficient and maintainable to Council standard would range from \$13-15 million. No allocation of capital budget of this scale has been allowed for in the LTP for servicing growth.*

*These servicing costs exclude any upgrades triggered to the downstream networks, flood mitigation measures and regional consents*<sup>300</sup>.

The submitter package identifies a willingness to work ‘with Council to assist with planning and funding infrastructure’.

- e. **Transport** - At a yield of 718 households estimated traffic generation would be in the order of some 7200 movements per day<sup>301</sup>. Mr Collins<sup>302</sup> considers the proposal is not supported by any transport assessment within the submission package. He considers an appropriate assessment in support of the amending proposal would include: an Integrated Transport Assessment; consideration of the ability of the surrounding transport network (including SH1 and SH8) to effectively, efficiently and safely convey associated transport movements; and assessment against the relevant transport provisions in the TPDP.

The submission package is silent as to whether the associated development would require upgrades / intersections to existing road infrastructure.

In terms of proximity to employment and opportunities for social and functional amenity, FDA-14 is located 3.2km from the Washdyke Industrial Area, 6.5km to the Central Business District, and 3.8km to the Showgrounds commercial development.

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<sup>299</sup> Appendix 3. Landscape. Pfluger.

<sup>300</sup> Appendix 7. Infrastructure. Kemp.

<sup>301</sup> Assuming 10 / dwelling vpd. Trips and Parking related to land use, NZ Transport Agency research report 453[4.2]

<sup>302</sup> Appendix 8. Transport. Collins.

- f. **Hazards** – FDA14 is subject to the Flood Assessment Area overlay. There is no material change to the FAA spatial extent over the amending proposal as contained in the s42A Natural Hazard recommendation.
- g. **Cultural Values** – The Manawhenua Assessment identifies that the Washdyke area is culturally significant to Kāti Huirapa a result of the proximity to Waitarakao / Washdyke Lagoon. Any development of FDA-14 should be designed and serviced so as not to degrade or contribute to the decline of the Waitarakao / Washdyke Lagoon<sup>303</sup>. The site is not the subject of SASM overlay.

#### Statutory consideration

- 10.14.14 For the purpose of s74(2)(b), the site was not identified in the GMS2018 as necessary to facilitate urban development to provide for the future growth needs of the district. The GMS2022 Business Review identified (only 330 Hilton Highway as zoned as SARZ in the TPDP) as a potential FDA although no timeframe was provided.
- 10.14.15 That part of FDA-14 zoned as SARZ (330 Hilton Highway) is not identified as being transitional HPL under the **NPS-HPL**<sup>304</sup>. That part of FDA-14 identified as 105 Kennels Road is deemed transitional HPL given its LUC3 classification. The submitter package accepts the application of HPL and states that *‘effect of this would be to prevent rezoning, but this is subject to upcoming Environment Canterbury (ECan) mapping and to a signalled change in government direction’*. Whilst the amending proposal does not seek an immediate rezoning, there is no consideration of the requirements of cl3.6 of the NPS-HPL in the submitter package. The LUC3 classification and inclusion as HPL is not the only determining factor in terms of my recommendation(s).
- 10.14.16 The evidence of Mr Heath is that the Timaru settlement has sufficient realisable zoned development capacity under a medium growth scenario to 2053. Whilst under a high growth scenario, the release of FDA land to accommodate a shortfall in existing realisable capacity would not be required for two decades. I further note, that given the sequencing provided in SCHED-15, the shortfall of 465 dwellings<sup>305</sup> would be addressed by those FDAs sequenced for development well in advance of FDA-14, with FDA-1 and FDA-2 alone advancing an anticipated 1,154 households.
- 10.14.17 Specific to the amending proposal Mr Heath states:

*“The subject area is neither adjoining nor immediately proximate to the Timaru urban area, and will likely result in disproportionate infrastructure costs to provide for network services to facilitate residential development and overall yield. Whilst the submission seeks a more*

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<sup>303</sup> Appendix 3.Manawhenua Assessment. Hall [15]

<sup>304</sup> Cl3.5(b)(ii) references ‘urban’ as defined in Cl 1.3 Interpretation as *‘urban, as a description of the zone, means any of the following zones ... (g) sport and active recreation.*

<sup>305</sup> Preliminary s42A Report. Attachment A. Property Economics [Table 13].

*responsive DAP process, it is likely that any resulting rezoning would not represent an efficiently integrated urban rezoning, nor result in coordinated development patterns. The site is inefficiently located relative to other capacity and growth area opportunities”<sup>306</sup>.*

10.14.18 Based on the analysis by Mr Heath and the Council Engineers as to the inability to efficiently integrate a more responsive timeframe with FDA-14, I consider that the amending proposal would not:

- e. Give effect to the **NPS-UD** in terms of contributing to ‘well-functioning urban environments’ (**Objective 1** and **Policy 1**). The amending proposal would not provide a necessary and more responsive contribution to meeting the needs of different households, provide good accessibility, or support reductions in greenhouse gas emissions). The proposal is not necessary to provide ‘at least’ sufficient development capacity (**Policy 2**), nor would the decision be integrated with infrastructure planning and funding decisions (**Objective 6**) and support reductions in greenhouse gas emissions (**Objective 8, Policy 1(e)**).
- f. Give effect to **CRPS Policy 5.3.1(1)**. The subject site is separated from the existing urban area and would not ‘*promote a coordinated pattern of development*’. This is especially the case as the focus of the submission package is isolated to 105 Kennels Road. The submitters experts should advise as to any potential complications as to the avoidance of the fragmented development of the area given the land holdings and disposal process for 330 Hilton Highway. The subject site is not considered to be ‘*attached to the urban area*’ and would not ‘*concentrate*’ development patterns.

A more responsive development of FDA-14 does not provide a necessary contribution to encouraging ‘housing choice’ for the purpose of **Policy 5.3.1(2)** given the evidence of Mr Heath as to existing capacity and the extent of FDAs that are sequenced in advance to FDA-14.

The amending proposal would not result in integration with the efficient and effective provision, maintenance or upgrade of infrastructure (as required by **Policy 5.3.2(3)(a)**) or provide for sustainable and efficient transport movements (**Policy 5.3.2(3)(b)**).

- g. The amending proposal would be the less appropriate in terms of achieving and implementing **UFD-O1** which seeks ‘*a consolidated and integrated settlement pattern that (i) efficiently accommodates future growth... and (ii) is integrated with the efficient use of infrastructure*’, and **SD-O8(ii)** which seeks that ‘*the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development*’.

10.14.19 I recommend that the submission from Ryan De Joux [157.2] be **rejected**.



- 10.14.20 The submissions from Waka Kotahi NZ Transport Agency [143.198] and the Canterbury Regional Council [183.166] seek to delete FDA14 Kennels Road Future Development Area in its entirety.
- 10.14.21 The analysis above identifies that FDA-14 in its entirety, does not give effect to the **NPS-UD**, nor the **NPS-HPL**. In addition, FDA-14 is not considered to give effect to the CRPS, or be the more appropriate in terms of achieving and implementing the policies and objectives of the TPDP. Accordingly, it is recommended that these submissions be **accepted**.

### Section 32AA

- 10.14.22 The recommendation to accept the submissions from Waka Kotahi NZ Transport Agency [143.198] and the Canterbury Regional Council [183.166] for the removal of FDA-P14 as notified requires consideration as pursuant to s32AA.
- 10.14.23 At a broad level, this requires an examination of whether the provisions of the amending proposal (to remove FDA14) are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives including the costs and benefits of the options, and the risks of acting or not acting, and summarising the reasons for deciding on the provisions.
- 10.14.24 Ultimately, the primary question in terms of section 32 is whether the FDA14 overlay (and associated framework) as applied to the site is the most appropriate framework to achieve the objectives of the TPDP.
- 10.14.25 In terms of (s32(1)(b)(i)) the alternatives to be considered are the retention or the removal of the FDA14 overlay.
- 10.14.26 The objectives to be achieved include a consideration that:
- a. Given the evidence of Ms Pfluger, the qualities and characteristics of FDA14 exhibit a rural character and amenity as described in **GRUZ-02**.
  - b. Given the evidence of Mr Kemp and Mr Collins, the Infrastructure necessary to support an anticipated long-term urbanisation of the area is not in place, nor able to be efficiently established to support urbanisation or efficient settlement patterns and transport patterns **SD-O3(3)**, **SD-O8(2)**, **UFD-O1(2)** and **EI-O1(4)**.
  - c. Given the evidence of Mr Heath, the anticipated urban development would not contribute towards a '*consolidated and integrated settlement pattern*' (**UFD-01**).
- 10.14.27 As the FDA overlay and provisions do not authorise rezoning, they only provide for a DAP process and consideration by plan change, the consideration of the efficiency and effectiveness of the alternatives s32(1)(b)(ii) are:

**Option 1: Retain FDA14 overlay and framework**

	Costs	Benefits
Environment	<ul style="list-style-type: none"> <li>To the landowner(s) – additional FDA restrictions on the use and development of the area in the absence of considerable household growth extending out 30+ years which would support a DAP and plan change.</li> <li>Site ownership is fragmented, with differing views on pursuing urbanisation which limit the ability to foster an integrated and comprehensively developed outcome.</li> </ul>	<ul style="list-style-type: none"> <li>Reduces developments that may otherwise compromise the cohesive urbanisation of the block (should it be required).</li> </ul>
Social	<ul style="list-style-type: none"> <li>Additional capacity not required to provide housing choice or materially influence housing costs.</li> </ul>	<ul style="list-style-type: none"> <li>NA (given sufficient realisable capacity and more proximate FDAs).</li> </ul>
Economics	<ul style="list-style-type: none"> <li>Infrastructure costs (including transport improvements) for servicing remain uncertain in addition to the more proximate FDAs included in SCHED-15.</li> <li>Uncertainty as to contribution to feasibility, affordability and deliverability of growth.</li> <li>Reduced investment certainty for landowner(s) as the land is identified for future growth in the absence of considerable household growth extending out 30+ years which would support a DAP and plan change.</li> </ul>	<ul style="list-style-type: none"> <li>NA</li> </ul>
Cultural	NA	NA
Effectiveness	Approach is not effective (where the evidence of Mr Heath and Mr Kemp is accepted). The FDA does not facilitate additional urban growth as household growth and infrastructure funding is not sufficient to support coordinated urbanisation or efficient infrastructure and transport settlement patterns.	
Efficiency	Reduced certainty in terms of the outcomes and contribution of the area to supporting urban growth and / or productive rural uses. There are economic costs on the landowner in not being able to undertake a rapid DAP process and plan change, and on the community in terms of ongoing uncertainty as to infrastructure costs.	

**Option 2: Remove FDA14 overlay and framework**

	Costs	Benefits
Environment	<ul style="list-style-type: none"> <li>To the landowner(s) – removes opportunity for further intensifying the block / pursuing urbanisation.</li> </ul>	<ul style="list-style-type: none"> <li>To the community, provides greater focus on a reduced number of FDAs in terms of achieving a consolidated urban form.</li> <li>Retains rural character and amenity of the block, and the more defined urban boundary to the south.</li> </ul>
Social	<ul style="list-style-type: none"> <li>NA (given sufficient capacity present and more proximate FDAs).</li> </ul>	<ul style="list-style-type: none"> <li>NA</li> </ul>
Economics	<ul style="list-style-type: none"> <li>To the landowner(s) – removes intensification opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>Greater certainty in terms of LTP funding priorities for infrastructure servicing for remaining FDAs.</li> <li>Increased investment certainty to the landowner (modest) as to ongoing rural productive uses.</li> </ul>
Cultural	NA	NA
Effectiveness	Approach is effective (where the evidence of Mr Heath and Mr Kemp is accepted). Pursuit of a DAP process and associated plan change would not represent an efficiently integrated urban rezoning, nor result in coordinated development patterns as sort in <b>SD-O3(3)</b> , <b>SD-O8(2)</b> , <b>UFD-O1(2)</b> and <b>EI-O1(4)</b> . The site is inefficiently located relative to other capacity and growth area opportunities.	
Efficiency	The approach is efficient, as the opportunity for additional urban growth on the site is unlikely to be successful when considered against the planning framework and would be associated with considerable infrastructure inefficiencies.	

10.14.28 I do not consider that there is uncertain or insufficient information relating to the matter for the purpose of s32(2)(c). Based on the evidence of Mr Heath as to the adequacy of residential sufficiency, and Mr Kemp as to the substantial constraints in providing integrated servicing of the site, I consider that there is little risk should FDA14 be removed from the planning maps and SCHED15.

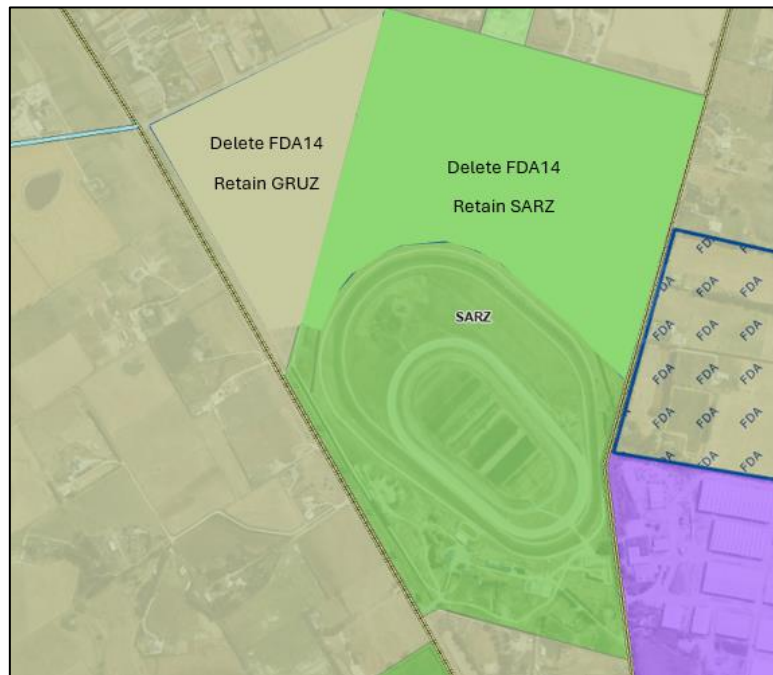
**Recommendations**

10.14.29 The submission from Ryan De Joux [157.2] seeking that the sequencing of FDA-14 be amended to between 5 – 10 years is **rejected**.

10.14.30 The submissions from Waka Kotahi NZ Transport Agency [143.198] and the Canterbury Regional Council [183.166] seek to delete FDA14 Kennels Road Future Development Area are **accepted**.

10.14.31 The amended change to SCHED-15 and planning maps are as below:

SCHED15 — SCHEDULE OF FUTURE DEVELOPMENT AREAS				
Unique identifier	Name	Anticipated Zone	Timeframe for DAP	Additional Requirement
FDA14	FDA14 – Kennels Road Future Development Area – Urban Development	Urban Development	Future area – beyond 10 years	



**Amend Planning maps**

## 11. Key Issue 5 – Requests for additional FDAs

### 11.1 Requests for additional FDAs – Submitter Table

- 11.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)	LOCATION
GJH Rooney	191.67	Saltwater Creek, King Street
Rooney Group Limited	249.66, 249.67	
Rooney Holdings Limited	174.66, 174.67	
Rooney Farms Limited	250.66, 250.67	
Rooney Earthmoving Limited	251.66, 261.67	
Timaru Developments Limited	252.66, 252.67,	
JR Livestock Ltd	241.2, 241.3	Tiplady, Geraldine

### 11.2 GJH Rooney [191.66, 191.67], et al – Saltwater Creek, King Street

- 11.2.1 GJH Rooney [191.66, 191.67], Rooney Earthmoving Limited [251.66, 251.67], Rooney Farms Limited [250.66, 250.67], Rooney Group Limited [249.66, 249.67], Rooney Holdings Limited [174.66, 174.67], and Timaru Developments Limited [252.66, 252.67] consider that Lot 4 DP 301476 and Pt Lot 2 DP 17808 should be identified as an additional FDA as either a partial extension of the General Industrial Zone and/or General Residential Zone. The submitters seek the following requested relief:

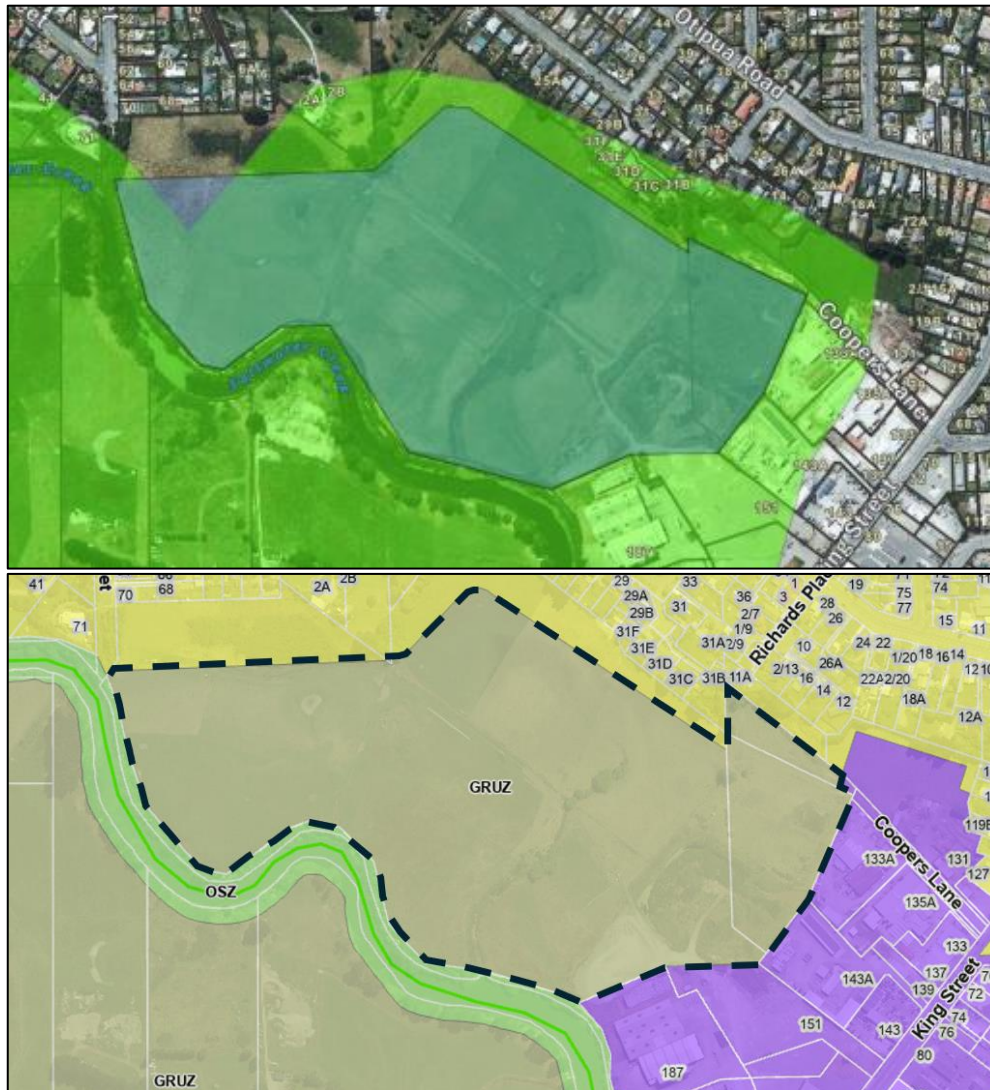
*Add to the Planning Maps an additional Future Development Area for General Industrial Zone and/or General Residential Zone purposes over Lot 4 DP 301476 and Pt Lot 2 DP 17808 (Redruth); and*

*Add to **SCHED15 Schedule of Future Development Areas** an additional Future Development Area for General Industrial Zones and / or General Residential Zone purposes over Lot 4 DP30 1746 and Pt Lot 2 DP 17808 (Redruth).*

The amending proposal does not request a timeframe as associated with SCHED15.

- 11.2.2 The amending proposal is located within a land depression immediately to the north of Saltwater Creek and east of King Street. Elevated above the site to the north is established residential development as zoned General Residential Zone, and between the site and King Street is a number of established industrial developments as zoned General Industrial Zone.
- 11.2.3 A map illustrating the location of the site in relation to Timaru township is provided below. The site is some 15.8ha.

**Figure 29: Site Location (in Blue) Rooney et al (191.66, 191.67) and planning maps (hatched)**



- 11.2.4 A submitter package was not received in terms of the requests contained in the Preliminary Report. There is no analysis of servicing, natural values, highly productive land, cultural matters or transport that assist in terms of the duties in s32AA. Council Officers have been verbally advised by representatives of Rooney<sup>307</sup> that given inundated ground conditions that the rezoning was not being pursued.
- 11.2.5 Within the TPDP, the area is zoned **GRUZ**. In terms of **Hazards** the site is notated as being subject to both the Salt Water Inundation Overlay (Coastal Hazards) and the (Natural Hazard) Flood Assessment Area<sup>308</sup> and Liquefaction Awareness Area. For **Cultural Values** that part of

<sup>307</sup> Discussions Timaru District Council Offices. 31 March 2025.

<sup>308</sup> There is no material change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation

the site that adjoins Saltwater Creek is notated as SASM-12 (Wai Taoka ‘significant waterway’), it is considered that Manawhenua concerns relating to the mauri of Saltwater Creek equally apply to the outcomes that would be associated with urbanisation of this area. In terms of **Natural Values** the site is notated as ‘highly productive land’. The northern boundary is notated as ‘urban edge’.

#### Statutory consideration

- 11.2.6 In terms of s74(2)(b)(i) and the Growth Management Strategy 2018 and Review (2022) the site is not identified for Urban or Rural Residential development in the former; but is identified in the GMS Review (2022) as ‘worthy of consideration’ for light industry if issues associated with hazards, reverse sensitivity and integration with the values associated with Salt Water Creek were managed.
- 11.2.7 In terms of the transitional the NPS-HPL provisions, the site is classified as LUC2. An FDA (of an unspecified timeframe) as requested is not of itself ‘a rezoning’ request. However, I consider that Clauses 3.6(4) and (5) should still be had regard to, given the expectation of an urban rezoning. Accordingly, the absence of an evaluation from the submitter does not assist in terms of resolving issues of sufficient development capacity, reasonably practicable options, or environmental costs and benefits associated with amending proposal.
- 11.2.8 I consider that there is not sufficient evidence provided to enable an evaluation of the amending proposal.
- 11.2.9 I am not satisfied that the proposal (as an FDA and not an immediate rezoning) is the more appropriate in terms of giving effect to the NPS-HPL. The site has an LUC2 classification, and the amending proposal is seen as less appropriate in giving effect to the obligations in **Objective 1** and **Policy 4** and **Policy 5** than the notified GRUZ.
- 11.2.10 Whilst I consider that the amending proposal would represent concentrated or attached urban development in terms of giving effect to **Policy 5.3.1** of the CRPS, and achieve those parts of **UFD-O1** that require a consolidated and integrated settlement pattern, I do not have sufficient information to consider whether the proposal would appropriately address **UFD-O1(9)** in terms of avoidance of new growth in areas where the impacts of natural hazards are unacceptable; or a mechanism that would demonstrate that matters associated with *minimising<sup>309</sup> conflicts between incompatible activities* (**UFD-O1(10)**) or managing the avoidance of ‘*areas with important ...cultural ... values*’ (**UFD-O1(6)**) would be achieved.
- 11.2.11 Accordingly, I recommend that GJH Rooney [191.66, 191.67], Rooney Earthmoving Limited [251.66, 251.67], Rooney Farms Limited [250.66, 250.67], Rooney Group Limited [249.66,

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<sup>309</sup> S42A Strategic Directions. Recommends ‘*manages*’.  
[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0006/876984/Hearing-A-Report-s42A-report-revised-Strategic-Directions-and-Urban-Form-and-Development-Final-including-appendix-5-April-2024.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0006/876984/Hearing-A-Report-s42A-report-revised-Strategic-Directions-and-Urban-Form-and-Development-Final-including-appendix-5-April-2024.pdf)



249.67], Rooney Holdings Limited [174.66, 174.67], and Timaru Developments Limited [252.66, 252.67] be **rejected** and GRUZ as notified be retained for the site.

### 11.3 J R Livestock Limited [241.2, 241.3] – Tiplady, Geraldine

11.3.1 J R Livestock Limited [241.2] considers there is further demand for industrial land in Geraldine. The submitter seeks to add a Future Development Area overlay over 12.82ha of land between the notified GIZ to the south of Geraldine fronting Winchester-Geraldine Road to connect to Tiplady Road.

11.3.2 J R Livestock Limited [241.3], following on from their submission point [241.2] seeks to amend SCHED 15 as follows:

*SCHED15 - Schedule of Future Development Areas*

*Unique Identifier: FDA-15 Name: FDA-*

*15 Tiplady Road Future Development Area Anticipated Zone: General Industrial Zone*

*Timeframe: 10 years.*

11.3.3 The amending proposal relates to the property at 841 Tiplady Road, as bounded by Tiplady Road to the southwest, and the notified General Industrial Zone which relates to that part of the legal title fronting Winchester Geraldine Road. It is understood that the notified GIZ responded to identified need to provide for business demand for the settlement and was introduced in the GMS2018.

11.3.4 The amending proposal is located some 600m from the edge of southern edge of Geraldine township, and some 350m west of the Waihi River.

11.3.5 The site is flat with no structures present. The site is currently utilised for arable pastoral activities.

11.3.6 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

**Figure 30: Site Location (in Blue) JR Livestock Ltd [241.2, 241.3] and planning maps (hatched)**





11.3.7 The submission package provided is brief, and directive as to a relief associated with seeking *‘an FDA area which will be subject to a plan change, when the current GIZ land is taken up and developed’*<sup>310</sup>. The package includes a 2013 and 2020 Report prepared by Timaru District Council with the former considering options for providing for the demand and supply for Industrial activities in Geraldine, and the latter being an infrastructure assessment in servicing the area.

11.3.8 The submission package does not provide any assessment of environmental values associated with the amending proposal. I note the following:

a. **Notified Zoning** – GRUZ.

b. **Landscape and Natural Character.** There site is not identified in terms of any recognised natural character features. In terms of Landscape attributes, Ms Pfluger notes an absence of landscape-based rationale for the existing GIZ, with consequent effects when viewed from the Winchester-Geraldine Road. She is of the view that the 3550m separation (of the notified GIZ) from Tiplady Road would not result in high visual effects when viewed from the west. Ms Pfluger considers an extension of the zoning would lead to *‘proliferation of industrial sized buildings with moderate to high landscape and visual effects into an area that currently is not substantially affected by the existing GIZ’*. A rezoning would not be supported<sup>311</sup>. I agree.

c. **Biodiversity** - There are no Natural Values overlays on the amending proposal site.

d. **Hazards** – The amending proposal is identified in the Flood Assessment Area Overlay<sup>312</sup>. No assessment is provided in the submission package.

e. **Infrastructure** – No additional detail is provided in terms of infrastructure integration. The initial Council assessments (2013 and 2022) demonstrate that the provision of reticulated services provide challenges. It is considered that those proportional community costs associated with servicing the notified GIZ are sunk costs. These infrastructure costs would be increased as subject to sizing infrastructure associated with accommodating the amending proposal. Mr Kemp supports the FDA if it is demonstrated that the land is needed for industrial activities in the future, as this allows for right sizing services. He also states:

*‘However, where demand is not required that would support an extension (noting the submission seeks an FDA with a 10+ DAP timeframe) then rightsizing infrastructure as required for the TPDP notified General Industrial Zone remains the appropriate approach in terms of providing for efficient infrastructure servicing’*<sup>313</sup>.

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<sup>310</sup> Submission Package [241]. Davis Oglivie.

<sup>311</sup> Attachment 3. Landscape. Pfluger

<sup>312</sup> There is no material change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

<sup>313</sup> Attachment 7. Infrastructure. Kemp

Based on the analysis of Mr Heath, the demand associated with the amending proposal is well beyond the life of this District Plan, resulting in the inefficient provision of sized infrastructure to service the additional 12.8ha of business land requested.

- f. **Culture and Heritage** – No notated heritage is identified in the TPDP. The amending proposal is not identified as SASM, with the Manawhenua assessment identifying that development would not offend cultural values subject to reticulation to ensure that the mauri of Waihi River was upheld<sup>314</sup>.

#### Statutory consideration

- 11.3.9 The amending proposal was not identified in the GMS2018, with the Strategy identifying a requirement for a 'modest 10Ha area'. This relates to the notified GIZ of some 12Ha. The amending proposal was not identified in the GMS2022 Review.
- 11.3.10 The site is not identified as HPL for the purposes of the application of the NPS-HPL.
- 11.3.11 Based on the evidence of Mr Heath, it is considered that the amending proposal would not give effect to the **NPS-UD**. Whilst the amending proposal does not seek a rezoning, the application of a 10 year + FDA to the site would be accompanied by an expectation as to eventual land-use, and associated provision of infrastructure.
- 11.3.12 As identified by Mr Heath, the notified TPDP provides sufficient development capacity to meet demand beyond the beyond the medium (10 year) term. Accordingly, the amending proposal would be unrealistic in terms of eventual rezoning, as it would not contribute to a well-functioning urban environment<sup>315</sup>, nor provide for integration of infrastructure planning and funding decisions or aid strategic urban development over the medium and long term<sup>316</sup>.
- 11.3.13 I also consider that the amending proposal would not give effect to CRPS **Policy 5.3.2(3)** which seeks development to be integrated with the efficient and effective provision, maintenance or upgrade of infrastructure.
- 11.3.14 The amending proposal would not achieve and implement the provisions of the TPDP which seek to support urbanisation in a manner that promotes efficient settlement patterns and transport patterns **SD-O8(2), UFD-O1(1) and (2)**; nor contribute towards a '*consolidated and integrated settlement pattern*' (**UFD-O1**).
- 11.3.15 It is recommended that the submission from JR Livestock Ltd [241.1 and 241.2] be **rejected**.

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<sup>314</sup> Attachment 3. Manawhenua Assessment. Hall [13]

<sup>315</sup> NPS-UD Objective 1, Policy 1.

<sup>316</sup> NPS-UD Objective 6

## 12. Key Issue 6 – Urban Rezoning Requests

### 12.1 Rezone for Urban Growth

12.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in Appendix 2:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)	LOCATION
Simmons Trustee Company	207.2	Gleniti Road, Hadlow Timaru
Tristram Johnson	145.1	340 King Street, Temuka
Ryan De Joux	157.1	SH8, Papakha Stream, Washdyke
Terrence John O'Neill, Aileen Kathryn O'Neill, C and F Trustees 2006 Ltd	20.1	Coonoor Road, Timaru
JL Shirtcliff	81.1	Orari Station Road, Geraldine
Timothy Graeme Blackler	231.1	Burke Street, Pleasant Point
North Meadows	190.1, 190.2, 190.3	Meadows Road, Washdyke

### 12.2 Simmons Trustee Company Ltd [207.2] – Gleniti Road, Timaru

12.2.1 Simmons Trustee Company Limited [207.2] considers that properties located at the northern urban boundary of Timaru's urban area, particularly around Gleniti Road and Hadlow in Timaru are rural residential in nature, which makes them suitable for residential development. The submitter notes these properties are consistent in character with properties along Pages Road, which are included in the Future Development Areas FDA2, FDA9, and FDA10. The properties relevant to this submission point are:

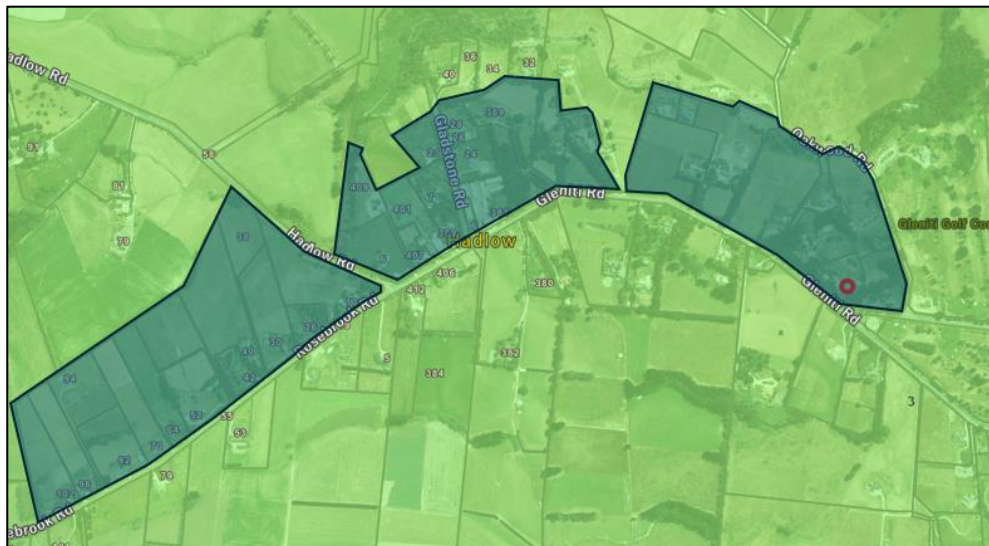
- Properties with frontage to the North side of Pages Road between Kellands Hill Road and Gleniti Golf Club.
- Properties with frontage to the South Side of Gleniti Road i.e. i.e., from 5 Snowdon Road to 248 Gleniti Road.
- 301 – 409 Gleniti Road, 7-23, 6-28 & 40 Gladstone Road, 5 & 29 Oakwood Road, 6 Hadlow Road, 10 -102 Rosebrook Road

12.2.2 No submitter package has been received setting out a response to those matters raised in the s42A Preliminary Report.

12.2.3 The amending proposal is spatially broad as set along the northern corridor of Pages Road and Gleniti Road.

- 12.2.4 The part of the submission relating to properties between Kellands Hill Road and Gleniti Golf Club are associated with TPDP overlays for FDA2 and FDA10.
- 12.2.5 An analysis in relation to that area is addressed under the FDA Section headings. That aspect of the amending proposal would both foreclose more integrated and comprehensive development sought through the DAP process. The submission request is not supported by any technical information in relation to infrastructure, economic analysis or structure planning.
- 12.2.6 As identified, the evidence of Mr Heath is that capacity is not required to provide sufficient development capacity or residential development. As a residential rezoning is requested, there is no supporting analysis against Cl3.6(4) and (5) of the NPS-HPL given that the land is deemed HPL (LUC3). The amending proposal is considered to not give effect to the NPS-HPL<sup>317</sup>, NPS-UD<sup>318</sup>, CRPS<sup>319</sup> or achieve and implement the TPDP, and is recommended to be **rejected**.
- 12.2.7 The part of the submission relating to properties south of Gleniti Road are associated with TPDP overlays for FDA9 and is recommended to be **rejected** for the same reasons as expressed above.
- 12.2.8 That part of the submission relating to the residual aspect of the amending proposal is identified on the plans below.

**Figure 31: Site Location (in Blue) Simmons Trustee Company Ltd [207.2] and planning maps (hatched)**



<sup>317</sup> NPS-HPL. Objective. Policy 4. Policy 5.

<sup>318</sup> NPS-UD. Objective 1. Objective 6. Policy 1.

<sup>319</sup> CRPS. Policy 5.3.1 'promotes a co-ordinated pattern of development', Policy 5.3.2(3), Policy 5.3.5 integration with efficient and effective provision of infrastructure.



- 12.2.9 Within the TPDP, the area is zoned **GRUZ**. The amending proposal is not identified as being subject to any **Natural Hazard** overlays. There are no identified overlays in the TPDP relating to specific matter such as **Cultural values** or **Natural values**. The amending area would drain to the Ōtipua (Saltwater) Creek and consider that the requirements specified in the Manawhenua report as to retaining the mauri of the Ōtipua remain relevant and therefore requirements for servicing of development would remain relevant.
- 12.2.10 Whilst there are pockets of peri-urban character and amenity as associated with this aspect of the amending proposal, a number of sites still retain an openness as associated with pastoral farming activities. There is also considerable shelter belt and screening planting associated with several properties fronting Gleniti Road. I consider that the character and amenity is not reflective of that associated with a residential zone as anticipated by **GRZ-O2**.

#### Statutory consideration

- 12.2.11 The area is not identified for Urban or Rural Lifestyle growth within the Growth Management Strategy 2018 and GMS Review (2022) for the purposes of s74(2)(b)(i).
- 12.2.12 **NPS-HPL:** The site is classified as HPL (LUC3) within the transitional NPS-HPL provisions. The submission in seeking a residential rezoning has not provided an assessment against the matters in cl3.6(4) and (5). Accordingly, in the absence of any analysis I can only conclude that the amending proposal would not give effect to the **Objective** and corresponding **Policy 4** and **Policy 5**.
- 12.2.13 **NPS-UD:** No analysis is provided as to a consideration or critique associated with the analysis of Mr Heath that there is a substantial insufficiency in residential development capacity (**Policy 2**) to be addressed (and serviced) by the amending proposal. In the absence of analysis as to servicing I consider that the amending proposal would not give effect to **Objective 1**, **Objective 6** and **Policy 1** as the amending proposal would not represent an

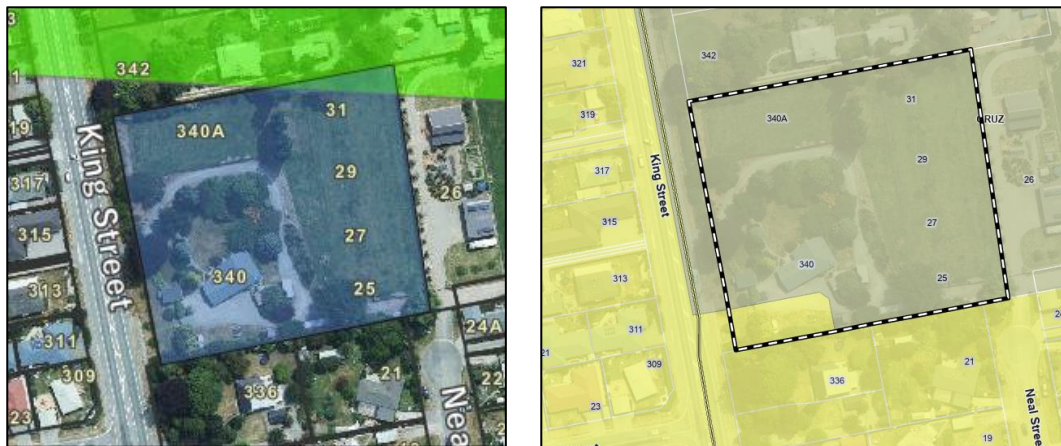
integrated infrastructure and funding decision, and therefore not contribute to well-functioning urban environments.

- 12.2.14 **TPDP:** The amending proposal would not consequently further achievement of **UFD-O1(1) and (2)** in terms of achieving a *‘consolidated or integrated settlement pattern(s)’* or *‘efficiently accommodate future growth’*, nor is *‘integrated with the efficient use of infrastructure’*. The amending proposal would not achieve **EO-O1(4)**.
- 12.2.15 I have concluded that the amending proposal would not be the more appropriate in terms of responding to existing rural character and amenity (**GRUZ-O2**) as it does not exhibit a residential character and amenity (**GRZ-O2**).
- 12.2.16 I also note that the absence of an evaluation as to servicing infrastructure would not advance matters that are likely of concern to the mauri of Ōtipua (Saltwater) Creek.
- 12.2.17 Accordingly, I recommend that the submission from Simmons Trustee Company Limited [207.2] be **rejected**.

### 12.3 Tristram Johnson [145.1] – 340 King Street, Temuka

- 12.3.1 Tristram Johnson [145.1] seeks to rezone the property at 340 King Street Temuka. The submitter considers the property is not rural in nature and seeks to rezone the property from General Rural Zone to General Residential Zone.
- 12.3.2 The amending proposal relates to 0.96Ha property at the northern end of Temuka township, on the eastern side of King Street / State Highway 1. The subject site is split zoned, with a pocket of General Residential Zone on the southwestern extent, with the balance of the property being zoned General Rural Zone.
- 12.3.3 The site contains one moderate scale dwelling with access to King Street. Access to the site is also provided from Neal Street as adjoins the southeastern boundary.
- 12.3.4 A map illustrating the location of the site in relation to Temuka settlement is provided below.

**Figure 32: Site Location (in Blue) T&W Johnson (145.1) and planning maps (hatched)**



12.3.5 A Submitter package was provided in response to the matters raised within the Preliminary s42A Report. Much of the material relates to an earlier Resource Consent application lodged with the TDC, but confirms matters associated with infrastructure connections.

12.3.6 Matters that are agreed include:

- d. **Notified Zoning** – Split zoning: General Residential Zone (550m<sup>2</sup>), balance as zoned General Rural Zone (9050m<sup>2</sup>).
- e. **Landscape and Natural Character values** – No natural character overlays relate to the site. In terms of landscape, the site contains a residential dwelling and associated garage, with access to King Street. There are several mature trees located proximate to the main dwelling. The rear of the site, which adjoins Neal Street contains a modest grassed paddock.

In considering the wider context of the amending proposal I note that west across King Street is zoned GRZ and contains relatively intensive residential dwellings on allotments between 900m<sup>2</sup> and 400m<sup>2</sup> including some examples of infill.

The eastern extent of King Street, from the property to Evans Street to the south contains residential dwellings of a density of some 900m<sup>2</sup>. Further north of the site (as zoned GRUZ under the TPDP) are properties ranging from 4,500m<sup>2</sup> to 1,000m<sup>2</sup> those frontages exhibit a largely low-density residential amenity and character. The site immediately to the west on a site of 6,600m<sup>2</sup> contains a large dwelling, three bay garage and a large, compacted gravel accessway connecting to Neal Street.

The area is predominantly used for residential activities and associated detached buildings (multi-car garages and sheds) but exhibiting lower densities that would associate with more intensive residential development. The site and immediate locality exhibit a low-density residential character and amenity more consistent with the character and qualities of the GRZ (**GRZ-O2**) than the GRUZ (**GRUZ-O2**). I consider that there are no immediate or obvious geophysical boundaries or extreme change in density that would provide a clearly demarcated (and defensible) urban edge.

Ms Pfluger considers that *'the site is considered suitable for residential development from a landscape perspective, as rural character has already been diminished in light of surrounding development'*<sup>320</sup>.

- f. **Biodiversity** - there are no Natural Values overlays on the amending proposal site.
- g. **Hazards** – The amending proposal is identified within the Flood Assessment Area overlay<sup>321</sup>. The Flood Hazard Assessment from Environment Canterbury identifies<sup>322</sup>

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<sup>320</sup> Appendix 4. Landscape. Pfluger

<sup>321</sup> There is no material change to the FAA spatial extent over the amending proposal as contained in the s42A Natural Hazard recommendation.

<sup>322</sup> Submitter Package. Johnson [145.1]. Attachment 2.



the property as ‘*susceptible to minor nuisance flooding (less than 100mm deep)*’ in the 200-year ARI storm event. Based on that assessment, I consider that risk to property<sup>323</sup> and any subdivision<sup>324</sup> facilitated by a GRZ as applied to the site could be appropriately managed through existing provisions in the District Plan.

- h. **Culture and Heritage** – No notated Heritage matters relate to the site. The amending proposal is identified in the TPDP as SASM-4 (Wahi Tupuna) as associated with the cultural associations with Waiateruati Pā<sup>325</sup>. Kāti Huirapa are not opposed to an increase in density, provided future dwellings are connected to reticulated services<sup>326</sup>.
- i. **Contamination** – The site is identified in the ECan LLUR register as being a HAIL site, as associated with pesticides and waste disposal to land. The submitter package contains a Detailed Site Investigation<sup>327</sup>; the investigation identifies that apart from that land immediately located around the existing dwelling, the balance area was assessed as being below the residential 10% produce Soil Guideline Value (**SGV**). A consent notice would be required under any subsequent subdivision as associated with land proximate to the existing residential dwelling to manage land disturbance. It is considered that these controls would be able to be imposed under a GRZ regime under the NES-CS (as a restricted discretionary activity) and the subdivision provisions.
- j. **Infrastructure** – The submission package identifies correspondence<sup>328</sup> from the Council’s Engineering Team that reticulated infrastructure can be provided for **water supply** and **wastewater management**. **Stormwater** can be appropriately managed similar to adjoining urban development in Temuka. In terms of **transport** the addition of a modest 4 – 5 additional residential allotments would not materially change the capacity on the adjoining road network; there is confirmation that access associated with intensification would be provided Neal Street.

#### Statutory consideration

- 12.3.7 Given the micro scale of the amending proposal, it is unsurprising that it was not considered in the GMS2018 or GMS2022 Review.
- 12.3.8 I acknowledge that Mr Heath has identified that Temuka has sufficient development capacity for the life of the Plan under either a medium or high growth projection. However, it is considered that the amending proposal represents infill residential development, and in a manner that can be serviced by reticulated infrastructure. The potential yield of some 4 – 5 residential allotments will not ‘move the dial’ in terms of development capacity. The proposal is considered to give effect to the **NPS-UD**.

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<sup>323</sup> NH-R1, NH-R4.

<sup>324</sup> NH-R8.

<sup>325</sup> Appendix 3. Manawhenua Assessment. Hall [3]

<sup>326</sup> Appendix 3. Manawhenua Assessment. Hall [4]

<sup>327</sup> Submitter Package. Johnson [145.1]. Attachment 3.

<sup>328</sup> Submitter Package. Johnson [145.1]. Attachment 1.



- 12.3.9 There is a discrete 250m<sup>2</sup> of the northeastern corner of the amending proposal that is transitional HPL under the **NPS-HPL**. I do not agree with the consideration of Ms McMullan that the matter should be deferred<sup>329</sup>. I do not consider given the insignificant scale of HPL that rezoning would be inappropriate, or fail to give effect to the NPS-HPL having considered the matters in Cl3.6 effectively as: the proposal effectively represents greater intensification in an area that already exhibits urban characteristics; is able to effectively integrate with existing network infrastructure; and provides greater environmental, social, cultural and economic benefits through rezoning, compared to retaining a GRUZ zoning for that aspect of the amending proposal which is HPL - which would represent an irrational outcome. I do not consider the amending proposal offends the objective or policies of the **NPS-HPL**.
- 12.3.10 As a discrete rezoning extending the existing GRZ which effectively results in the consolidation of the urban area, and given the extent of integration with infrastructure, I consider the amending proposal would achieve and implement the TPDP.

### Recommendation

- 12.3.11 It is recommended that the submission from T and W Johnson [145.1] be **accepted**.

### Section 32AA

- 12.3.12 The recommendation to accept the submission from T and W Johnson [145.1] requires consideration as pursuant to **s32AA**. I consider the following:
- The amending proposal gives effect to the NPS-UD in that additional (although commensurate) development capacity<sup>330</sup> is provided in a manner that is integrated with infrastructure<sup>331</sup>, and contributes to well-functioning urban environments<sup>332</sup>.
  - In terms of giving effect the CRPS, the amenity proposal effectively concentrates and consolidates an existing urban area<sup>333</sup>, with supporting integrated infrastructure<sup>334</sup>.
  - The qualities and characteristics of 340 King Street exhibit predominantly a residential character and amenity as described in **GRZ-O2** and effectively represent consolidation of an existing urban area.
  - Infrastructure necessary to support an anticipated long-term urbanisation of the area is in place and able to efficiently established to support urbanisation in a manner that

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<sup>329</sup> Submitter Package. Johnson [145.1]. McMullan [10]

<sup>330</sup> NPS-UD Policy 2, Policy 1.

<sup>331</sup> NPS-UD Objective 6.

<sup>332</sup> NPS-UD Objective 1.

<sup>333</sup> CRPS Policy 5.3.1(1) and (2)

<sup>334</sup> CRPS Policy 5.3.2.(3)

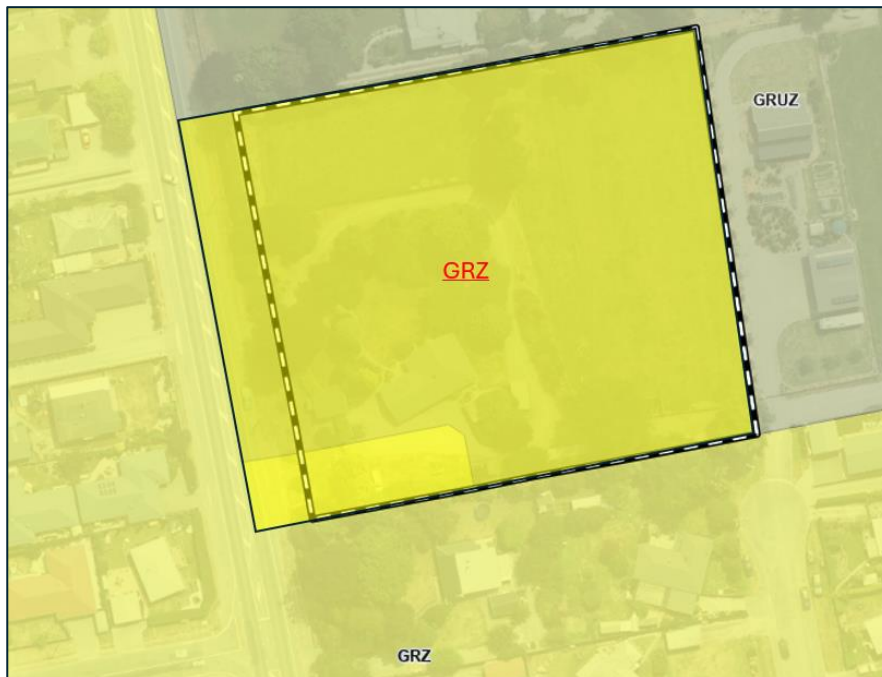
promotes efficient settlement patterns and transport patterns **SD-03(3)**, **SD-08(2)** and **UFD-01(2)**.

- e. The anticipated urban development would contribute towards a '*consolidated and integrated settlement pattern*' (**UFD-01**).

The amending proposal, which seeks rezoning to GRZ is the more efficient and effective approach to achieve and implement these provisions of the TPDP.

- 12.3.13 The recommendation to **accept** the submission from T and W Johnson [145.1] T and W Johnson [145.1] to amend 340 King Street from GRUZ to GRZ requires the following amendments to the planning maps and consequential amendments:

- Extend 'Urban Area' boundary around the site.
- Delete 'Vesatile Soils' overlay from the site.



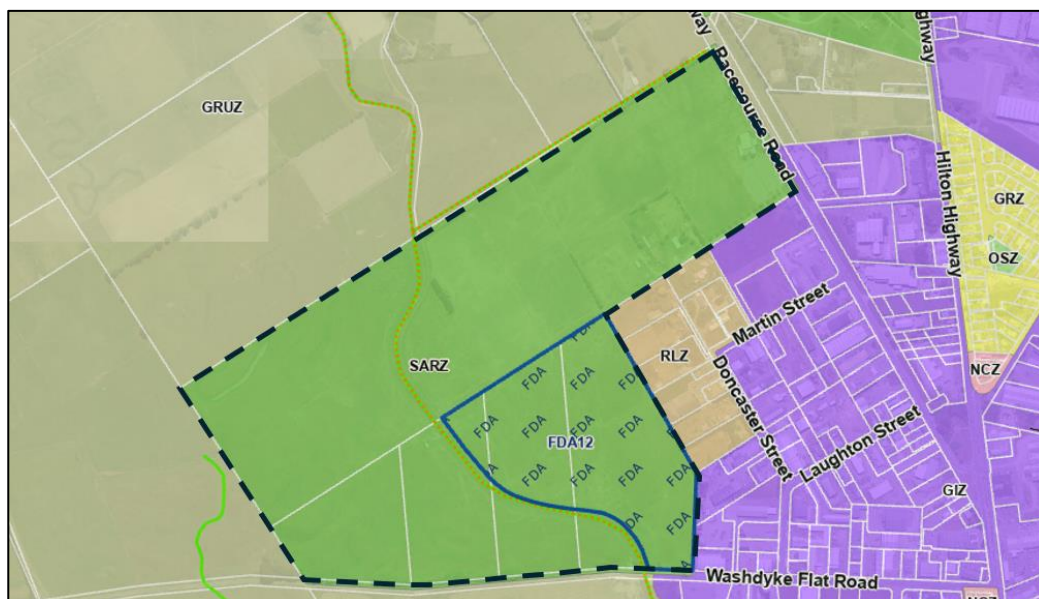
## 12.4 Ryan De Joux [157.1] – SH8, Papakha Stream, Washdyke

- 12.4.1 Ryan De Joux [157.1] states there is an inadequate amount of additional readily available residential zoned land near Washdyke and considers that additional residential land offer suitable sites for affordable housing to better meet demand. The submitter seeks the following requested relief;

- a. **Rezone** the land on the true right of Papakha Stream within records of title CB22F/884 and CB22F/885 owned by the Timaru District Council from **Sports and Active Recreation Zone** to **General Residential Zone**.

- b. Should this not be supported, then as a fallback position is that this area of land becomes a FDA for residential development as a priority area for a Development Area Plan within 2 years.
- 12.4.2 The amending proposal relates to a 67 Hectare land area, with frontage to Racecourse Road / SH8 and Washdyke Flat Road. At a density of 10 to 12 households / ha, the anticipated yield would be 670 to 804 households.
- 12.4.3 A map illustrating the location of the site in relation to the TPDP zoning is provided below. The site is not HPL under the NPS-HPL given the site was notified under the TPDP as SARZ<sup>335</sup>.

**Figure 33: Site Location Ryan De Joux (157.1) planning maps (hatched)**



- 12.4.4 No submitter package has been received. There is no analysis of servicing, density, natural values, cultural matters, transport or structure plan / ODP to assist in the duties under s32AA.
- 12.4.5 Under the TPDP the site is zoned SARZ, with the south-eastern corner notated as FDA12 (13ha) which is identified in SCHED15 for General Industrial Zone, and a DAP Timeframe of 2 years.
- 12.4.6 In terms of **Hazards** the site is identified as being subject to the Flood Assessment Area overlay<sup>336</sup>; there are no identified SASM notations associated with **Cultural Values**, albeit I consider that the Manawhenua significance attributable to the mauri of waterways throughout the district would apply to the Papakha Stream as a waterway feeding into Washdyke Lagoon.

<sup>335</sup> NPS-HPL. CI 1.4 Definition of 'Urban' includes (g) sport and active recreation (zones).

<sup>336</sup> There is no material change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

- 12.4.7 The site is not identified in the TPDP as being the subject of any **Natural Values** overlays, although the Papakha Stream which traverses the site from west to east is identified for esplanade reserve provision and public access provision. This would be facilitated by the application of a GRZ to the site, and subsequent subdivision.

#### Statutory consideration

- 12.4.8 The site is not identified for urban growth under the GMS2018, but that part of the amending proposal fronting Washdyke Flat Road (and containing notified FDA12) was identified in the GMS2022 Business Review to be ‘zoned as GIZ with a Development Area in place’... and would ‘promot[e] economic growth and development in Timaru in a similar manner to way in which the Selwyn District Council does with the Izone in Rolleston. Due to the presence of Papaka Stream and the associated stopbank infrastructure and a pocket of rural lifestyle land, suitable setback and amenity measures will need to be provided for in the Development Area Plan and provisions’<sup>337</sup>.
- 12.4.9 **NPS-UD:** Under the amending proposal(s) (immediate rezoning or FDA and 2-year DAP preparation), I consider based on the evidence of Mr Heath that the amending proposal is not required to meeting community needs for sufficient development capacity for housing nor choice in housing types (**Objective 1, Policy 1, Policy 2**) for Timaru.
- 12.4.10 The submitter package does not provide any technical evaluation as to the provision and integration with network services, or funding mechanisms. In this matter, I acknowledge the statements from Mr Kemp with regard to other submitter packages, no funding is allocated for servicing works for the site, or to fund future FDA preparation. Infrastructure funding for this amending proposal would impact on other workstreams. I consider the amending proposals would not give effect to **Objective 6** which requires integration with infrastructure planning and funding decisions, and strategic planning over the medium and long term.
- 12.4.11 I consider that the amending proposal(s) would not give effect to the **NPS-UD**.
- 12.4.12 **CRPS:** The proposal would be attached to existing urban areas. However the evidence of Mr Heath as to the extent of realisable residential capacity and resultant inefficient infrastructure integration in servicing substantial residential areas as devoid of demand, results in an uncoordinated pattern of development<sup>338</sup>, and inefficiently integrated infrastructure<sup>339</sup>.
- 12.4.13 The amending proposal(s) will not give effect to the **CRPS**.

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<sup>337</sup> [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0019/700912/16120\\_GMS-Business-Review-Report\\_Final-May-2022.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0019/700912/16120_GMS-Business-Review-Report_Final-May-2022.pdf) [Section 8]

<sup>338</sup> CRPS Policy 5.3.1

<sup>339</sup> CRPS Policy 5.3.2(3) and Policy 5.3.5.

12.4.14 **TPDP:** I consider that the amending proposal(s) would not be the more appropriate in achieving **UFD-O1** in supporting *consolidated settlement pattern[s] efficiently accommodating future growth (clause (1)) as integrated with the efficient use of infrastructure (clause (2))*, and that *the provision of new network infrastructure is integrated and coordinated with the nature, timing and sequencing of new development*. The amending proposal would also not achieve and implement EI-O1(4) requiring *effective ... efficient regionally significant infrastructure that is aligned and integrates with the timing and location of urban development*.

12.4.15 I recommend that the amending proposals Ryan De Joux [157.1] be **rejected**.

**12.5 Terrence John O'Neill, Aileen Kathryn O'Neill, C and F Trustees 2006 Ltd [20.1] – Coonoor Road, Timaru**

12.5.1 Terrence John O'Neill, Aileen Kathryn O'Neill, C and F Trustees 2006 Ltd seek to rezone Lots 1 - 3 DP 579256 at Coonoor Road from General Rural Zone to General Residential Zone.

12.5.2 The amending proposal adjoins the Ōtipua Creek to the west with the 'urban area' boundary to the east. The site is bounded by Coonoor Road to the south, as incorporating smaller sites along the road frontage with established low density rural - industrial activities and associated amenity. To the north, the amending proposal bounds Watlington Reserve.

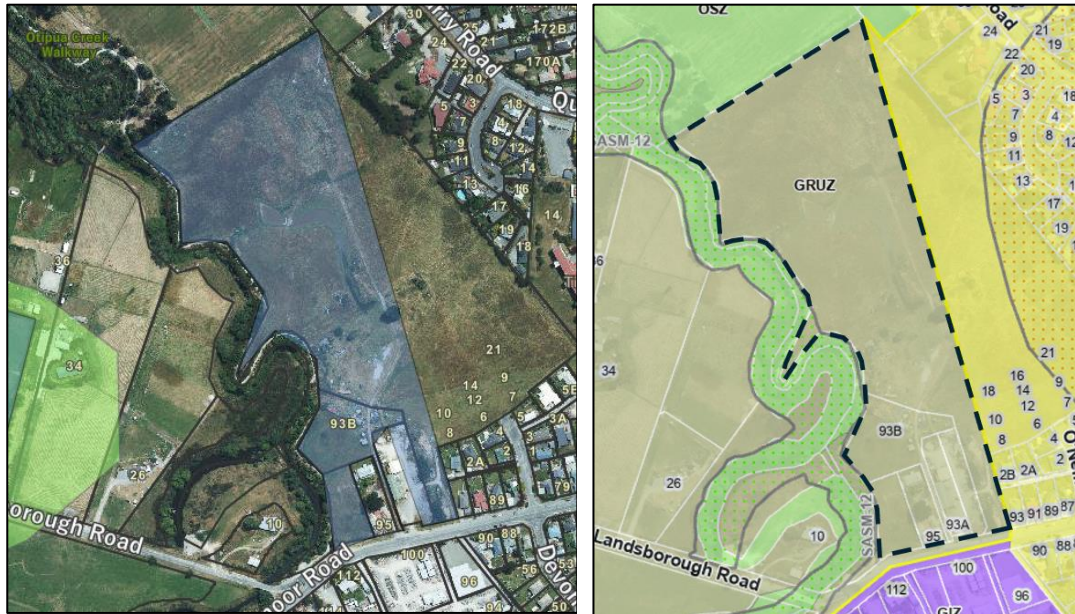
12.5.3 The adjoining, undeveloped and more elevated area to the east is zoned GRZ, with the topography rising further again to a ridge at about 20 masl with established residential dwellings and the Timaru Christian School fronting Quarry Road.

12.5.4 The site is the subject to contamination as associated with waste disposal to land (G5 – Waste disposal) as recorded in the Environment Canterbury LLUR Register.

12.5.5 The amending proposal has a spatial area of 6.7ha, and at a density of between 10 – 12 HH/Ha would provide for an additional 65 – 80 households, depending on the extent of on-site stormwater management, earthworks and the provision of additional esplanade reserve.

12.5.6 A map illustrating the location of the site, in relation to the district HPL soils classification and zoning is provided below.

Figure 34: Site Location (in Blue) TJ O'Neill (20.1) and planning maps (hatched)



12.5.7 A submitter package was received, it is limited in terms of providing an analysis as to the matters requested in the Preliminary Report, and is absent of any technical expert evaluation, including Three Waters. There is agreement as to the following:

- a. **Notified Zoning** – GRUZ.
- b. **Landscape and Natural Character** – The site is currently utilised for pastoral rural activities and exhibits a peri-urban outlook given the established residential development to the east. Ms Pfluger notes:

*'Based on landscape and visual effects, residential rezoning is considered appropriate, as the low-lying site is visually not prominent and is contained by existing development and a distinctive landform boundary'*<sup>340</sup>.

The Otipua Creek North Branch which adjoins the site to the west is notated as 'esplanade reserve' (SCHED12) and 'public access provision' (SCHED11) within the TPDP. An existing 8.0m wide esplanade reserve and walkway follows the true left bank adjoining the amending proposal. I note that subdivision enabled under the amending proposal would facilitate an increase in esplanade reserve width.

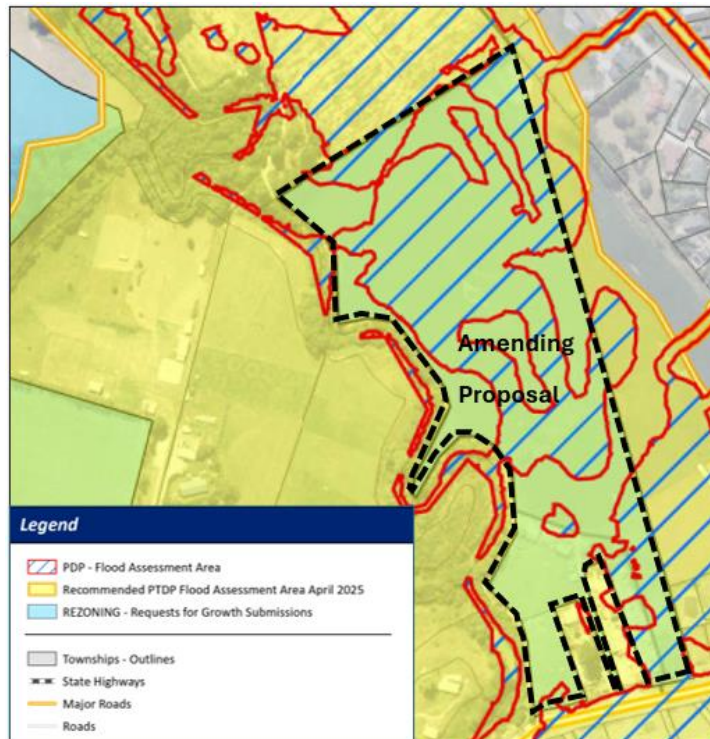
- c. **Biodiversity** – There are no Natural Values overlays on the amending proposal site. As above, I consider the proximity to Ōtipua Creek North Branch provides opportunities to increase the width of the esplanade reserve and enhance natural values as associated with the amending proposal.

<sup>340</sup> Appendix 4. Landscape. Pfluger.



12.5.8 There is disagreement, or matters that the submitter should respond to as related to the following:

- a. **Hazards** – Significant parts of the site are subject to the Flood Assessment Area overlay and the Liquefaction Overlay. The Submitter package identifies that ‘*testing of the site to ascertain compliance with NZS3604 has not been carried out*’<sup>341</sup>. As subject to the remodelled FAA as sought by Environment Canterbury [183.228]<sup>342</sup> all the amending proposal becomes subject to the FAA overlay.



**Figure 35: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**

- b. **Landscape** – Ms Pfluger considers that the natural character values associated with the Ōtipua Creek North Branch require a mechanism in the district plan to ensure protection. She recommends a structure plan / ODP be introduced into the district plan to ensure these values are protected through sensitive design<sup>343</sup>. I agree.
- c. **Infrastructure** – the Submission package does not provide any information as requested in the Preliminary Report as to servicing.
- Whilst the package notes that **water supply** and **reticulated wastewater** would be able to connect to the subject site, it also notes that additional network wastewater

<sup>341</sup> Submitter Package. O'Neill et al. Sub# 20.1. McMullan [5.0]

<sup>342</sup> Refer s42ANatural Hazards Section 7.38  
[https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0009/998856/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-Reportv2.pdf)

<sup>343</sup> Appendix 4. Landscape. Pfluger.

upgrades would be necessary given existing capacity issues; Mr Kemp states that *‘no funding exists in the LTP to support this development’*<sup>344</sup>.

- In terms of **stormwater**, no assessment is provided. Mr Kemp states *‘the site is adjacent to a sensitive environment and will require design to manage stormwater which would likely constrain yield. This will also require compliance with requirements of Environment Canterbury. No funding in the LTP exists to support this development’*<sup>345</sup>.
- In terms of **transport**, the Submitter package considers that an Outline Development Plan (ODP) would be necessary to integrate subdivision with the transport network and on-site stormwater management, especially given the *‘submitter prefers to carry out the subdivision in small stages’*<sup>346</sup>. No ODP is provided. Mr Collins has identified that as a ‘large scale’ proposal an assessment associated with the transport objectives and policies of the plan, network effects and infrastructure requirements, and consideration of the effects on the transport network needed to be confirmed within the submission package.

Council Engineers have advised that in the absence of design information the submission *‘should be rejected’*.

- d. **Cultural and Heritage** – No notated historic heritage is identified in the TPDP as associated with the amending proposal. The site adjoins two significant SASMs, being SASM-12 (Wai Taoka) as related to the Ōtipua (Saltwater) Creek. Further to the east is SASM-2 (Tohunga where wananga, wāhi pakanga).

Whilst the amending proposal is not located on the SASM areas, the Manawhenua Report concludes that<sup>347</sup>:

*“Given the sacred values associated with the subject properties and surrounding area, further development would see Kāti Huirapa’s connection with the area further diminished; therefore, Kāti Huirapa do not support the submissions prepared by T & A O’Neill ...”*

Ms Hall in the Manawhenua assessment<sup>348</sup> reaches the above conclusion on the basis that:

*“According to Kāti Huirapa kaumātua, the property identified as 93a Coonoor Road and the surrounding area are classified as wāhi tapu (most sacred of places) as a result of the area being known as wāhi pakanga - "battle site" or "place of conflict".”*

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<sup>344</sup> Appendix 7. TDC. Infrastructure Engineers.  
<sup>345</sup> Appendix 7. TDC. Infrastructure Engineers.  
<sup>346</sup> Submitter Package. O’Neill et al. Sub# 20.1. McMullan [4.0]  
<sup>347</sup> Appendix 3. Manawhenua Report. AECL. Hall [pg 6]  
<sup>348</sup> Attachment 3. Manawhenua Report. AECL. Hall [pg 5]



The evidence from Ms Hall is that the amending proposal would result in substantial landscape modifications to the site, including earthworks and an increase in impervious surfaces and associated stormwater into the already degraded Ōtipua Stream, further depleting any remnants of mahika kai and taonga. Whilst I acknowledge that the notated SASMs do not extend to the amending proposal, I accept the consideration and conclusions recommended by Ms Hall in terms of adverse effects on cultural values.

#### Statutory consideration

- 12.5.9 The site was not identified in the GMS2018. The site was identified in the GMS2022 as an area to be included for 'live rezoning'<sup>349</sup>.
- 12.5.10 The land is not classified as HPL under the **NPS-HPL** as it is not classified as either LUC1,2 or 3<sup>350</sup>.
- 12.5.11 The evidence of Mr Heath is that the Timaru urban area has sufficient development capacity to meet expected demand, under either a medium growth projection or high growth projection well beyond the medium (10-year) term. The additional capacity provided by the notified FDAs is only required under a high growth projection and even then, beyond 20 years.
- 12.5.12 Mr Heath advises that he considers that whilst the site is not required for sufficiency it would provide a practical urban extension and outcome that provides housing choice likely at the lower end of the market – as dependent on flood management and network infrastructure provision<sup>351</sup>.
- 12.5.13 The rezoning of this land to GRZ would provide for additional choice (type and location) with respect to the **NPS-UD Policy 1(a)**.
- 12.5.14 In terms of **NPS-UD Objective 6** based on the assessment by Mr Heath the existing Timaru zoned capacity appropriately achieves **NPS-UD Policy 2** and would also be the more appropriate in terms of integrating infrastructure and funding decisions and strategic planning over the medium and long term. Furthermore, the infrastructure evidence of Mr Kemp is that there is no modelling or technical evidence provided as to servicing the site, with unknown implications on community networks and funding.
- 12.5.15 I agree with Mr Heath that the location of the amending proposal, effectively infilling an urban edge to the east of Ōtipua (Saltwater) Creek; and proximity and accessibility to employment, open spaces and community services achieves **Policy 1(a) and (c)** of the **NPS-UD**. In the absence of the substantial extent of development capacity provided by the TPDP I would consider the amending proposal to also *consolidate ... growth around the existing*

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<sup>349</sup> [PlanZ-2022-GMS-Residential-Review-Report.pdf](#) [9.4(c)]

<sup>350</sup> NPS-HPL Cl3.5(7)(a)(ii)

<sup>351</sup> Appendix 6. Economics. Heath

urban area (**CRPS – Objective 5.2.1(1)**) and would represent urban growth in a manner that concentrates existing urban areas and promotes a co-ordinated pattern of development (**CRPS – Policy 5.3.1**).

12.5.16 An oversupply of residential zoning can impact positively towards housing fundamentals such as choice and affordability, the risks of providing surplus greenfield capacity as associated with the amending proposal can cumulatively: undermine the consolidation and redevelopment of Timaru’s existing urban areas; and result in the dispersal of investment and the inefficient provision and use of network infrastructure. This outcome will likely result in a less efficient development pattern, and consequent adverse implications on a ‘*consolidated and integrated settlement pattern*’ that is ‘*integrated with the efficient use of infrastructure*’. (**UFD-O1(2)**).

12.5.17 In terms of a further analysis, I consider the following:

- a. **In terms of the NPS-UD:** The amending proposal would give effect to those aspects of the NPS-UD which seek to promote a variety of homes to meet the types and locations of different households, and promote accessibility between housing and employment, open space and community services (**Policy 1(b) and (c)**). However, in the absence of a technical evaluation of infrastructure provision, and the sufficiency of housing opportunities I do not consider that the amending proposal represents integrated infrastructure planning and funding, or represents strategic urban development for the purposes of **Objective 6**. I cannot conclude, that in combination with the available residential capacity in Timaru’s urban area, that the amending proposal therefore promotes ‘*well-functioning urban environments*’ as required by **Objective 1**.
- b. **Under the CRPS:** The amending proposal does, on its face represent consolidated development as associated with Timaru’s urban area (**Objective 5.2.1**). The amending proposal would encourage housing choice and support urban consolidation as also sought by **Policy 5.3.1(2)**. Mr Kemp has confirmed that there is no funding provided in the LTP for network infrastructure, neither has any design information been provided by the submitter; accordingly, the amending proposal is considered to not give effect to **Policy 5.3.2(3)** and **Policy 5.3.5** as relates to the integration of development with the efficient and effective provision of infrastructure.
- c. **Lastly in terms of the relevant Objectives and Policies of the TPDP:** I consider that the proposal in conjunction with existing residential supply would not result in integration with the ‘*efficient use of infrastructure*’ (**UFD-O1(2)**). Accordingly in the absence of technical evidence as to the integration and funding of supporting infrastructure and as associated with managing flood risk (**UFD-O1(9)**), I consider that the amending proposal is not the most appropriate to achieve **UFD-O1**.

Furthermore, based on the evidence of Ms Hall, I consider that the amending proposal would be detrimental to the cultural values of Kāti Huirapa as associated with the site, and associated groundworks and stormwater management on SASM-12 in particular. Therefore, the amending proposal has the potential to conflict with achieving **SD-O5(2)**

as relates to the health of water bodies, and **SASM-P8** as relates to the management of the overall values of an area (**clause 3(b)**).

12.5.18 The amending proposal would achieve several provisions in the higher order documents. However, in the absence of: an ODP (as identified in the Submission package and sought in the evidence of Ms Pfluger); technical evaluation as to the integration and funding of infrastructure to not provide a cumulative burden on the wider community; an appropriate ITA; and agreement as to upholding cultural values associated with the site the proposal conflicts with several higher order provisions.

12.5.19 I recommend that the submission from O'Neill and Trustees 2006 Ltd [20.1] be **rejected**.

## **12.6 JL Shirtcliff [81.1] – Orari Station Road Geraldine**

12.6.1 John Leonard Shirtcliff and Rosemary Jean Shirtcliff [81.1] are in support of the RLZ zoning of 584 Orari Station Road. However, the submitters also seek the reconsideration of zoning for the southern portion of 584 Orari Station Road (south of Raukapuka Stream along the Orari Station Road frontage - to permit or facilitate (via restricted discretionary provisions) a more intensive or Residential subdivision.

12.6.2 There are no further submissions, and that part of the submission supporting the RLZ zoning is recommended to be **accepted**.

12.6.3 The entire subject site relates to that land immediately to the southeast of the existing Geraldine urban area along Orari Station Road. The site is Rural Lifestyle Zone in the TPDP. The Raukapuka Stream, as identified as 'esplanade reserve' runs in an 'L-shape' through the midpoint of the property from the existing urban edge, as setback some 200m from the frontage of the subject site to then turn almost at right angles to adjoin Orari Station Road. The front and rear of the site is occupied by pastoral grazing, with the centre of the site containing a substantial character home and surrounded by mature trees and extensive and highly maintained gardens.

12.6.4 The amending proposal in seeking a Residential zoning relates to that area south of the Raukapuka Stream, of some 6.2ha. Assuming a density of 10 – 12 HH/Ha, this would achieve a maximum yield of 60 – 70 residential allotments, noting that the density would be impacted by the esplanade requirements in the Plan, and any required stormwater management and earthworks.

12.6.5 A map illustrating the location of the site in relation to the Geraldine township is provided below. The submission site is outlined (in blue).

**Figure 36: Amending Proposal Location (in Blue) Shirtcliff (81.1) and planning maps (hatched)**



- 12.6.6 No Submitter Package was received. There is no further analysis of servicing, density, natural values, cultural matters or transport that assist in terms of the duties in s32AA. It should be acknowledged that through the RLZ zoning under the TPDP that a change in landform, character and density is anticipated on the site from the current rural and open space character present on the site.
- 12.6.7 Under the TPDP, the amending proposal is zoned **RLZ**. In terms of **Natural Hazards**, the site is identified as subject to the Flood Assessment Area overlay<sup>352</sup>. Regarding **Cultural Values** the site is not notated as SASM, although the detailed Manawhenua assessment from AECL identifies the Raukapuka Stream as a spring fed waterway and tributary to the Waihi River which is cultural significant to Kāti Huirapa in terms of the mauri of the waterway<sup>353</sup>. Consistent advice from Kāti Huirapa relating to the Raukapuka Stream, identifies that intensification can occur; but only where Council reticulated infrastructure is extended to accommodate intensification such that stormwater and wastewater do not degrade the Raukapuka Stream further<sup>354</sup>. There are no notations identifying Historic Heritage on the site. In terms of **Natural Values**, the site is identified as being subject to the Light Sensitive Area overlay.

#### Statutory consideration

- 12.6.8 The site is not HPL under the **NPS-HPL** as it was rezoned as RLZ in the TPDP.

<sup>352</sup> There is no change to the FAA spatial extent over the amending proposal as contained in the s42A Natural Hazard recommendation

<sup>353</sup> Attachment 3. Manawhenua Assessment. Hall [pg 12 reference 22 Templer Street]

<sup>354</sup> Attachment 3. Manawhenua Assessment. Hall [pg 13]

- 12.6.9 In terms of s74(2)(b)(i) the site was identified in the GMS2018 for Rural Residential purposes. No part of the site is identified in either the GMS2018 or GMS2022 Review for urban residential purposes.
- 12.6.10 Whilst I consider that the Raukapuka Stream could provide a defensible urban edge for more intensive residential development immediately adjoining Geraldine township and contribute to a co-ordinated settlement pattern<sup>355</sup>, there is not sufficient evidence provided to enable an evaluation of the amending proposal.
- 12.6.11 I note that based on the evidence of Mr Heath that the additional residential capacity would not be required to provide sufficient development capacity under either a medium or high growth forecast to 2053 for Geraldine. Accordingly, I consider that there is little risk from not acting in relation to the amending proposal. I do acknowledge that Mr Shirtcliff has in previous Council processes (including the GMS2018) challenged forecast projections for Geraldine.
- 12.6.12 I consider that whilst there may be merit associated by the amending proposal, matters have not been advanced in a manner that provides for a thorough s32AA evaluation. Ultimately, as discussed in relation to several submissions, the oversupply of development capacity creates inefficiencies in terms of providing for integrated infrastructure associated with servicing actual demand<sup>356</sup>.
- 12.6.13 I recommend that that part of the submission from JL and RJ Shirtcliff [81.1] seeking a General Residential zone for that part of the subject site south of the Raukapuka Stream be **rejected**, and the Rural Lifestyle zone be retained on the subject site.

## 12.7 TG Blackler Sub# 231.1 – Pleasant Point, Burke Street

- 12.7.1 Timothy Graeme Blackler [231.1] seeks a rezoning of 10 Burke Street, Pleasant Point to enable development of a residential care facility on the site. The submitter notes the two adjoining properties are residential in nature. The submitter considers that the proposed development would achieve several objectives of the TPDP, such as promoting positive social wellbeing outcomes for the community and providing riparian access and benefits for biodiversity. The submitter seeks to rezone the property at 10 Burke Street, Pleasant Point to a mix of General Rural or Open Space and General Residential.
- 12.7.2 The amending proposal is located on a site with access via 10 Burke Street. The site is located some 370m from Main Road Pleasant Point via Horton and Russell Street.
- 12.7.3 A map illustrating the location of the site in relation to Pleasant Point is shown below. The amending proposal relates to a site of 10.6ha.

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<sup>355</sup> CRPS Policy 5.3.1, UFD-O1

<sup>356</sup> UFD-O1(1) and (2).

**Figure 37: Site Location (in Blue) TG Blackler (231.1) and planning maps (hatched)**



12.7.4 A submitter package was received. The submission package is predicated on a specific ‘concept plan’ as associated with the provision of retirement units and aged care, with residential buildings south of Pleasant Point Stream. The submission package states that the *‘client would be open to the consideration of a partial ‘site specific zoning format, an outline plan approach or other appropriate approach, should greater control be required’*<sup>357</sup>. No specific mechanism has been provided including limits on the type of residential accommodation. The scope of the submission remains broadly set as a combination of GRZ and a balance of GRUZ or OSZ.

12.7.5 The following is agreed:

- a. **Notified Zoning** – GRUZ.
- b. **Landscape** – Character and rural amenity relates to pastoral rural activities, consisting of paddocks demarcated by fencing and shelter belts. The site is visually rural and open in nature. Small scale sheds are located adjoining the unformed access within the site. Pleasant Point stream traverses the site from west to east some 100m from the northern extent of the site. The sites adjoining the amending proposal to the west (undeveloped) and east (High Country Contracting and Pleasant Point Ambulance Centre) are zoned GRZ to the boundary with Pleasant Point Stream. It is agreed that the Pleasant Point stream would provide a geophysical boundary for urban development. Ms Pfluger identifies that the proposed residential zone would represent infill development *‘as long as the stream is maintained as a landform boundary for development and setbacks from the waterway are maintained for natural character reasons’*<sup>358</sup>. She considers the amenity of the site is high and good design outcomes could be achieved if developed sensitively.

<sup>357</sup> Submitter Package. Sub 241. [unauthored]

<sup>358</sup> Appendix 4 – Landscape. Pfluger.

- c. **Biodiversity** – Values are attributable to the Pleasant Point Stream, which is notated for esplanade reserve and public access provisions (**Natural Values**). I consider that subdivision enabled by a General Residential Zoning would facilitate the provision of an esplanade reserve. I note that this is not identified in the Submitter package, nor does the accompanying ‘Concept Plan’ identify the minimum width required<sup>359</sup>.
- d. **Cultural Values** – These are notated as SASM-16 (Wai Taoka Lines – Opihi River and Tributaries). No additional mana whenua considerations have been provided in the package. The Manawhenua assessment provided by Ms Hall has identified that the mauri of the Ōpihi River and its tributaries (including the Pleasant Point stream which runs through the site) is a priority for Kāti Huirapa. Ms Hall advises that Kāti Huirapa is not opposed to development on the site, provided that the stream is protected from further degradation. There is also concern that the concept plan would alter the flow patterns of the waterway to create a manmade pond for amenity purposes<sup>360</sup>, with Arowhenua opposing any reconfiguration of Pleasant Point stream.

12.7.6 The following is disagreed:

a. **Infrastructure** –

- **Traffic** It is unclear as to how the ‘potential link’ from George Street would be provided; nor whether the conclusion that the network can absorb the development, has extended to a GRZ (rather than a specific retirement complex proposal). Mr Collins considers that there is insufficient detail provided to consider the transport consequences of the proposal<sup>361</sup>.
- **Water Supply:** No modelling is provided as to impacts on the network, and water extensions would be required.
- **Wastewater** the submission package states that existing network infrastructure would be able to service the development, subject to extending the existing network by some 50m and likely require a low-pressure network system or communal pump station to manage peak flow to not make the current situation with wastewater overflows in the Council pump station at George Street any worse. Mr Kemp consider that the impact on the network requires modelling, and that no funding exists to service the site under the LTP<sup>362</sup>.
- **Stormwater:** The site is outside Pleasant Point Stormwater management area, requiring regional consent for both discharge and development within the waterway.

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<sup>359</sup> SUB-P7 (2) and (3)

<sup>360</sup> Appendix 3. Manawhenua Assessment. Hall [17]

<sup>361</sup> Appendix 8. Transport. Collins.

<sup>362</sup> Appendix 8. Infrastructure. Council Engineers.

- a. **Hazards.** The amending proposal is located within the Flood Assessment Area<sup>363</sup>. The Flood Hazard Assessment provided in the submitter package identifies that '*where areas shown to have deep flooding, development in those areas should be avoided*'.

I have obtained a Flood Hazard Assessment for the site from Environment Canterbury which records that in the '*200-year ARI flood is an extreme event that will result in flooding across all the property*' although there are distinct areas where flooding will be shallower. There are also '*areas where flooding will be deep, and development should be avoided*'.

The Environment Canterbury's Flood Model<sup>364</sup> identifies areas associated with a 500 ARI (0.2% AEP) for the Te Ana a Wai River to result in water depths of 1.0m to 1.5m on specific parts of the property, interspersed with water depths of between 0.2m to 0.5m on the balance of the property in such an event. For 200 ARI (0.5% AEP) water depths are between 0.9m and 1.4m, as interspersed with water depths of between 0.20m and 0.23m (**Figure 38**).

*High Hazard Areas* are defined in the TPDP as:

*means flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1 or where depths are greater than 1 metre, in a 0.2% annual exceedance probability flood event.*

**Objective NH-O1**<sup>365</sup> seeks that:

*Risk to human life and significant risk to property, from natural hazards is:*

2. *avoided in high hazard areas; and*
3. *avoided or mitigated elsewhere to an acceptable level.*

Whilst the criteria contained within **Policy NH-P4** could provide for some development on the balance of the subject area as subject to inundation by a 0.5%AEP flood event (200 ARI), there is insufficient information provided as to whether necessary works, including earthworks would impact on functioning of the floodplain (Clause 2); the likelihood of significant damage in a flood event (Clause 1),

<sup>363</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation

<sup>364</sup> <https://apps.canterburymaps.govt.nz/FloodModelResults/>

<sup>365</sup> S42A Recommendation Hearing F:  
[https://www.timaru.govt.nz/data/assets/pdf\\_file/0006/997980/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-report-Appendix-1-Recommended-Amendments.pdf](https://www.timaru.govt.nz/data/assets/pdf_file/0006/997980/Natural-Hazards-Coastal-Environment-Drinking-Water-Protection-Andrew-Willis-s42a-report-Appendix-1-Recommended-Amendments.pdf)

*NH-O1 Risk to human life and significant risk to property, from natural hazards is:*

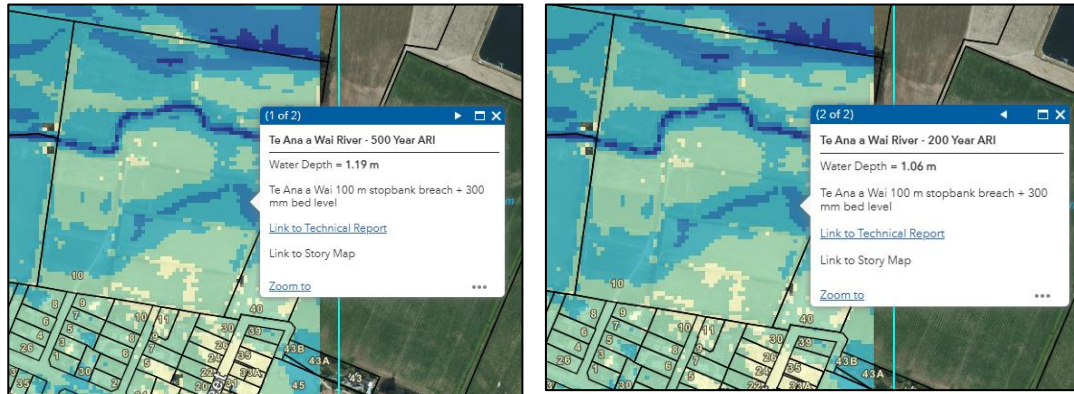
1. *avoided in high hazard areas that are outside of urban zoned areas;*
2. *avoided or mitigated in high hazard areas that are within urban zoned areas; and*
3. *avoided or mitigated elsewhere in all other areas to an acceptable level.*



and increased risk on adjoining sites (Clause 7), ‘including through floodwater displacement and diversion’<sup>366</sup>.

The amending proposal would not achieve and implement **Objective NH-O1** or be the more appropriate in achieving **Policy NH-P4**.

**Figure 38: Te Ana a Wai River 500 Year and 200 year ARI<sup>367</sup>**



### Statutory consideration

- 12.7.7 In terms of the **NPS-UD** and contribution to sufficient development capacity, the Submitter Package states that the Property Economics Report is ‘*flawed*’, and places significant weight that ‘*the submitter in this case, seeks to rezone the site to allow for a specific style of residential development, which is aimed to address the current failure of the district to provide suitable accommodation to allow for the elderly to ‘age in place’ within their communities*’<sup>368</sup>.
- 12.7.8 I note that: the amending package is not predicated on the sole provision of an elderly care residential type; that the GRZ does not preclude agreed care ‘types’ of dwellings including recognising the benefits of Retirement Villages (GRZ-P3, GRZ-R11) and Supported Residential Care (GRZ-R6); and the Residential Capacity Report (2024) identifies that under both the Medium and High Growth Projections there is sufficient existing capacity (in the absence of FDAs) to provide for long term (30 year demand) in Pleasant Point.
- 12.7.9 The **NPS-HPL** Memo identifies the amending proposal as HPL (LUC2 and LUC3) under the transitional provisions of the NPS-HPL. The site was not identified in the GMS2022 for future urban or rural lifestyle development. Accordingly, an urban rezoning proposal is to be considered against the conjunctive tests in Clause 3.6(4), and (5). The signalled Government direction to remove LUC classification from HPL will not amend the need to consider parts of the site as HPL.

<sup>366</sup> As recommended amendments to NH-P4 contained in S42A Recommendation Hearing F

<sup>367</sup> <https://apps.canterburymaps.govt.nz/FloodModelResults/>

<sup>368</sup> Submitter Package. Sub 231 [pg 5]

- 12.7.10 A Highly Productive Land Assessment (The AgriBusiness Group) has been appended to the Submitter Package<sup>369</sup>. That assessment is focused on an assessment under Clause 3.6(4)(c) as to the long-term environmental, social, cultural and economic costs and benefits associated with the amending proposal. As noted earlier, the requirements of Clause 3.6(4) are conjunctive, and as based on the Property Economics Residential Capacity Report, I conclude that in terms of clause (a) the property is not required to provide sufficient development capacity.
- 12.7.11 Accordingly, the amending proposal would not give effect to **Objective 1** and **Policies 4** and **5** of the NPS-HPL.
- 12.7.12 In summary, the amending proposal is not considered to give effect to:
- a. **Objective 1** and **Policies 4** and **5** of the NPS-HPL;
- 12.7.13 Neither would it be considered the more appropriate in terms of:
- a. Promoting well-functioning urban environments for the purpose of **Objective 1** and **Policy 1** of the **NPS-UD** as well as **Objective 6** given residential sufficiency and an absence of analysis as to infrastructure integration.
  - b. Promoting a coordinated pattern of development for the purpose of giving effect to **Policy 5.3.1** of the CRPS given the extent of sufficient development capacity and associated absence of analysis as to infrastructure integration, despite occurring in a form attached to an existing urban area.
  - c. Achieving and implementing **Objective UFD-O1**, in terms of facilitating a consolidated and integrated settlement pattern (**clause 2**), and (**clause 9**) avoiding ‘*locating new growth in areas where the impacts from natural hazards are unacceptable or which would require additional hazard mitigation*’, as well as **Objective NH-O1** and **Policy NH-P4**.
- 12.7.14 I recommend that the submission from TG Blackler [231.1] be **rejected**.

## 12.8 North Meadows [190.1, 190.2, 190.3] – Meadows Road, Washdyke

- 12.8.1 North Meadows 2021 Limited and Thompson Engineering (2002) Limited [190.1] does not support the site at 236 Meadows being zoned as General Rural and considers that General Industrial would better reflect the existing land use consents and wastewater treatment ponds on other adjoining sites. The submitter seeks to rezone 236 Meadows Road as General Industrial.

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<sup>369</sup> Submitter Package. Sub 231 [Appendix 3]

- 12.8.2 Two other related submission numbers from North Meadows 2021 Limited and Thompson Engineering (2002) Limited are linked to the rezoning request above, these are:
- a. the Height Specific Control Area should be extended from Aorangi Road to the northern boundary of 236 Meadows Road including the neighbouring land to the south [190.3]. This amendment would enable the built form to a permitted height of 35m<sup>370</sup>, rather than 15m height as standard as imposed on the remainder of the GIZ.
  - b. extend the Timaru Urban Area from Aorangi Road to the northern boundary of 236 Meadows Road, including the neighbouring land to the south [190.2].
- 12.8.3 The amending proposal as zoned GRUZ is located at the northern end of Washdyke, proximate to the northern extent of GIZ associated with Washdyke contained in the TPDP. The amending proposal has frontage with both Meadows Road to the west, and as explained below Aorangi Road to the south.
- 12.8.4 The submission specifically relates to 236 Meadows Road (which has been recently consented for Industrial activities<sup>371</sup>) but extends the scope of the rezoning request to *'adjoining properties that lie or are located between the site and Aorangi Road for consideration of rezoning to General Industrial Zone (GIZ)... and ... extend the GIZ to also cover the treatment ponds on the north side of Aorangi Road along with the Council land mentioned above to line up with the alignment of northern boundary of 236 Meadows Road, thus creating one contiguous zone'*<sup>372</sup>.
- 12.8.5 The amending proposal relates to a total land area of some 82ha, although that part related to the Council's Oxidation ponds contributes circa 48ha of that area. I note that: the Council's Oxidation ponds are Designated as WWTP<sup>373</sup>; the purpose of the designation provides for these activities regardless of the underlying zoning; and given investment and scale, the WWTP activity would very unlikely be replaced. That view is held by Mr Kemp<sup>374</sup>. On that basis I have disregarded the WWTP from the zoning request and remainder of this analysis. For recording purposes, the spatial extent of the submission relating to the WWTP is recommended to be **rejected**.
- 12.8.6 The remaining area (34ha) of the amending proposal to be considered is identified below, both in relation to the transitional HPL soils classification and TPDP zoning.
- 12.8.7 The existing environment is largely flat with few discernible natural features other than paddocks and the shelterbelt of trees and water race as located at the northern boundary of the Kelliher farm. The area has traditionally been used for extensive agricultural activities which appear similar to uses surrounding the site.

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<sup>370</sup> Rule GIZ-S2(2)

<sup>371</sup> Land Use Consent No. 102.2023.136.1

<sup>372</sup> Submission 190

<sup>373</sup> PART 3 – Area Specific Matters / Designations / TDC / TDC2

<sup>374</sup> Appendix 7. Infrastructure. Kemp.

- 12.8.8 The site is recorded on the Canterbury Regional Council LLUR as a HAIL site (G3 Landfill, G5 Waste Disposal), although with accompanying DSI and Remedial Action Plan (2023).
- 12.8.9 Within the site, on the corner of Aorangi Road and Meadows Road are two legally established industrial premises (consented 2021<sup>375</sup>).
- 12.8.10 The consented environment, and with building platform in place in April 2025, includes Industrial land use and activities associated with resource consent 102.2023.136.1 and Lot 1 DP592983 (10 hectares) as created under subdivision consent 101.2022.205. Given the extent of works, and associated granted regional council consents<sup>376</sup> I consider that the 'environment' to be considered against the amending proposal includes the built form and operations as associated with the industrial (pre-cast and steel fabrication) facilities as consented.
- 12.8.11 For the submission point relating to the application of the 35m Height Specific Control Area [190.3], resource consent 102.2023.136.1 provides for a maximum building height of 17.5m. The height of the developed industrial buildings fronting Aorangi Road are less than 15m.
- 12.8.12 The Plan below illustrates the land parcels and land uses associated with the amending proposal as overlaying the Land Use Capability Classes as mapped by the New Zealand Land Resource Inventory. The site in its entirety is deemed HPL under the NPS-HPL.

**Figure 39: Site Location (in Blue) North Meadows 2021 Ltd (190.1) and planning maps (hatched)**



<sup>375</sup> Land Use Consent No.102.2021.87

<sup>376</sup> CRC241748 (earthworks), CRC241749 stormwater, CRC241750 discharge to surface water).

**Figure 40: North Meadows 2021 Ltd (190.1) Land uses and Consents**

12.8.13 A submitter package was received. The analysis does not extend beyond the consideration of that associated with obtaining consent for resource consent 102.2023.136.1 (10ha). For this analysis it is assumed that the existing industrial premises (4ha) exhibit an industrial character and amenity and are self-contained in terms of servicing.

12.8.14 Accordingly, some 14ha of the amending proposal is considered to have been considered within the analysis provided by the submitter package, but not the residual 19.7ha (as excluding Designation TDC2) as shown in the above figure.

12.8.15 There is agreement as to the following:

a. **Notified Zoning** – GRUZ

b. **Landscape and Natural Character** – The site has historically been utilised for pastoral rural activities. There are no identified values in the TPDP relating to landscape and natural character. Ms Pfluger considers that:

*“The site currently provides low landscape and amenity values and is adjacent to the wastewater ponds to the east and GISZ to the south. In my view, rezoning of the site to industrial [as aligned with the northern edge of the wastewater ponds] would be in character with its existing and adjacent land use”.*

c. **Biodiversity** – There are no identified Natural Values overlays in the TPDP associated with the site.



- d. **Hazards** – The site is subject to the Flood Assessment Area overlay<sup>377</sup>. I agree that the site is not expected to experience unmitigable flood hazard risk<sup>378</sup>, noting that the land use consent assessment for 236 North Meadows states: *‘The Flood Hazard Assessment (FHA) that was provided with the consent application confirmed that no additional floor height was required for the premises to withstand a 0.5% AEP (1 in 200-year) flood event’*.
- e. **Cultural and Heritage Values** – There are no heritage notations associated with the site. The Submitter package identifies the SASM-3 Wahi Tapuna values associated with the site (and as part of much wider cultural landscape of value to Kāti Huirapa). Assessment from Manawhenua identifies the area as culturally sensitive given proximity to Waitarakao/Washdyke Lagoon<sup>379</sup>, with concerns expressed in relation to any continued deterioration of water quality associated with the lagoon or any associated waterways. Development is not opposed provided that *‘it would not contribute to the decline of Waitarakao/Washdyke Lagoon and the waterways they feed into the lagoon’*<sup>380</sup>.
- f. **Infrastructure** (as associated with the existing built / consented development): Both the submitter package and the **3 Waters** Council Engineers conclude that the *‘rezoning of the land presently consented for industrial activity would be reasonable’*. For **Transport** the effects on the network as associated with the consented development(s) have been considered and authorised.

12.8.16 The following matters are disagreed:

- a. **Infrastructure** (as associated with the balance of the amending proposal): For **water supply** the submitter package assumes sufficient capacity; for **wastewater** the submitter package acknowledges that there may be insufficient capacity in the existing low-pressure network, which could be overcome noting proximity to the WWTP. There is no trade waste sewer infrastructure present. Mr Kemps states that there is no evidence in the Submitter package to demonstrate how the additional area (19.7ha) would be serviced, and able to be facilitated by the existing network. For **stormwater** Mr Kemp states that the site is outside the Washdyke Stormwater Management Area, therefore requiring regional council consents for disposal.

In terms of **Transport**, Mr Collins has categorised the amending proposal as resulting in ‘Large Scale Effects’ and considers that there is an absence of sufficient analysis to assess and consider alignment with TPDP objectives and policies, effect on the safe and efficient operation of the transport network; and the provision of appropriate transport infrastructure to support the proposal. I agree.

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<sup>377</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

<sup>378</sup> Submitter Package. Sub 190. McLachlan [4.2]

<sup>379</sup> Appendix 3. Manawhenua Assessment. AECL. Hall [13]

<sup>380</sup> Appendix 3. Manawhenua Assessment. AECL. Hall [13]

Statutory consideration

- 12.8.17 The area associated with the amending proposal was neither identified in the GMS2018 or GMS Review 2022 for facilitating Industrial activities to accommodate employment growth in the district<sup>381</sup>.
- 12.8.18 In terms of the **NPS-UD**, the evidence of Mr Heath is that the Timaru urban area has sufficient industrial development capacity to meet expected demand well beyond the medium (10 year) term in the absence of the area associated with the amending proposal. He rightly acknowledges that the existing and consented industrial developments associated with the amending proposal are ‘fixed’ in providing for industrial land sufficiency, and appropriately should be recognised as such, but cautions that these should not be treated as net growth as they represent relocations<sup>382</sup>.
- 12.8.19 The recommendation to extend rezoning to the balance 19.7ha as associated with the amending proposal is not supported by Mr Heath on the basis that *‘it would inject unnecessary supply to the market with associated community infrastructure costs’*.
- 12.8.20 I agree, noting that the Novo NPS-UD assessment appended to the Submission package does not provide any analysis on this matter as related to the subject site<sup>383</sup>. Mr Heath has considered the specific market conditions identified in the Submission package<sup>384</sup>.
- 12.8.21 I therefore consider that that part of the amending proposal (14ha) as related to the existing industrial activities or provided for by consent(s) gives effect to the relevant provisions of the NPS-UD. I consider that the balance area (19.7ha) is not required to provide a meaningful contribution in terms of achieving a ‘well-functioning urban environment’ for the purpose of **Objective 1** and **Policy 1**. There is insufficient assessment provided in the Submission package to determine whether that area would give effect to **Objective 6** requiring integration with infrastructure planning and funding decisions, and be strategic over the medium and long term.
- 12.8.22 In terms of the **NPS-HPL**, there is agreement that the amending proposal is HPL under the transitional application of cl3.5(7).
- 12.8.23 Apart from reference to the resource consent specific HPL assessment, no assessment is provided against the matters in cl3.6(4) and (5) of the NPS-HPL.
- 12.8.24 I note that cl3.4 is directive in stating that *‘territorial authorities ... may allow urban rezoning of highly productive land only if’* the conjunctive clauses in (a) to (c) are demonstrated. As above, I accept the evidence of Mr Heath that, that area of the amending proposal already containing industrial activities represent an existing environment in terms of providing for sufficient business development capacity – for that area (14ha) of the amending proposal I

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<sup>381</sup> Pursuant to s74(2)(b)

<sup>382</sup> Appendix 6. Economics. Heath.

<sup>383</sup> Submitter Package. Appendix 1. Novo. Neumann.

<sup>384</sup> Submitter Package. Sub 190. McLachlan [3.1]

consider that cl3.6(4) and (5) are achieved and **Objective 1** and **Policy 5** will be given effect to.

- 12.8.25 For the residual (19.7ha) of the amending proposal, based on the evidence of Mr Heath. I consider that cl3.6(4)(a) and (b) are not achieved. Accordingly, urban rezoning of this area would not achieve cl3.6, and would not give effect to **Objective 1, Policy 4** and **Policy 5**.
- 12.8.26 Under the **CRPS**, I would consider that the amending proposal based on its location is *‘attached to the existing urban area’* for the purpose of giving effect to **Policy 5.3.1(1)**.
- 12.8.27 For the balance of the amending proposal (neither consented nor developed), in the absence of supporting technical information assessing infrastructure servicing, and as reliant on the evidence of Mr Heath I consider that there is a tension with those provisions of the CRPS that: seek a *‘coordinated pattern of development’*<sup>385</sup>; and *‘development that integrates with the efficient and effective provision, maintenance or upgrade of infrastructure and transport networks’*<sup>386</sup>.
- 12.8.28 In terms of the relevant Objectives and Policies of the TPDP:
- a. For that part of the amending proposal that is developed or consented for Industrial activities (**14ha**), I consider that rezoning to GIZ is the more appropriate in terms of implementing and achieving the relevant provisions of the TPDP. In this I accept the evidence of the submitter package and:
    - Ms Pfluger, and consider that this area would be consistent with the outcomes of **GIZ-O2**;
    - Mr Heath, that the consents represent ‘fixed’ business development capacity and thereby contributes to **SD-O6**;
    - The Council Engineers, that the consented developments can (and have been) efficiently integrated with the efficient use of infrastructure (**UFD-O1(2)**) and contributes to an integrated settlement pattern (**UFD-O1**); and
    - Ms Hall that, subject to appropriate servicing, manages effects on important cultural values (**UFD-O1(6)**).

For the balance of the amending proposal (19.7ha), I acknowledge the views of Ms Pfluger that there are no landscape reasons to preclude rezoning to the northern edge of the WWTP. I note and agree with the evidence of the Council’s Engineers and Mr Collins that there is insufficient analysis to consider whether this aspect of the amending proposal would be appropriately and efficiently integrated with supporting infrastructure<sup>387</sup>, and the evidence of Mr Heath that the resultant oversupply of zoned business land would not foster co-ordinated and integrated settlement patterns (as

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<sup>385</sup> CRPS Policy 5.3.1(1)

<sup>386</sup> CRPS Policy 5.3.2(3), Policy 5.3.5

<sup>387</sup> UFD-O1(ii), SD-O8



considered district wide)<sup>388</sup>. Accordingly, I consider that this aspect of the amending proposal would not be the more appropriate in achieving the objectives and policies of the TPDP.

### Recommendation

- 12.8.29 I recommend to **accept in part** the submission North Meadows 2021 Limited and Thompson Engineering (2002) Limited [190.1], as it relates to the 14Ha either developed or consented for Industrial activities.
- 12.8.30 I recommend **rejecting** the balance of the amending proposal. The recommendation primary turns on an inability to give effect to the NPS-HPL; and secondly the resultant oversupply of zoned GIZ land to provide for a co-ordinated settlement pattern as efficiently integrated with supporting infrastructure.

### Section 32AA

- 12.8.31 The recommendation to **accept in part** the submission North Meadows 2021 Limited and Thompson Engineering (2002) Limited [190.1] requires consideration as pursuant to **s32AA**. I consider the following:
- Under the **NPS-UD** development capacity<sup>389</sup> is tangibly provided in a manner that is integrated with infrastructure<sup>390</sup>, and contributes to well-functioning urban environments<sup>391</sup>.
  - Under the **NPS-HPL**, it would be illogical to consider a resultant tension with cl3.6(4)(a) to (c).
  - In terms of giving effect the **CRPS**, this aspect of the proposal is tangibly part of an existing urban area and encourages business opportunities<sup>392</sup>, with supporting integrated infrastructure<sup>393</sup>.
  - The qualities and characteristics of exhibit an industrial character and amenity as described in **GIZ-O2**.
  - Infrastructure has been provided to service the consented developments<sup>394</sup>.

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<sup>388</sup> UFD-O1

<sup>389</sup> NPS-UD Policy 2, Policy 1.

<sup>390</sup> NPS-UD Objective 6.

<sup>391</sup> NPS-UD Objective 1.

<sup>392</sup> CRPS Policy 5.3.1(1) and (2)

<sup>393</sup> CRPS Policy 5.3.2.(3)

<sup>394</sup> TPDP SD-O8(ii) UFD-O1(ii)

- f. The anticipated urban development tangibly already contributes towards an *'integrated settlement pattern'*<sup>395</sup>.

This aspect of the amending proposal, which seeks rezoning to GIZ is the more efficient and effective approach to achieve and implement these provisions of the TPDP.

- 12.8.32 It is therefore appropriate that the 'Urban Area' overlay also be extended to encompass the amended GIZ zoned area. The submission from North Meadows 2021 Limited and Thompson Engineering (2002) Limited [190.2] is recommended to be **accepted in part**.
- 12.8.33 Lastly, I consider that the submission seeking application of the Height Specific Control Area to the extended GIZ be **rejected**. I reach that view on the basis that: there is no landscape assessment accompanying the submitter package in relation to this matter; that the existing consented or built form is less than 15m<sup>396</sup> and 17.5m<sup>397</sup> which is considerably discordant with the 35m height limit sought; and that the resultant built form of 35m would be substantially dominant given the location as peripheral to the Washdyke urban area, and the peninsula nature of the rezoning as surrounded on three sides by the GRUZ and associated open views and character. Ms Pfluger states that a 35m height limit would lead to *'significant landscape and visual effects well beyond the site boundary'*<sup>398</sup>. It is considered that retention of the base GIZ 15m height limit is the more appropriate.
- 12.8.34 The recommended amendment to the Planning Maps to amend from GRUZ to GIZ are as follows:

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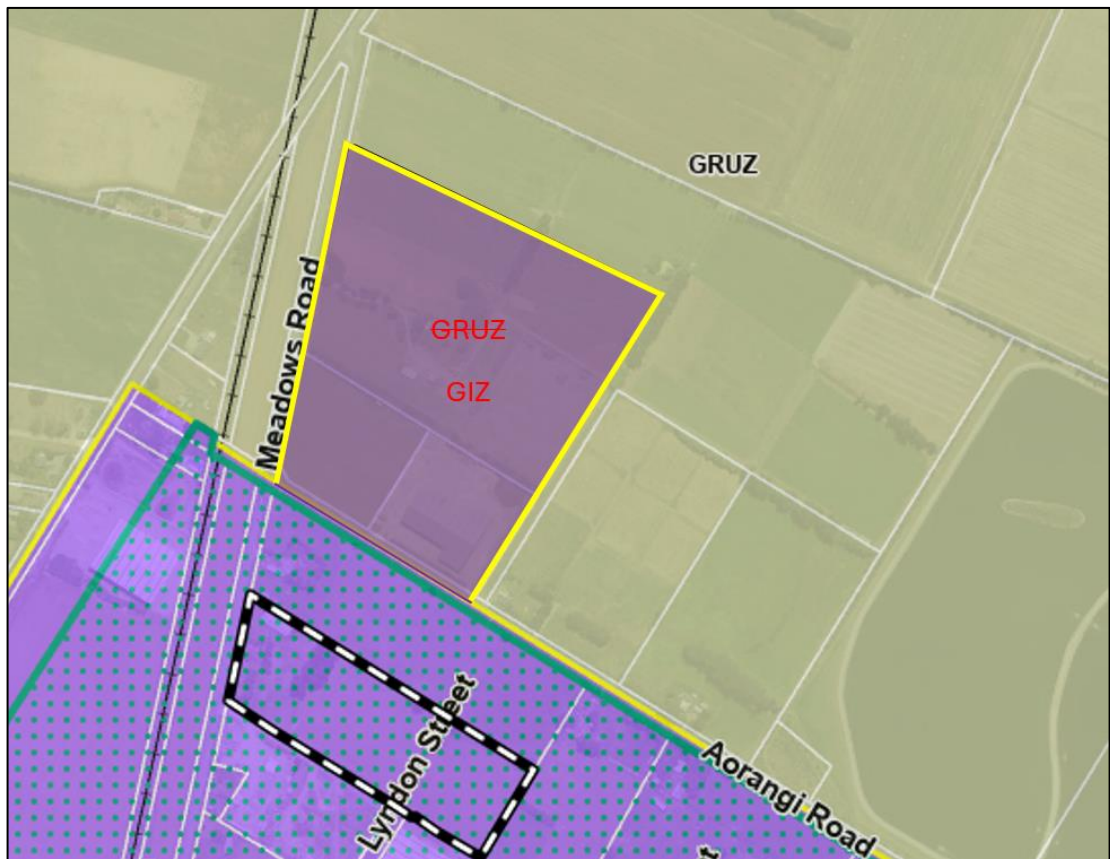
<sup>395</sup> TPDP UFD-O1

<sup>396</sup> Consent 102.2021.87

<sup>397</sup> Consent 102.2023.136

<sup>398</sup> Appendix 4. Landscape. Pfluger.

**Figure 41: Recommended changes to Planning Maps North Meadows 2021 Limited and Thompson Engineering (2002) Limited [190.1 and 190.2]**



## 13. Key Issue 7 – Rural Lifestyle Rezoning Requests

### 13.1 Rezone / Amendments for Rural Lifestyle

- 13.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)	LOCATION
Waitui Deer Farm Ltd	19.1	Geraldine
C&S McNight	30.1	Landsborough Road, Timaru
Bruce Selbie	32.1	Main North Road, Geraldine
Payne Harper et al Morten Sullivan Badcock	160.1, 108.1, 88.1, 138.1, 85.1	Main North Road, Geraldine
Simmons Trustee Company Limited [207.1]	207.1	Gleniti, Timaru
David Parris	98.1	Parade, Redruth
R&R Hay	28.1	Te Ngawai Road, Pleasant Point

### 13.2 Waitui Deer Farm [19.1]

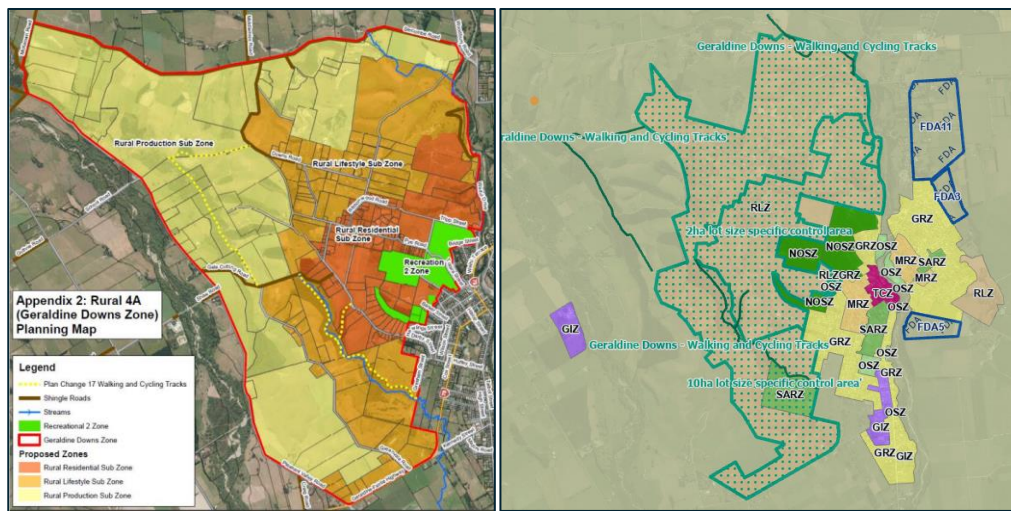
- 13.2.1 Waitui Deer Farm [19.1] consider that 199 Waitui Drive, Geraldine, as zoned RLZ and subject to two distinct density controls (10 Ha or 2 Ha) as Specific Control Areas should all be subject to the 2 Ha Specific Control Area.
- 13.2.2 The submitter considers the topography of the site makes it hard for the area to be farmed in accordance with government regulations. The submitter also considers the 2 Ha Specific Control Area and associated subdivision would be advantageous for waterways and natural areas in retiring land from intensive farming. Overall, the submitter seeks to amend the minimum density size for Specific Control Areas in the Rural Lifestyle Zone for parts of 199 Waitui Drive, Geraldine (Lot 7 DP 466305, and 2ha Lot Size and the southern portion of Lot 8 DP 466305).
- 13.2.3 The amending proposal relates to a 115.5ha block of land located to the north of Geraldine township and west over the Waihi River. The area relates to that part of Geraldine Downs which was identified as Rural Lifestyle and Rural Residential Sub Zone(s), as zoned Rural 4A under the Operative District Plan with the following zone description:

*“This zone recognises the high natural and amenity values of the Geraldine Downs and also the values and aspirations of the people that live in and use the area. The zone seeks to not only*

*retain, but also to enhance the area's landscape character, amenity values, natural habitats and walking/cycling facilities....*<sup>399</sup>.

- 13.2.4 A series of associated provisions sought to establish and fund (by financial contribution) pedestrian and cycling trails throughout<sup>400</sup>, as well as subzones to provide for rural residential activities but also retain productive rural activities<sup>401</sup> as established through minimum subdivision sizes (Rural Residential sub-zone 2ha; Rural Lifestyle sub-zone 10ha; and Rural Production sub-zone 40ha<sup>402</sup>). These were effectively 'rolled over' into the TPDP through the application of the 'Specific Control Area' to the (Geraldine Downs) Rural Lifestyle Zone.

**Figure 42: Geraldine Downs – Rural 4A Zone Operative DP and TPDP Rural Lifestyle Zone and Specific Control Overlay**



- 13.2.5 A map illustrating the location of the site, in relation to the transitional HPL soils classification and the TPDP zoning is provided below.

<sup>399</sup> Operative District Plan. Part D1 Rural Explanation and Reasons. Rural 4A Zone (Geraldine Downs).

<sup>400</sup> Operative District Plan. Part D1 Rural Policy 5.1, Policy 5.2.

<sup>401</sup> Operative District Plan. Part D1 Rural Objective 6.

<sup>402</sup> Operative District Plan. Part D1 Rural Rule 6.10

**Figure 43: Site Location (in Blue) Waitui Deer Farm (19.1) and planning maps (hatched)**



- 13.2.6 A Submission package was received inclusive of a landscape assessment by Wildlab<sup>403</sup>. The package is absent of several matters requested in the Preliminary Report, including any technical expert evaluation associated with servicing and infrastructure matters. It is understood that the amending proposal, to remove the 10 Ha minimum size Specific Control Area would provide for up to 30 allotments.
- 13.2.7 The Submission package is at a conceptual level rather than being at a standard that would assist in the s32AA evaluation of the amending proposal:

*“... for the purposes of this stage of the hearings process a more conceptual approach has been taken to considering how the site could shift away from farming and be developed into a unique lifestyle development with a particular focus on how this could benefit the local ecosystems while still aligning with the nature of Geraldine Downs.... The Wildlab report is considered the conceptual foundation of the future development....”<sup>404</sup>.*

- 13.2.8 Matters that are agreed:

c. **Notified Zoning:** Rural Lifestyle Zone and accompanying 10 Ha and 2 Ha Specific Control Area<sup>405</sup>.

- 13.2.9 Matters that are disagreed or require further consideration by the submitters:

**Landscaping:** As outlined in the assessment from Ms Pfluger, the 2008 Boff Miskell Geraldine Landscape Assessment identified ‘the area as a visually sensitive rural

<sup>403</sup> Submitter package. Waitui Farm [19.1] Attachment B.

<sup>404</sup> Submitter Package. Waitui Farm [19.1]. McMullen [1]

<sup>405</sup> SUB-S1(4).2 and .3.



*landscape, containing elevated rolling hill country that currently provides rural character around the outer parts of the Downs landscape that is viewed from the north east'*<sup>406</sup>. The strategy identified that increased densities should not extend into the outer slopes of the down. Ms Pfluger considers that the Landscape Assessment provided cannot meaningfully address the level of detail necessary at a zoning level to provide certainty given the sensitivities of the site to landscape character and amenity change as proposed by the amending proposal. I agree. Ms Pfluger<sup>407</sup> considers:

*'Extension of the Specific Control Area overlay to provide for 2ha lots onto the outer slopes of the Downs would potentially result in adverse visual and landscape character effects that extend beyond the site, without sufficient certainty as to location of building platforms, access and associated earthworks, and mitigation planting and associated district plan mechanisms to ensure adverse effects on visual amenity and natural character were otherwise avoided, remedied or mitigated'.*

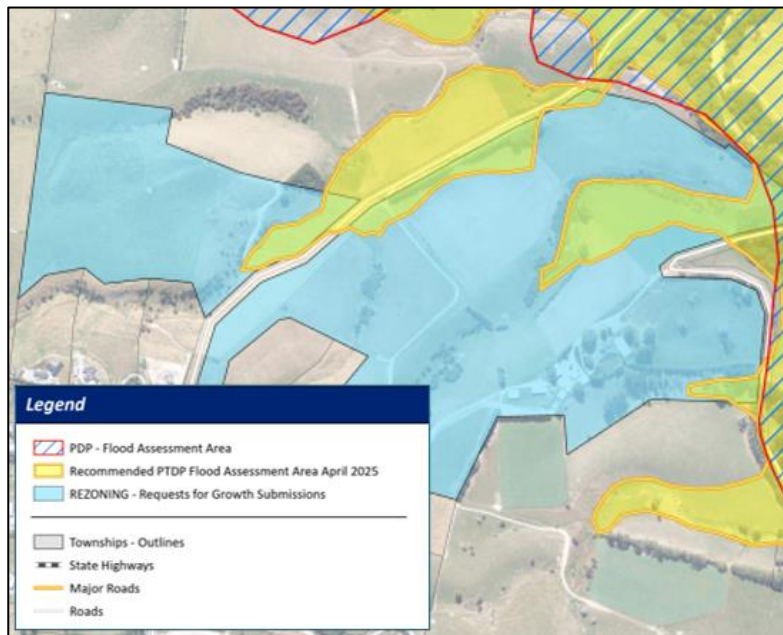
- d. **Biodiversity** – There are a number of Significant Natural Areas (SNAs) located within that part of the site associated with the notified 2Ha Specific Control Area overlay. The submitter package does not advance mechanisms as to how the amending proposal would *'support restoration of these areas'*<sup>408</sup>.
- e. **Hazards** - The northeastern parts of site are subject to the Flood Assessment Area overlay and the Liquefaction Awareness Overlay. The submitter package identifies that buildable sites will be able to be located within 2ha allotments outside these notations. The extent of the FAA along the gully areas are extended under the s42A Flood Assessment Area as responding to the ECan submission [183.228]

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<sup>406</sup> Appendix 4. Landscape. Pfluger.

<sup>407</sup> Appendix 4. Landscape. Pfluger.

<sup>408</sup> Submitter Package. Waitui Farm [19.1]. McMullen [2.4]



**Figure 44: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**

- f. **Culture and Heritage** – There are no notated Heritage sites associated with the amending proposal.

The eastern edge of the amending proposal adjoins SASM-20 Wai Taoka as associated with the Waihi River. The Manawhenua assessment identifies that the Waihi River and its spring fed tributaries (a number of which pass through the subject site) contribute to richness and variety of habitats that make up the catchment<sup>409</sup>, with many of the small headwater streams being seen as a refuge for taonga species. The assessment states *“intact inland streams are particularly important, as they offer unfragmented habitat for animals to move around in. However, undisturbed land is relatively scarce, and so it is important that links connect one fragmented patch to the next”*<sup>410</sup>. The assessment concludes that the mauri of the water body should not be desecrated, and that any increase in density should be achieved only where reticulated infrastructure is provided<sup>411</sup>.

The package does not identify how iwi values would be recognised and provided for and states that the increase in density would rely on on-site wastewater systems<sup>412</sup>.

- g. **Infrastructure** - The submission package provides no technical assessment as to the management of infrastructure services to supporting the amending proposal. In terms of **water supply** confirmation is still required as to ability to connect, and associated capacity with the Te Moana water scheme. For **wastewater** the package states that disposal will be by private systems, and not connection to reticulation. Mr Kemp

<sup>409</sup> Appendix 3. Manawhenua Assessment. Hall [11, 12]

<sup>410</sup> Appendix 3. Manawhenua Assessment. Hall [12]

<sup>411</sup> Appendix 3. Manawhenua Assessment. Hall [13]

<sup>412</sup> Submitter Package. Waitui Farm [19.1]. McMullen [3.2]



identifies that the disposal of blackwater systems is not able to be accommodated in Geraldine. **Stormwater** is to be managed on site. For **transportation** there is no assessment as to the capacity, efficiency and safety associated with the supporting roading network that would be required to support up to an additional 300 vpd<sup>413</sup> on the localised network. The package states *‘there may be some instances where it is appropriate for there to be consultation with Council about cost sharing for roading upgrades, this will be something that will need to be addressed as the site is developed’*<sup>414</sup>.

Activities provided by the amending proposal would be reliant on private motor vehicles for access. I consider that the dispersed settlement patterns as sought in the amending proposal would not promote good accessibility to employment and community services, nor assist in terms of supporting reductions in VKT or promoting more sustainable transport patterns.

Mr Kemp identifies *‘that the submitter has not quantified the likely impact on the Council’s network. In the absence of information to assess it is recommended that the submission be rejected’*<sup>415</sup>.

Mr Collins<sup>416</sup> has advised a deficit of technical assessment associated with the transport implications associated with the amending proposal.

#### Statutory consideration

13.2.10 The site is not HPL for the purpose of the administration of the NPS-HPL.

13.2.11 **NPS-UD:** In terms of sufficient development capacity, the evidence of Mr Heath is preferred to that of Mr Patterson as attached to the Submission Package<sup>417</sup>. The amending proposal is not required to provide for sufficient development capacity, and whilst not representing an ‘urban environment’ for the purpose of the application of the NPS-UD an oversupply of dispersed rural lifestyle opportunities will not further the achievement of well-functioning urban environments for the purpose of **Objective 1** and **Objective 4**.

13.2.12 In terms of a consideration against the relevant provisions of the **CRPS** I acknowledge that the notified Rural Lifestyle zone is not well integrated with supporting infrastructure, nor immediately adjoins the existing Geraldine urban area; this is a consequence of the ‘roll-over’ of the operative plan Rural 4A zone.

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<sup>413</sup> 30 allotments @ 10vpd.

<sup>414</sup> Submitter Package. Waitui Farm [19.1]. McMullen [3.4]

<sup>415</sup> Appendix 7. TDC. Infrastructure Engineers.

<sup>416</sup> Appendix 8. Transport. Collins.

<sup>417</sup> Submitter Package. Waitui Farm [19.1]. Patterson [Attachment 1]

- 13.2.13 I consider that an increased permissible density does not give effect to those provisions of the **CRPS** that seek to ensure *‘limited rural residential development ... attached to existing urban areas and promotes a co-ordinated pattern of development’*<sup>418</sup>.
- 13.2.14 Based on the evidence of Ms Pfluger as the sensitivities of landscape values the amending proposal would not be the more appropriate in terms of managing effects on landscapes (that are not outstanding natural landscapes) for natural character and amenity purposes)<sup>419</sup>.
- 13.2.15 There is not sufficient information to assess whether the proposal would be appropriately and efficiently serviced by supporting infrastructure<sup>420</sup>.
- 13.2.16 I consider that the amending proposal would not give effect to the **CRPS**.
- 13.2.17 In terms of a consideration against the provisions of the **TPDP**, I consider that the amending proposal is not the more appropriate in terms of *‘providing limited rural lifestyle development opportunities... attached to existing urban areas [that] achieve a coordinated pattern of development and are capable’* of servicing<sup>421</sup>. I also note that the provision of on-site wastewater systems does not account for the views of Arowhenua in terms of recognition and protection of the values associated with SAM-20<sup>422</sup>. I do not consider the amending proposal to contribute to a consolidated and integrated settlement pattern<sup>423</sup>. Based on the evidence of Ms Pfluger (and noting that the RLZ is a Rural zoning), I also consider the amending proposal would not *‘maintain the character ... and amenity values of rural areas’*<sup>424</sup>.
- 13.2.18 I recommend that the submission from Waitui Deer Farm Sub# 19.1 be **rejected**.

### 13.3 C & S McKnight [30.1] – Landsborough Road, Timaru

- 13.3.1 Sharon & Chris McKnight [30.1] consider the site at 60 Landsborough Road, Timaru should be rezoned RLZ, with parts of the site adjoining Ōtipua Creek be rezoned OSZ. The submitter provides the following reasoning for the relief sought:
- The site is surrounded by small sites (less than 2.5ha) that are unable to support large scale commercial farm operations; and
  - The site adjoins Brookfield RLZ to the west. Brookfield RLZ obtained consent to create sections of 5,000m<sup>2</sup> to 6,000m<sup>2</sup>; and

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<sup>418</sup> CRPS Policy 5.3.1(1)  
<sup>419</sup> CRPS Policy 12.3.3  
<sup>420</sup> CRPS Policy 5.3.5  
<sup>421</sup> SD-O1  
<sup>422</sup> SD-O5  
<sup>423</sup> UFD-O1  
<sup>424</sup> SD-O9(5)

- c. The land provides a transition area between smaller allotments and larger farm sections;
  - d. The site is subject to subdivision consent 101.2022.280 (currently on hold pending further information) to create 10 allotments.
- 13.3.2 The amending proposal seeks to extend the notified Specific Control Area overlay (Brookfield Road), and Rural Lifestyle Zone over additional areas legally described as Lots 5 and 6 DP502319 which has a combined land area of 26.7ha.
- 13.3.3 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

**Figure 45: Site Location (in Blue) McKnight (30.1) and planning maps (hatched)**



- 13.3.4 The Submitter Package indicates, but does not spatially confirm, a narrowing of the original submission scope.
- 13.3.5 The Package states: in *'primarily seeking to achieve five additional Rural Lifestyle allotments adjacent to the area known as Brookfield Height subdivision. This would give effect to the final five allotments provided for in the Brookfields Heights Rural Lifestyle Zone in the Operative District Plan<sup>425</sup>'*. It is noted that the provision of these allotments was to be avoided under a consent notice within Subdivision consent RC101/102.2015.220 which

<sup>425</sup> Submitter Package. McMullan [Page 1]

stipulated no further subdivision for a Rural Living site as related to the amending proposal (Lot 6 DP502319 as adjoins the Optipua Creek North Branch)<sup>426</sup>.

- 13.3.6 This matter should be clarified within the Submitter's evidence but is understood would relate to the following five allotments as identified in 'red' below, with that area referenced in the Submitter package as being 'offered' to the Timaru District Council as a recreational reserve (to be zone as Open Space) being identified in 'green' (7.65ha).



**Figure 46: Potentially 'narrowed' Scope (in red) McKnight (30.1) with area to be 'offered' to Council (in green)**

- 13.3.7 The amending proposal is located on the eastern extent of Ōtipua Creek North Branch, as located on the peri-rural fringe of Timaru township. The site is separated from the wider urban area by both the Ōtipua river corridor and the Recreation Ground associated with the Old Boys Rugby and Netball Sport Club.
- 13.3.8 The site is bounded by the Bluestone Rise (**Bluerise**) development (as facilitated by Lot 10 as created by RC101/102.2015.220 at 45masl) with the land topography falling steeply to Ōtipua Creek North Branch (10masl). Subdivision RC101/102.2015.220 also created Lot 8 DP 502319 (1.2ha) which adjoins the true right bank of the Ōtipua Creek North Branch as vested as Recreation Reserve with a variable width averaging some 10m.

<sup>426</sup> Submitter Package. Annexure Schedule Resource Consent Subdivision and Land Use 101/102.2015.220 Condition 7.

- 13.3.9 The Bluerise development (which was subject to Private Plan Change 20 (**PC20**, Operative 14 August 2015) and Subdivision consent 101.2015.56)) comprises up to 30 circa 5,000m<sup>2</sup> allotments<sup>427</sup>. Access is via Landsborough Road and Brookfield Road.
- 13.3.10 In terms of planning context, it is noted that PC20 provided for 35 allotments, with the subsequent subdivision application proposing the consent notice (as above) to restrict further subdivision beyond the 30 allotments now created specifically excluding further subdivision of that area associated with the amending proposal.
- 13.3.11 Matters that are agreed include:
- a. **Notified Zoning** – GRUZ
  - b. **Biodiversity** – there are no notated ecological areas associated with the amending proposal. As above, esplanade reserve as facilitated by either subdivision and / or a rezoning as Open Space zone would facilitate further ecological values associated beyond those established under the existing Recreation Reserve within this part of the Ōtipua Creek corridor.
  - c. **Infrastructure** – Advice from the Council’s Engineering Team is that:
    - i. for **water supply** there would be capacity available for five extra connections with the same 1 unit restriction as existing lots;
    - ii. for **wastewater** connection to the community sewer would be granted subject to evidence of sufficient capacity that the existing tank could accommodate the extra five lots. A capacity assessment by Fluent Solutions (2019) as appended to the submitter package was predicated on 30 separate allotments<sup>428</sup> at a density of 3.5 people / 30 households. Ms McMullen<sup>429</sup> identifies sufficiency in the tank for 35 units (five more than consented) as predicated on a household density average of 3 people / 35 dwellings. Mr Kemp advises that additional allotments would be required to provide onsite storage;
    - iii. for **stormwater** would be able to be included on-site stormwater management as the remainder of the lots; and
    - iv. for **transport**, Plan Change 20 assessed a yield of 35 dwellings, with the upgrades to Landsborough Road and Brookfield Road to be undertaken.
  - d. **Hazards** – There are no notated hazards associated with the amending proposal<sup>430</sup>.

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<sup>427</sup> Subdivision of Lot 10 as created by 101/102.2015.220

<sup>428</sup> Submitter Package [Sub#30] Attachment ‘Fluent Solutions Report (2019)’ Introduction.

<sup>429</sup> Submitter Package [Sub#30] McMullen [3.2].

<sup>430</sup> Change to the FAA spatial extent contained in the s42A Natural Hazard Recommendation as relates to the amending proposal extend over the lower slopes of the Ōtipua Creek, but not the narrowed ‘scope’ identified in Figure 46.

### 13.3.12 Matters that are disagreed include:

- a. **Landscape and Natural Values** – The backdrop of the site from the west will be framed by rural lifestyle character and amenity as consented by RC101/102.2015.220, but not yet established. The Ōtipua Creek North Branch is the subject of requirements for Esplanade Reserve and Public Access Provision at a width of 20m, however there is existing vested Recreation Reserve already present which provides for natural and amenity values, and access. The average width of the ‘offer’ associated with the Open Space bordering river margin is in the order of some 80m to 100m in width. Ms Pfluger notes that the existing Bluerise development is located as setback from the crest of the ridge, with the proposal resulting in building forms likely appearing on the skyline when viewed from Ōtipua Creek walkway and Centennial Park reserve, resulting in visual prominence. She advises that further detail would be necessary to consider the landscape effects associated with the amending proposal.
- b. **Cultural values** – the eastern border of the site as bounding the river corridor is notated as SASM-12. As with Sub# 20 (O’Neill), the evidence from Ms Hall<sup>431</sup> is that the amending proposal would result in substantial landscape modifications to the site, including earthworks and an increase in impervious surfaces and associated stormwater into the already degraded Ōtipua Stream, further depleting any remnants of mahika kai and taonga. Whilst I acknowledge that the notated SASMs do not extend to the amending proposal, I accept the consideration and conclusions recommended as relevant in relation to SD-O5(1) and (2) by Ms Hall in terms of adverse effects on cultural values.

### Statutory consideration

13.3.13 For the purposes of s74(2)(b), the site was not identified in as an area for either urban or rural residential development to provide for the future growth needs of the district.

13.3.14 The site is classified under the transitional provisions of the **NPS-HPL** as being Highly Productive Land (LUC-3). The Submitter Package does not provide an assessment of the amending proposal against the requirements of Clause 3.7 and Clause 3.10 of the NPS-HPL. I disagree with the contention from Ms McMullen that the provisions of the NPS-HPL can be put to one side on the basis that the Government has signalled that the NPS-HPL will be amended. I consider based on the requirements of s75(3) that the amending proposal is to be ‘avoided’ (Clause 3.7) and would not give effect to **the Objective** of the **NPS-HPL** nor **Policy 4** and **Policy 6**.

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<sup>431</sup> Appendix 3. Manawhenua Report. AECL. Hall [pg 6]

13.3.15 Insofar as it is relevant to consider the **NPS-UD** given the amending proposal seeks a Rural Lifestyle zoning, the evidence of Mr Heath is that the Timaru settlement has sufficient development capacity. Accordingly, the amending proposal would not be required to provide a contribution to sufficient development capacity for the purpose of achieving **Policy 2** of the **NPS-UD**. However, an additional five rural lifestyle allotments (and associated dwellings) would not meaningfully ‘move the dial’ in terms of household sufficiency. Council engineers have confirmed that the amending proposal, given capacity in the existing Bluerise development would be appropriately integrated with supporting infrastructure. Accordingly, the site would achieve **Objectives 1** and **6** of the **NPS-UD** and contribute to a variety of housing ‘types’ and ‘locations’ for the purpose of **Policy 1(a)**; given the amending proposal is separated by the Ōtipua river corridor it is less consistent with **Policy 1(c)** in terms of promoting accessibility, however not to the extent of being inconsistent with the Policy (and as relative to a number of Timaru FDAs).

13.3.16 In terms of a further evaluation, I consider the following:

- a. **In terms of the NPS-HPL:** the amending proposal is classified as Highly Productive Land (LUC 3). The Submitter package does not incorporate the required assessment against the relevant matters in Clause 3.7 and 3.10, with the directive ‘*avoid rezoning of highly productive land as rural lifestyle*’ to otherwise prevail. The amending proposal is therefore considered to not give effect to the **Objective**, and **Policy 4** and **Policy 5**.
- b. **In terms of the NPS-UD:** I disagree with the appended ‘Aspirational Economic Future’ assessment<sup>432</sup> provided with, and relied on by Ms McMullen in the submission package. I consider the rezoning is not needed to provide for sufficient development capacity. However, given the amending proposal would not ‘move the dial’ in terms of sufficiency, and more importantly is integrated with supporting infrastructure, I consider that the rezoning request would overall be consistent with the relevant policies and objectives of the **NPS-UD**.
- c. **Under the CRPS:** Given that the amending proposal effectively extends an existing rural lifestyle enclave which is separated by the Ōtipua river corridor from the Timaru urban area, the proposal is not seen as furthering **Objective 5.2.1(1)** as it does not contribute to achieving consolidated growth in and around existing urban areas. However, given the scale of rezoning (effectively facilitating five additional allotments), the proposal is not considered to be inconsistent with that part of the Objective. The proposal would not give rise to conflicts between incompatible activities (**Objective 5.2.1(2)(i)**).

In terms of giving effect to **Policy 5.3.1**, the amending proposal would not represent a form of rural residential development that ‘*occur(s) in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development*’ (emphasis underlined).

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<sup>432</sup> Submitter Package [Sub#30] Attachment ‘Patterson’ (2022).

The amending proposal would not be *‘attached to’* the existing urban area as it is separated from the urban area by the Ōtipua river corridor which forms the southern urban edge to the Timaru settlement; clearly it would not concentrate urban areas. However, the amending proposal would adjoin the notified (and consented) Bluerise Rural Lifestyle zone, and would represent a co-ordinated extension of that development. Accordingly, the proposal whilst not furthering the attainment of **Policy 5.3.1** is not seen as being inconsistent with the policy.

d. in terms of the relevant Objectives and Policies of the TPDP:

- i. The proposal would not achieve **SD-O1(2)** in that the amending proposal would not be attached to existing urban areas. However, it does connect to an establishing (and notified) Rural Lifestyle zone, and can be appropriately co-ordinated with reticulated sewer and water infrastructure.
- ii. Based on the evidence of Ms Pfluger and Mr Steans, the amending proposal would likely reduce the open space values and natural character associated with the elevated Ōtipua river terrace, nor does the Council wish to extend the existing (Lot 8) recreation reserve through the ‘offer’ of additional reserve given potential purchasing and long term maintenance costs (it is unclear as to the mechanism of the offer in the submitter package)<sup>433</sup>. Accordingly, the amending proposal would not achieve settlement patterns that *‘recognise existing character and amenity’* (**UFD-O1(5)**) nor is required in terms of achieving **SD-O10** as to facilitating *‘recreational and open spaces to meet long term needs’*.
- iii. Furthermore, based on the evidence of Ms Hall, I consider that the amending proposal would be detrimental to the cultural values of Kāti Huirapa as associated with the site, and associated groundworks and stormwater management on SASM-12 in particular. Therefore, the amending proposal has the potential to conflict with achieving **SASM-P8**, especially in terms of the avoidance or management of effects and protection, maintenance or enhancement of the overall values of the area (**clause 3(b)**).

13.3.17 The amending proposal would not achieve and implement provisions associated with maintaining amenity and character, upholding cultural values, and would yield an open space reserve to be acquired by the Council that is neither budgeted for nor required. Accordingly, the proposal whilst achieving several matters in the TPDP is neither necessary to meet sufficiency of demand, or uphold character and amenity and hence the recommendation for rejection remains. Principally, the recommendation of rejection is founded on not giving effect to the requirements of the **NPS-HPL** given the LUC3 classification.

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<sup>433</sup> Appendix 9. Memo TDC Parks and Recreation Manager – Bill Steans

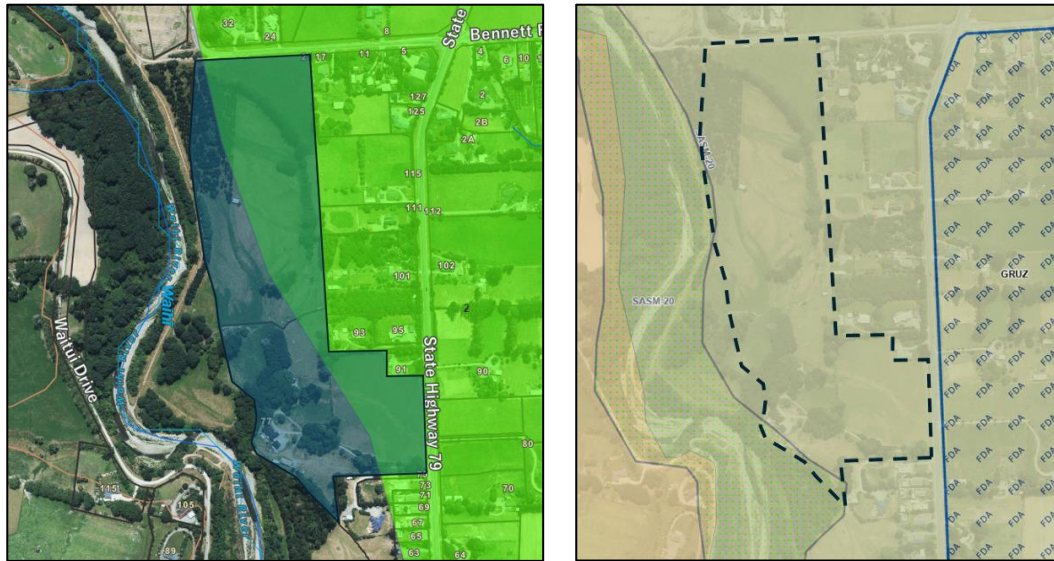


- 13.3.18 However, putting aside the requirements of the NPS-HPL the rezoning sought is finely balanced. This is principally given the limited anticipated yield and ability to co-ordinate and integrate development with the existing infrastructure associated with a modest extension of the existing Bluerise Rural Lifestyle development. Were the LUC3 classification to be removed from consideration of the HPL, and the submitter able to confirm: a narrowed scope; evidence resolving matters raised by Ms Pfluger and within the cultural assessment; and resolution in relation to the 'offer' of reserve, the amending proposal could be considered to further the relevant provisions of the TPDP.
- 13.3.19 In the interim, I recommend that the amending proposal from C&S McKnight be **rejected**.

#### **13.4 Bruce Selbie [32.1] – 77 Main North Road, Geraldine**

- 13.4.1 Bruce Selbie [32.1] considers it is appropriate for the site at 77 Main North Road, Geraldine to be zoned Rural Lifestyle Zone rather than General Rural Zone given that the site is not large enough for farming purposes, and notes that there is a lack of rural lifestyle opportunities in Geraldine.
- 13.4.2 The amending proposal adjoins the Waihi River to the west, which is identified as SASM-20 (Wai Taoka) within the TPDP. The site is an 'L Shape' with frontage to both State Highway 79 to the east and Woodbury Road to the north, with an intervening pocket of smaller allotments along the northern and eastern boundary leading up to the intersection of Woodbury Road and State Highway 79 (that are not included in the scope of the submission). To the south is located a number of residential scale allotments fronting State Highway 79, with slightly larger peri-urban (1ha) allotments to the rear fronting the Waihi River.
- 13.4.3 The site is 5.45ha, legally described as Lot 2 DP 473022 and Lot 3 DP 22926. A substantial dwelling is located to the rear of that part of the site fronting State Highway 79. There is a natural depression on that part of the site that adjoins the Waihi River, with the more elevated terrace containing the dwelling and open pastoral areas. Without wastewater reticulation one additional allotment would be able to be established under the amending proposal.
- 13.4.4 A map illustrating the location of the site, in relation to the transitional HPL soils classification and zoning is provided below.

**Figure 47: Site Location (in Blue) Selbie (32.1) and planning maps (hatched)**



- 13.4.5 A submitter package was received. The material provided did not assist in terms of the requests established in the Preliminary Report and HPL Memo. There is no analysis provided as to the integration and provision of infrastructure, or the necessary analysis required by the NPS-HPL given the transitional classification of a substantial area of the amending proposal as HPL (LUC 2).
- 13.4.6 Matters that are agreed include:
- Notified Zoning – GRUZ.**
  - Biodiversity** - There are no **Natural Values** overlays on the amending proposal site. As above, the provision of esplanade reserve as facilitated by subdivision provides opportunities for the maintenance and enhancement of ecological values associated with the Waihi River corridor.
  - Hazards** – The site is subject to the Flood Hazard Assessment overlay<sup>434</sup>, with the western portion of the site also the subject of the Liquefaction Awareness Area overlay. The submission package advises that these matters are not prejudicial to the rezoning and can be addressed at time of future building consent.
- 13.4.7 Matters that are disagreed include:
- Landscape and Natural Values** – As the site adjoins the Waihi River to the west, subdivision as facilitated by a Rural Lifestyle zoning under the amending proposal would be subject to requirements for esplanade reserve and public access provision.

<sup>434</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

The Waihi River corridor in this location is also the subject to the Light Sensitive Area overlay in the TPDP.

The wider context exhibits a peri-urban amenity and character given the extent of fragmented titles, more manicured landscaping and the presence of dwellings.

The subject property exhibits a more open pastoral character, in comparison to development further south or east across Main North Road given the presence of small-scale grazing paddocks fronting the road network and setback of the existing dwelling. Ms Pfluger considers that *‘the road frontage of the site in the eastern part forms a gap between existing smaller sections....the subdivision of the pastoral site adjacent to the Waihi River is not supported from a landscape and natural character perspective’*<sup>435</sup>.

- b. **Infrastructure** - the Submission package provides limited information as requested in the Preliminary Report as to servicing. The package does not confirm that **water supply** can be serviced by the Council’s urban network; **reticulated wastewater** is not confirmed. Mr Kemp advises that there is no Long-Term Plan funding provided for upgraded wastewater infrastructure to facilitate development of this site, and that private services within the corridor would be considered a poor network outcome and will not support network wide planning if this was to occur in the future. *‘Private service extensions in such a linear and disjointed manner to service a limited number of rural lifestyle allotments (and the cost share so that costs do not fall on the wider ratepayer base) is a poor network outcome’*<sup>436</sup>.

The Submission package is silent as to the consideration that the site is identified as being subject to a *‘Drinking Water Protection Area’* overlay, with **Objective SD-O8(3)** seeking that these ‘are protected from the adverse effects of subdivision, use and development’. In terms of **stormwater**, it is agreed that stormwater management could be undertaken on site.

In terms of **transport**, the submitter package identifies that access would need to be obtained off Main North Road; there is no confirmation provided that NZTA would authorise additional access to facilitate further allotments.

- c. **Culture and Heritage** – The amending proposal adjoins Waihi River (SASM-20). The assessment provided on behalf of mana whenua identifies that for Kāti Huirapa the biggest concern associated with an increase in density is the ability to service new allotments, without which there are water quality issues associated with the Waihi River and associated loss of mauri<sup>437</sup>. The Manawhenua Report identifies that were the Independent Hearings Panel to approve the rezoning of these rural properties,

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<sup>435</sup> Appendix 4. Landscape. Pfluger.

<sup>436</sup> Appendix 8. Infrastructure. TDC Engineers.

<sup>437</sup> Appendix 3. Manawhenua Report. AECL. Hall [pg 12]

*‘Kāti Huirapa would like to see the existing Council reticulated infrastructure extended to accommodate the future density so as to ensure stormwater and wastewater do not degrade the Waihi River ... further’<sup>438</sup>. As above, there is an underlying reliance in the Submitter Package that any additional allotments would be serviced by on-site systems including septic tank which would not achieve the requirements of the Manawhenua Report and stated values with the Waihi River.*

#### Statutory consideration

- 13.4.8 For the purposes of both s74(2)(b) of the RMA, and Clause 3.5(7) of the NPS-HPL, the site was neither identified in the GMS2018 or GMS2022. The amending proposal has not been identified for ‘future urban development’, and given the LUC2 classification is HPL under the NPS-HPL. Regardless, the amending proposal is identified as being the subject to the ‘highly productive land’ overlay within the TPDP, which engages with **UFD-O1(7)** and **SD-O9(1)**.
- 13.4.9 There is no consideration in the Submitter package against the requirements of Clause 3.7 and Clause 3.10 of the NPS-HPL. I disagree with the contention of Ms McMullen that a consideration against the provisions of the NPS-HPL can be put to one side due to *‘the likelihood that there will be a different framework in place by the time the Hearings Panel releases its decision on the TPDP [and] it is considered most appropriate for the rezone to be considered on its merits’<sup>439</sup>*. I consider based on the requirements of s75(3) that the amending proposal is to be *‘avoided’* (Clause 3.7) and would not give effect to **the Objective** of the **NPS-HPL** nor **Policy 4** and **Policy 6**.
- 13.4.10 Turning to the other ‘merits’ of the amending proposal, which are to be considered against the statutory framework and in particular the requirements of s32 and s74, I consider that:
- 13.4.11 As relevant as considered against the provisions of the **NPS-UD**: the proposal does not provide a contribution in terms of the provision of sufficient development capacity, given the sufficiency outlined in the evidence of Mr Heath. The absence of integration with the Geraldine urban area to the south, and absence of supporting and integrating infrastructure is considered to not achieve the requirements of **Objective 6** in relation to integrated infrastructure planning and funding and strategic decision making. The amending proposal would not contribute to well-functioning urban environments (**Objective 1**).
- 13.4.12 In terms of the **CRPS**, the amending proposal would not represent *sustainable development patterns that ensure that any .... limited rural residential development occur in a form ... is attached to, existing urban areas and promotes a co-ordinated pattern of development (Policy 5.3.1)*. The amending proposal does not adjoin the existing Geraldine urban area.
- 13.4.13 The spatial extent of the submission does not provide a defensible zoning edge to the south, with a residual cluster of 1 – 1.5ha allotments to the north-east as fronting Main North Road and Bennett Road and accordingly would not achieve a co-ordinated pattern of development.

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<sup>438</sup> Attachment 3. Manawhenua Report. AECL. Hall [pg 13]

<sup>439</sup> Submitter Package. Sub #32. McMullen [8.1]

- 13.4.14 Given the limited yield, absence of service provision and concerns raised by Mana Whenua the amending proposal is also considered to be less appropriate in giving effect to **Policy 5.3.2(3)** which requires that *‘development ... integrates with the efficient and effective provision, maintenance or upgrade of infrastructure’*.
- 13.4.15 Given the above, the amending proposal would not be the most appropriate to achieve<sup>440</sup> and implement<sup>441</sup> Objectives in the TPDP that seek an attached and coordinated pattern of development as associated with rural lifestyle development and being capable of integrating with supporting infrastructure<sup>442</sup>, would not uphold the protection of identified drinking water supplies<sup>443</sup>, protecting highly productive land for productive uses<sup>444</sup>, upholding the relationship of Kāti Huirapa with the health (mauri) of Waihi River<sup>445</sup>.
- 13.4.16 Accordingly, I recommend that the submission from Selbie [32.1] be **rejected**.

**13.5 Payne [160.1], Harper et al [108.1], Morten [88.1], Sullivan [138.1], Badcock [85.1] – Main North Road, Geraldine**

- 13.5.1 The Submitters<sup>446</sup> consider that there has not been enough land zoned for residential and / or rural lifestyle development close to the Geraldine township, and more land should be zoned to enable residential and rural lifestyle development to promote more people moving to the area.
- 13.5.2 The submitters seek to rezone the area north of Geraldine, along the Main North Road on both the west side back to the Waihi River (where infill has already occurred) to Woodbury Road, and east from Templer Street to Bennett Road. Templer Street and the Waihi River from General Rural Zone to General Residential Zone.
- 13.5.3 The amending proposal(s) can be spatially considered to relate to the area in the map below. That area to the west of Main North Road is some 39ha, with the area enclosed between Templer Road and Main North Road is some 57ha. The area is characterised by a peri-urban character and amenity, especially fronting Main North Road.
- 13.5.4 Plans illustrating the location of the site, in relation to the transitional HPL soils classification and zoning are provided below.

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<sup>440</sup> S32(1)(b)

<sup>441</sup> S74(1)(c)

<sup>442</sup> SD-O1

<sup>443</sup> SD-O8(3)

<sup>444</sup> SD-O9(1), UFD-O1(7)

<sup>445</sup> SD-O5(2)

<sup>446</sup> David and Susanne Payne [160.1], George and Rachel Harper [109.1], George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper [108.1], Anna Morten [88.1] Steve and Yanna Houwaard Sullivan [138.1], J& L Badcock [85.1] – Main North Road, Geraldine

**Figure 48: Site Location (in Blue) Harper et al (108.1, 109.1 and 138.1) and planning maps (hatched)**



13.5.5 No submitter package has been received.

13.5.6 I have addressed the relevant environment and associated planning provisions above as related to the submission from Selbie [32.1]. Rather than repeat that material, I note for that area of the amending proposal(s) between Main North Road and Waihi River:

- a. **NPS-HPL:** a substantial area is notated as LUC 2 and hence HPL under the NPS-HPL, and is also identified within the TPDP as being subject to the ‘highly productive land’ overlay.
- b. **NPS-UD:** the area is not required to provide sufficient development capacity for housing based on the evidence of Mr Heath which identifies that there is sufficient development capacity to provide for housing beyond 30 years (under either a medium or high growth forecast) and only reliant on notified FDAs as associated with a high growth scenario.
- c. **Landscape, Natural Character and Biodiversity** values could be maintained or enhanced through the taking of esplanade reserves adjoining the Waihi River as facilitated by subdivision as associated with either a Rural Lifestyle Zone or General Residential zone.
- d. **Infrastructure:** Council experts have identified that there is no strategic planning or funding associated with the provision of water supply or wastewater reticulation as associated with the amending proposal. There is no assessment provided by the submitter(s) as to connection and integration with wastewater, water supply or the safe, efficient and effective access to the roading network, including confirmation from NZTA as to the provision of access to Main North Road.
- e. **Cultural Values:** The advice from Manawhenua with regard to Selbie (Sub 32.1) is considered relevant in that any increase in density in the absence of being able to

service new allotments will degrade water quality of the Waihi River with an associated loss of mauri<sup>447</sup>.

- f. **Natural Hazards:** The area is subject to the FAA under the notified TPDP. There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation

13.5.7 I recommend that the submission from George and Rachel Harper [109.1] and J & L Badcock [85.1] that seeks **Residential zoning (GRZ)** be **rejected**. I reach that conclusion on the basis that:

- a. **NPS-HPL:** the amending proposal does not provide an analysis in terms of Clause 3.6(4) and (5) and is considered to not give effect to the **Objective**, or **Policy 4** and **5**.
- b. **NPS-UD:** no information is provided as to the integration of infrastructure or how the amending proposal would contribute toward strategic urban planning (**Objective 6**). The area is not required to contribute to sufficient development capacity (**Policy 2**), and given that Council engineers have identified an absence of any funding for infrastructure the amending proposal would not achieve or contribute to a 'well-functioning urban environment' (**Objective 1**).
- c. In terms of the **CRPS**, whilst it is acknowledged that the amending proposal would be 'attached to' an existing urban area and contains a complex arrangement of fragmented titles, the absence of infrastructure would result in a pattern of development that is neither co-ordinated (**Policy 5.3.1**) or assists in the efficient and effective provision of infrastructure within Geraldine (**Policy 5.3.2(2)**).
- d. Similarly in terms of achieving and implementing the Objectives of the TPDP, the proposal would not be the more appropriate in terms of protecting highly productive land for productive uses<sup>448</sup>, upholding the relationship of Kāti Huirapa with the health (mauri) of Waihi River<sup>449</sup>, and integrating with infrastructure<sup>450</sup>.

13.5.8 For those parts of the submissions (Harper et al [108.1], Anna Morten [88.1] S & Y Sullivan Sub [138.1], and Harper et al [108.1], and David and Susanne Payne [160.1] that seek a **Rural Lifestyle zone (RLZ)** on that land between Main North Road and the Waihi River I recommend that the amending proposal be **rejected** for reasons expressed above including an absence of infrastructure integration and that the rezoning request would not assist in facilitating a co-ordinated settlement pattern.

13.5.9 For completeness, the absence of a Submitter Package does not advance a consideration of the relevant provisions of the NPS-HPL being Clauses 3.7 and 3.10 as related to the Rural Lifestyle zone sought. For that part of the amending proposal which relates to that area

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<sup>447</sup> Manawhenua Report. AECL. Hall [pg 12]

<sup>448</sup> SD-O9(1), UFD-O1(7)

<sup>449</sup> SD-O5(2)

<sup>450</sup> SD-O8.

between Bennett Road, Main North Road and Templar Street refer to the analysis relating to FDA11.

13.5.10 For those parts of the submissions (Harper et al [108.1], , Anna Morten [88.1] S & Y Sullivan Sub [138.1], and Harper et al [108.1], and David and Susanne Payne [160.1] that seek a **Rural Lifestyle zone (RLZ)** on that land between Main North Road and Templar Street I recommend that these submissions be **accepted in part** as contained in the discussion above regarding FDA11.

13.5.11 I recommend that the submissions from:

- George and Rachel Harper [109.1] and J&L Badcock [85.1] be **rejected**
- George Harper, R & G Kellahan, H Kellahan, B & S Robertson, D & S Payne, G & R Harper [108.1], Anna Morten [88.1] and Steve and Yanna Houwaard Sullivan [138.1], and David and Susanne Payne [160.1] as it relates to that area between Main North Road and Waihi River be **rejected**, and on that land between Main North Road and Templar Street be **accepted in part**.

### 13.6 Simmons Trustee Company Limited [207.1] – Gleniti Road, Timaru

13.6.1 Simmons Trustee Company Limited [207.1] considers the properties at the northern urban boundary at and around Gleniti Road - Ladlow, Timaru are appropriate for rural residential development as they are of a rural residential nature. The submitter seeks that the properties as discussed in the original submission are either;

- Re-zoned from General Rural Zone to Rural Lifestyle Zone; or
- Rezone the properties at 5 Oakwood Road, 29 Oakwood Road and 301-311 Gleniti Road from General Rural Zone to Rural Lifestyle; or
- Include the properties at 5 Oakwood Road, 29 Oakwood Road and 301-311 Gleniti Road within the FDA10.

13.6.2 No submitter package has been received setting out a response to the matters raised in the preliminary report.

13.6.3 The first part of the amending proposal is broadly set, relating to the northern corridor of Gleniti Road, and referencing a Schedule of properties sized between 0.2 Ha to 3.7ha<sup>451</sup>.

13.6.4 A consideration of that corridor has been undertaken in relation to [207.2] in relation to the General Residential Zone request from the submitter. Whilst I acknowledge that the character and amenity of a number of properties in this area exhibit Rural Lifestyle zone outcomes (RLZ-O2), the amending proposal is not supported by any technical information in

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<sup>451</sup> Original Submission 207. Attachment A.



relation to the provision of supporting infrastructure, economic analysis or structure planning across the block.

13.6.5 In relation to the wider scope of the submission, there is no supporting analysis against CI3.7 and CI3.10 of the NPS-HPL given that the land is deemed HPL (LUC3). The amending proposal is considered to not give effect to the NPS-HPL<sup>452</sup>. I also consider that the proposal would not give effect to the NPS-UD<sup>453</sup>, CRPS<sup>454</sup> or achieve and implement the TPDP, and is recommended to be **rejected**.

13.6.6 In relation to the more specific aspect of the amending proposal, being either rezoning to RLZ or inclusion in FDA10 for those properties identified as 5 Oakwood, 29 Oakwood Road and 301-311 Gleniti Road, this area is identified on the plans below.

**Figure 49: Site Location (in Blue) Simmons Trustee Company Ltd [207.1] and planning maps (hatched) 5 Oakwood, 29 Oakwood Road and 301-311 Gleniti Road.**



13.6.7 Five properties are contained within the more specific request, these are:

5 Oakwood Road	1.54ha
29 Oakwood Road	2.48ha
301 Gleniti Road	1.29ha
307 Gleniti Road	2.09ha
311 Gleniti Road	0.6ha

<sup>452</sup> NPS-HPL. Objective, Policy 6.

<sup>453</sup> NPS-UD. Objective 1. Objective 6. Policy 1.

<sup>454</sup> CRPS. Policy 5.3.1 'limited rural residential development ... is attached to existing urban areas and promotes a co-ordinated pattern of development', Policy 5.3.2(3), Policy 5.3.5 integration with efficient and effective provision of infrastructure.

- 13.6.8 The site is zoned **GRUZ**. The amending proposal is not identified as being subject to any **Natural Hazard** overlays, including any increase in the FAA as considered in the s42A Report for Natural Hazards. There are no identified overlays in the TPDP relating to specific matters such as **Cultural values** or **Natural values**. Given drainage to the Ōtipua (Saltwater) Creek, matters associated with retaining the mauri of the Ōtipua remains important as raised within the Manawhenua Report.
- 13.6.9 It is considered that the character and amenity of this aspect of the amending proposal is consistent with that anticipated with the Rural Lifestyle zone (**RLZ-O2**). The sites are not serviced by wastewater reticulation, and the continued absence of wastewater reticulation would preclude further subdivision<sup>455</sup>. Were reticulation to be provided, an additional 3 allotments may be possible dependent on configuration.

#### Statutory consideration

- 13.6.10 The area is not identified for Urban or Rural Lifestyle growth within the GMS2018 and GMS Review (2022) for the purposes of s74(2)(b)(i).
- 13.6.11 **NPS-HPL:** The site is classified as HPL (LUC3) within the transitional NPS-HPL provisions. I acknowledge based on site visits, that the site(s) do not appear to be used land-based primary production. However, it is the responsibility of the submitter to provide an evidential basis that the amending proposal would achieve cl3.7 and the conjunctive matters in cl3.10. This would be needed to demonstrate that the amending proposal would give effect to **Objective** of the NPS-HPL and corresponding **Policy 4** and **Policy 5**. The addition of this specific area to FDA10 would not trigger a consideration against the NPS-HPL as an immediate rezoning would not be sought.
- 13.6.12 **NPS-UD:** In terms of contributions towards sufficient development capacity, to the extent that it is relevant given the proposal is for Rural Lifestyle, I consider that the amending proposal would not 'move the dial' given the potential additional allotments. Were reticulated services necessary, the amending proposal would not give effect to **Objective 6** as infrastructure would not be either strategic or integrated with infrastructure planning and funding decisions.
- 13.6.13 **CRPS:** the amending proposal is disjointed from the existing urban settlement. With the Gleniti Golf Course providing a geophysical demarcation between Timaru settlement the growth areas associated with FDA10 and FDA11 and the amending proposal. The Rural Lifestyle rezoning would not give effect to provisions that seek to enable '*limited rural residential development that is ... attached to existing urban areas and promotes a coordinated pattern of development*'. No analysis is provided as to the potential integrate

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<sup>455</sup> SUB-P15 and SUB-S1(4)

with infrastructure, and accordingly the proposed rezoning is not considered to give effect to associated provisions **Policy 5.3.3(3)** and **Policy 5.3.5**.

13.6.14 **TPDP:** In the absence of technical information from the submitter, the amending proposal would not consequently further achievement of **SD-01(2)** in terms of achieving a ‘*co-ordinated pattern of development*’ or ‘*efficiently connect to reticulated sewer infrastructure*’. Where the submitter would be seeking increased development opportunities, the amending proposal would also not achieve **UFD-01(2)** and **RLZ-05** in terms of a need to integrate with appropriate infrastructure. The amending proposal would be consistent with the outcomes contained in **RLZ-02**.

13.6.15 In conclusion, as narrowed solely to that part of the amending proposal relating to 5 Oakwood Road, 29 Oakwood Road and 301-311 Gleniti Road, I recommend the following:

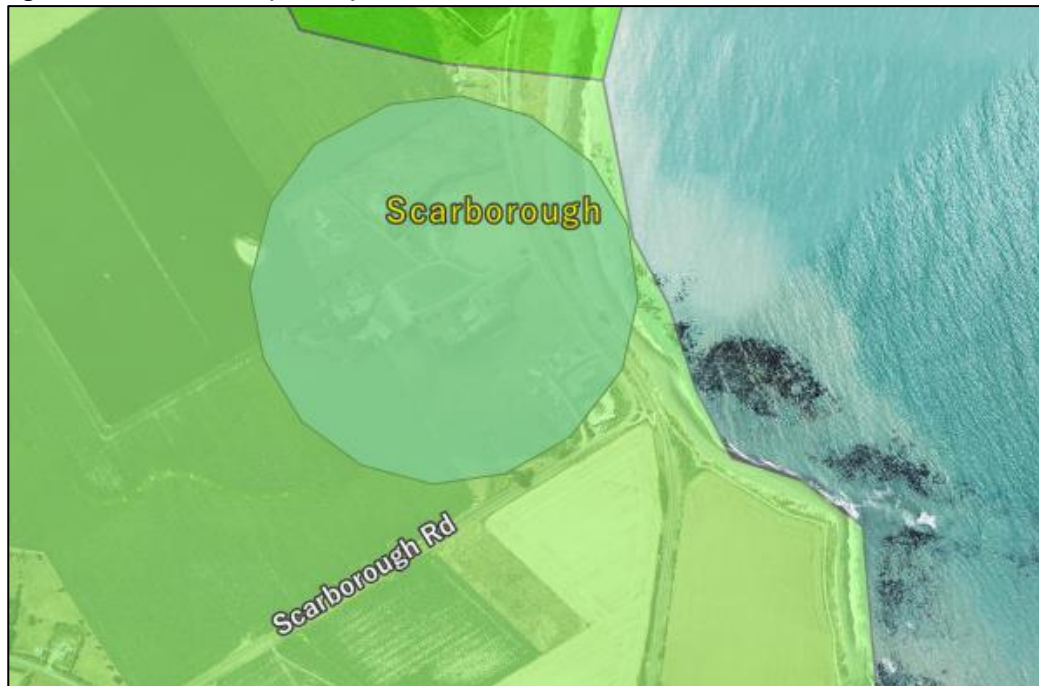
- An immediate rezoning to Rural Lifestyle zone be **rejected**, primarily given consideration against the NPS-HPL, an absence of evidence as to servicing and density, and the ability for the proposal to be considered ‘*attached to*’ an existing urban area.
- The inclusion within ‘FDA10 Kellands Heights – Timeframe for DAP 5 Years’ is more finely balanced. Under the DAP process, matters such as giving effect to the NPS-HPL and infrastructure provision could be considered comprehensively, and in conjunction with development facilitated by any subsequent plan change for FDA10 the subject site would represent a continuation of peripheral development, albeit extending over the defensible ‘boundary’ of Gleniti Golf Course. These matters would need to be addressed by the submitter. I recommended that this submission [207.1] be **rejected**.

### 13.7 Parris [98.1] – Parade, Redruth

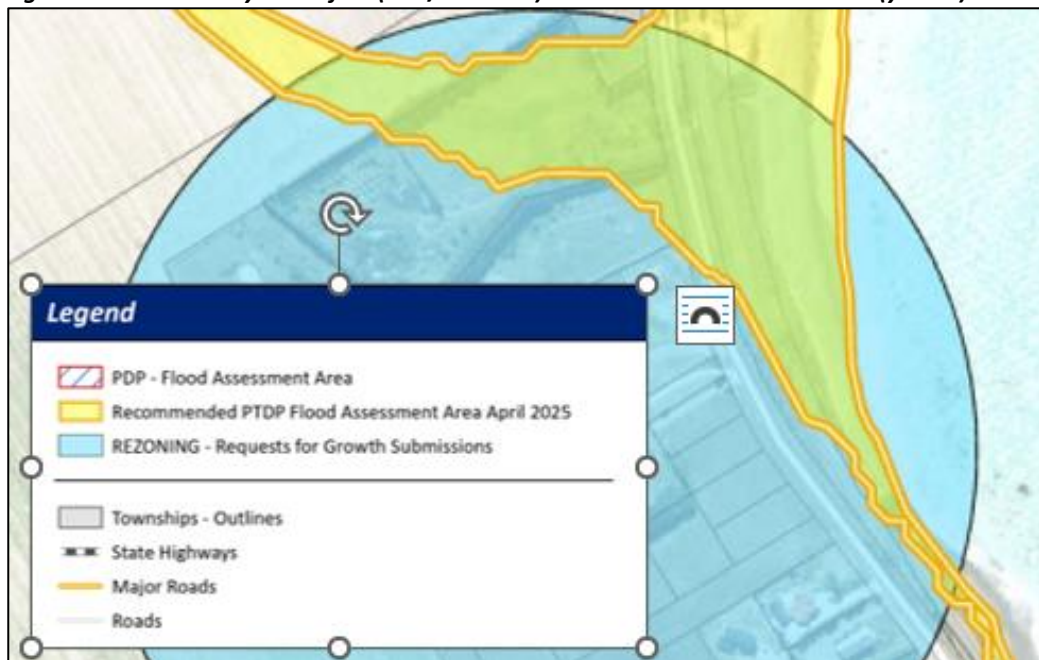
13.7.1 David John Parris [98.1] considers it appropriate for Parade Road to be zoned Rural Lifestyle Zone (RLZ) from General Rural Zone (GRUZ) given that sites along Parade Road range are generally under 2 Ha which is generally more consistent with the expected size of a rural lifestyle lot. The submitter seeks to rezone Parade Road from General Rural to Rural Lifestyle.

13.7.2 The amending proposal is south of and detached from the Timaru urbanised area as south of Salt Water Creek.

13.7.3 A map illustrating the location of the site in relation to Timaru township is provided below. The submission does not spatially define the extent of the rezoning request but does refer to ‘*12 Certificates of title with 11 of these being under 2 Hectares*’.

**Figure 50: Site Location (in Blue) Parris 98.1**

- 13.7.4 A Submitter Package was not received. Accordingly, there is no analysis of servicing, density, natural values, highly productive land, cultural matters or transport that assist in terms of the duties in s32AA.
- 13.7.5 Within the TPDP, the area is zoned **GRUZ**. In terms of **Hazards** the site is notated as being subject to the Sea Water Inundation Overlay. As subject to the remodelled FAA as sought by Environment Canterbury [183.228] part of the amending proposal becomes subject to the FAA overlay.

**Figure 51: FAA Overlay – Notified (red / hatched) and s42A Recommended FAA (yellow)**

- 13.7.6 For **Cultural Values** the site is notated as SASM (Wāhi Tapuna) representing broader cultural landscapes. The area west of Parade Road is not the subject to **Natural Values** notations. 'Drinking Water Protection Areas' overlay several properties.

#### Statutory consideration

- 13.7.7 In terms of s74(2)(b)(i) and the GMS2018 and GMS Review (2022) the site is not identified for Urban or Rural Residential development.
- 13.7.8 The site is HPL under the **NPS-HPL** as classified as LUC3. The obligations under clause 3.7 and clause 3.10 are applicable.
- 13.7.9 I consider that there is not sufficient evidence provided to enable an evaluation of the amending proposal.
- 13.7.10 There is not sufficient information to be satisfied that the exemptions in Clause 3.10 of the NPS-HPL are addressed to overcome the obligation in Clause 3.7 to avoid rezoning of highly productive land as rural lifestyle.
- 13.7.11 Furthermore, I do not consider that the amending proposal would represent, in conjunction with notified RLZ rezonings '*limited rural residential development ...[that] occurs in a manner that concentrates or is attached to, existing urban areas and promotes a co-ordinated pattern of development*' in a manner that would give effect to **Policy 5.3.1** of the CRPS.
- 13.7.12 My view is the rezoning would also not further a coordinated pattern of development as required by **SD-O1(2)**. Accordingly, whilst I acknowledge that the rural character and amenity of this area is somewhat characterised by a number of smaller allotments, I consider that this is not unique in the Timaru district. I do not consider that the density and characteristics of a number of smaller allotments in this area provide sufficient reason to rezone this area, nor overcome the inconsistency with higher order planning documents as identified above.
- 13.7.13 Accordingly, I recommend that Sub 98.1 be **rejected**.

### **13.8 R&R Hay [28.1] – Te Ngawai Road, Pleasant Point**

- 13.8.1 Robyn & Richard Hay [28.1] consider that 101 Te Ngawai Road, Pleasant Point should be rezoned RLZ as the submitter considers the site is not of a sufficient size to be used for farming purposes, and there is no provision for immediate RLZ to become available for properties in Pleasant Point. The submitter seeks to rezone 101 Te Ngawai Road, Pleasant Point from General Rural Zone to Rural Lifestyle Zone.
- 13.8.2 The amending proposal is located some 0.8km from the intersection with Main Road, Pleasant Point.

- 13.8.3 A map illustrating the location of the site in relation to Pleasant Point is shown below. The submission site is some 1.6ha.

**Figure 52: Site Location (in Blue) R & R Hay (28.1) and planning maps (hatched)**



- 13.8.4 No Submitter Package was received. There is no analysis of servicing, density, natural values, highly productive land, cultural matters or transport that assist in terms of the duties in s32AA.
- 13.8.5 Within the TPDP, the site is zoned is zoned **GRUZ**, albeit adjoins the General Residential Zone to the south and east. In terms of **Hazards** the site is notated as being subject to overlays associated with Flood Assessment Area<sup>456</sup> as related to Te Ana a Wai River and Liquefaction Area. The site is not the subject of any notated **Cultural Values** overlay or Natural Values overlay.
- 13.8.6 The site is not identified for Urban or Rural Lifestyle growth within the Growth Management Strategy 2018 and Review (2022) for the purposes of s74(2)(b)(i).
- 13.8.7 The site is classified as HPL in terms of the transitional NPS-HPL provisions as classified as LUC3. Given a Rural Lifestyle zone is sought, application of the requirements within Clauses 3.7 and 3.10 are necessary. Despite the commensurate scale of the rezoning sought, the absence of an evaluation from the submitter (as to matters sufficient development capacity, reasonably practicable options, and costs and benefits) associated with does not advance this consideration, with the directive Clause 3.7 otherwise requiring avoidance of rezoning.
- 13.8.8 I consider that there is not sufficient evidence provided to enable an evaluation of the amending proposal.
- 13.8.9 The spatial extent of the rezoning is only modest, and the character of the site at 1.6ha is of a rural residential character and scale. The rear half of the site appears to be retained in pastoral uses.
- 13.8.10 The Council's reticulation maps identify that reticulated wastewater and water supply is provided on the eastern side of Te Ngawai Road, although there is no evidence provided as to capacity to connect to the site.

<sup>456</sup> There is no change to the FAA spatial extent over the amending proposal in the s42A Natural Hazard Recommendation.

- 13.8.11 There are also ‘pockets’ of small-scale rural allotments located further north on Te Ngawai Road, east on Koromiko Street, Manuka Steet and on the western entry into Pleasant Point, all of which are zoned GRUZ. Accordingly, the site is not especially distinguishable from several similar small-scale rural allotments surrounding Pleasant Point.
- 13.8.12 The site, although modest, has a transitional LUC 3 categorisation, and in the absence of analysis from the submitter it is considered that the amending proposal would not give effect to the obligations in **Objective 1** and **Policy 6**.
- 13.8.13 The amending proposal would be attached to urban development, with reference to **Policy 5.3.1** of the CRPS and **SD-O1(2)** in the TPDP. However, I consider that despite its scale, it would not assist in providing for a co-ordinated pattern of development as sought within those provisions, as effectively the rezoning would promote a spot zoning of a Rural Lifestyle zone for a single property with no material addition in yield, and in circumstances which could be replicated throughout the district.
- 13.8.14 I consider that the proposal would not be the more appropriate in terms of giving effect to and achieving respectively **Policy 5.3.1** of the CRPS and **SD-O1(2)** in the TPDP in terms of promoting a co-ordinated pattern of development.
- 13.8.15 Accordingly, I recommend that the submission from Robyn & Richard Hay [28.1] **be rejected**.



## 14. Key Issue 8 – Miscellaneous Rezoning Requests

### 14.1 Rezoning Amendments Miscellaneous

- 14.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)	LOCATION
Prime Port Limited	175.7	Prime Port, Timaru
Brenda Van Burran	16.2	Pages Road
Venture Timaru	212.5	District wide
Alpine Energy	55.19	District Wide

### 14.2 Prime Port Limited [175.7]

- 14.2.1 Prime Port Limited [175.7] acknowledges that the Urban Area covers most of the Port Zone, which is supported by the submitter. The submitter notes there is a small portion in the northeastern section of the Port Zone that is still zoned as 'Port Zone' but falls outside the boundary of the 'Urban Area' overlay in the planning maps. The submitter seeks the following amendment to the planning maps:

*Retain the **Urban Area boundary and amend** to fully encompass the Port Zone.*

- 14.2.2 I understand that the area in question (as **notated in blue** in the figure below) as zoned Port Zone has title (and is above MHWS). Accordingly, and for the sake of consistency the 'Urban Area' boundary should extend to encompass the entirety of the Port Zone as urban activities.
- 14.2.3 In addition, Ms Kim Seaton, Planner for Prime Port Limited [175] has raised a matter addressed in her evidence for Hearing E<sup>457</sup>. That matter relates to a section of reclaimed land within the Log Yard as formally titled in late 2024 (and is notated in **green** in the figure below).
- 14.2.4 The Records of Title for the each of the reclaimed areas is provided below, the **red text** relates to the spatial extent explicitly identified in the submission, the **green text** relates to that area that was reclaimed and title issued after submissions were lodged.
- 14.2.5 I consider that the Prime Port Limited submission [175.7] is sufficiently broad to encapsulate the further section of reclaimed land. The submission also requests '*any other similar relief that would address the relief sought by Prime Port, and all necessary consequential amendments*'.

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<sup>457</sup> [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0010/971308/Submitter-175-PrimePort-Ltd-PrimePort-TDHL-evidence-Kim-Seaton-Hearing-E.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0010/971308/Submitter-175-PrimePort-Ltd-PrimePort-TDHL-evidence-Kim-Seaton-Hearing-E.pdf) [46, 47]



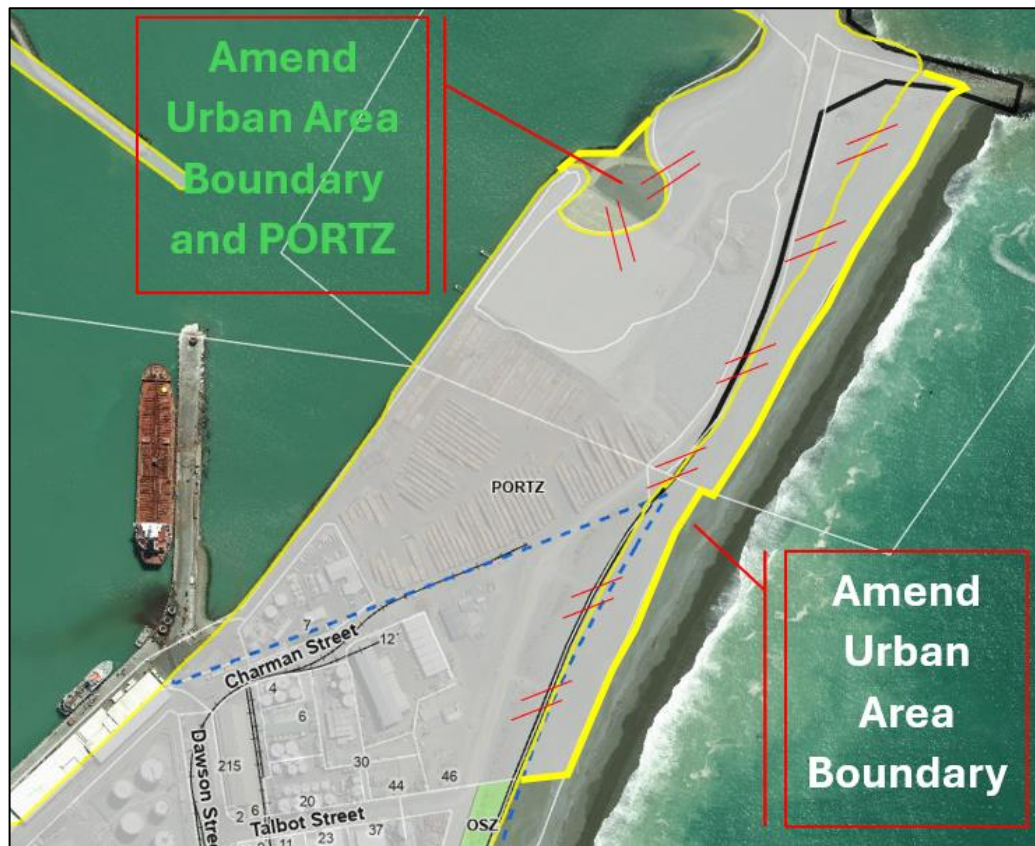
**Figure 53: Prime Port Ltd Submission spatial extent (blue) and additional reclaimed area (green) (left) and Records of Title (right)**



14.2.6 I recommend that the submission be **accepted**.

14.2.7 Given the amendment resolves a consistency issue in the TPDP a s32AA is considered unnecessary. The amendments in the TPDP are below:

**Figure 54: Recommended amendments to Planning Maps: Prime Port Ltd [175.7]**



### 14.3 Van Buuren [16.2]

- 14.3.1 Brenda Van Buuren [16.1, 16.2] considers there is a need for mid/high end and larger sections in the area around Pages Road. The submitter considers sites of 0.4ha are appropriate. The submitter seeks to amend the plan to allow for subdivision less than 3ha on rural land around Pages Road.
- 14.3.2 The submitter does not provide a spatial plan for the area of concern.
- 14.3.3 It is considered that the architecture of the District Plan provides a coherent and zoned approach to the provision of Rural Lifestyle within the district, replacing the previous and incremental ‘allowance approach’ under the operative district plan.
- 14.3.4 The zoned and structured approach to providing or Rural Lifestyle opportunities, was identified in the GMS2018<sup>458</sup> and is the more appropriate to give effect to the CRPS (**Policy 5.3.1**), it has to *ensure* (to make certain), that a *limited* (that is restricted in size or extent) amount of rural residential zoning is provided, and only where *attached* (that is joined, or connected) to existing urban boundaries and *supports urban consolidation*. The s42A Reporting Officer has addressed the approach size of Rural Lifestyle allotments as specified within Rules<sup>459</sup>.
- 14.3.5 To the extent that Rural Lifestyle zoned opportunities are provided, the submission is recommended to be **accepted in part**.

### 14.4 Venture Timaru

- 14.4.1 Venture Timaru [212.5] seeks for council to identify the next areas for expansion of industrial zoned land, including identifying cluster locations for different industrial use.
- 14.4.2 The TPDP identifies a number of FDAs including those that, as subject to the DAP process and subsequent plan change that may be appropriate for accommodating additional industrial activities.
- 14.4.3 The evidence of Mr Heath identifies sufficient development capacity for Industrial opportunities well beyond 10 years in the absence of requiring FDAs.
- 14.4.4 Accordingly, identifying industrial land opportunities beyond the zoned and FDA capacity is likely to give unrealistic expectations as to land use and infrastructure provision.
- 14.4.5 It is recommended that the submission be **rejected**.

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<sup>458</sup> [Growth-Management-Strategy-Adopted-Low-Resolution-08052018.pdf](#) [F:7.1]

<sup>459</sup> S42A Subdivision. Nick Boyes [7.1.25, 7.1.27]

## 14.5 Alpine Energy

- 14.5.1 Alpine Energy [55.19] supports the council in providing clear guidance for future residential development in the Timaru Region. No requested relief is specified.
- 14.5.2 Subject to the recommendations contained in this report, it is recommended that this submission be **accepted in part**.

## 15. Conclusion

- 15.1.1 Submissions have been received both in support of, and in opposition to the Future Development Area Chapter and associated provisions.
- 15.1.2 Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in **Appendix 1** of this report.
- 15.1.3 For the reasons set out in the s32AA evaluation included throughout this report, I consider that the recommended amended objectives, policies and provisions are the most appropriate means to achieve the purpose of the RMA where it is necessary to revert to Part 2, and otherwise give effect to higher order planning documents. Accordingly, given the extent of sufficient development feasibility for housing and business, and an absence of consideration associated with efficient infrastructure integration a number of amending proposals seeking additional urban rezonings or FDAs were recommended to be declined on the basis of not giving effect to the NPS-UD, in conjunction a number of amending proposals including those associated with Rural Lifestyle zone requests were located on HPL resulting in conflicts with the objective and policies of the NPS-HPL.

### Recommendation

- 15.1.4 I recommend that:
- The PDP is amended in accordance with the changes recommended in Appendix 1 of this report; and
  - The Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix 2 of this report.