



DECISION ON PROVISIONS AND SUBMISSIONS

PROPOSED PLAN CHANGE 22 TO THE TIMARU DISTRICT PLAN

26 NOVEMBER 2020

Commissioner Allan Cubitt

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Introduction and Background

1. I was appointed by the Timaru District Council to make a decision on the provisions of Plan Change Number 22 (**PC22**) to the Operative Timaru District Plan and the submissions made on thereon. My appointment as an Independent Commissioner was made pursuant to Section 34A of the RMA. In this role, I have the option to accept or reject the submissions, or accept the submissions in part. As required by the Act, my decision gives reasons for accepting or rejecting the submissions and also includes the consequential alterations to PPC22 arising from the decision. Once the appeal period has ended, the full Council provides final approval to the plan change and any subsequent amendments to the plan change that have been made
2. PC22 is an application for a private plan change that Council received from Seadown Properties Limited (**the applicant**) on the 12th of March 2020. The proposed plan change requests that the applicants land at Washdyke Flat Road be rezoned from Rural 1 and 2 to Industrial L. The site is legally described as Part of Lot 6 DP 578 and Part Lot 7 DP 557 and is illustrated on Figure 1 below. (Note: The northern part of Lot 6 DP 578 is already zoned Industrial L in the Timaru District Plan (**TDP**)).



Figure 1: Site Location

(Source: Canterbury Maps).

3. In addition to rezoning the above land, the applicant has also sought the introduction of an Outline Development Plan (ODP) along with a number of provisions associated with that.

Amendments to the existing natural hazard rule 6.16.2.3 have also been sought. This change clarifies that the stop-bank setback provisions within the ODP area do not apply in this location.

4. At Section 4 of the plan change application document, the applicant indicates that there is a demand for this type of industrial land, with there being limited capacity within the existing Industrial L zone. At only 4.8ha, the land is no longer considered viable for rural productive activities, particularly given that part of the site now being used for a stormwater basin and swales, and a road. As the site is connected to existing Industrial L zone and is generally surrounded by industrial and commercial development, the applicants consider the land suitable to meet the demand for additional Industrial L land. They also highlight the fact that the site has been identified as an appropriate area for Industrial L zoned land in Council's Growth Management Strategy Decision.
5. The site itself was fully described in the plan change documents filed by the applicant. Council's S42A report writer, Ms Adele Dawson, summarised the key characteristics of the site and the surrounding area, which I have set out here for context:
 - a. *The area of the site is 9.3ha and is located on Part Lot 7 DP 557 and the majority of Lot 6 DP 578. There is only one registered interest recorded against the site for continued access for Environment Canterbury to maintain and repair the stopbank.*
 - b. *The site is generally flat and has historically been used for low intensity grazing.*
 - c. *The closest intersection is Washdyke Flat Road and State Highway 1 (SH1). Washdyke Flat Road is a Principal Road under the District Plan.*
 - d. *The majority of the site is zoned Rural 2 with a small area south of the stopbank zoned Rural 1. Land to the west of the site is zoned Rural 2, land to the north is already zoned Industrial L and has had resource consents granted for a 9-lot subdivision. The sites at the corner of SH1 and Washdyke Flat Road are zoned Commercial 3 and land to the south is Rural 1 and Industrial L.*
 - e. *There are two surface waterbodies in close proximity to the site, Papaka Stream flows from the north and connects to Washdyke Creek to the west of the site and Washdyke Creek flows partly within the southern part of the site.*
 - f. *An Environment Canterbury stopbank runs through the southern end of the site adjacent to Washdyke Creek. Part of the area south of the stopbank is designated in the District Plan by Environment Canterbury for Soil Conservation and River Control Purposes.*
 - g. *Transpower National Grid and Alpine Energy electricity transmission lines run through the site from north to south. Both sets of lines were above ground, but the Alpine Energy lines have been undergrounded along the edge of the proposed stormwater basin.*
 - h. *The site is not located within any identified culturally significant site (statutory acknowledgement area, silent file, or other sensitive area), there are no heritage buildings on site and no archaeological sites recorded on the New Zealand Archaeological Association Site Recording Database.*
 - i. *Washdyke Creek is identified as a rūnanga sensitive area and has been identified as a waterbody that is important for maintaining the ecological health of Washdyke Lagoon/Waitarakao. Washdyke Lagoon/Waitarakao is both ecological and culturally significant.*

- j. *There are no biodiversity or landscape values of the site identified in the District Plan.*
 - k. *Soils at the site are identified on the Land Resource Inventory as class 2 and have a wetness limitation (high water table, slow drainage or flooding).*
 - l. *No risks are identified in the District Plan for coastal erosion, inundation, tsunami or liquefaction within the application site. The lowest area of the site closest to Washdyke Creek and south of the stopbank may be subject to flooding.*
 - m. *The site is not listed on the Environment Canterbury LLUR as having a Hazardous Activity or Industry occurring.*
 - n. *There are a number of resource consents held for the site from Environment Canterbury and Timaru District Council:*
 - i. *CRC182775: to excavate land over an unconfined/semi-confined aquifer (to construct the stormwater basin, which has been completed)*
 - ii. *CRC182776: to take water to drain land (associated with the low flow channel in the stormwater basin)*
 - iii. *CRC182777: to discharge construction phase stormwater to land and to surface water (associated with the construction of the stormwater basin which is completed).*
 - iv. *CRC182778: to discharge stormwater and land drainage water into land and surface water (discharges to Washdyke Creek from the stormwater basin)*
 - v. *Resource consent 101/102.2018.94.2: consent to subdivide land for Stage 1 (existing Industrial L zoned land) and to undertake works to construct the road and install services for Stage 1 and 2 of the development.*
6. The Council formally resolved to 'accept' the request for PC22 to the District Plan (but not adopt it as a Council initiated Plan Change), on 28 April 2020. The plan change was notified on 7 May 2020, with the closing date for submissions being 8 June 2020. Three submissions were received by this date. The Summary of Decisions Requested in these submissions was published on 2 July but no further submissions were received.
7. As alluded to above, Council commissioned consultant planner, Ms Adele Dawson, to report on the plan change and the submissions received. The purpose of Ms Dawson's report was to provide me with a summary of the plan change, an analysis of the submissions received, an analysis of the plan change request including the provisions of PC22, and to make a recommendation on PC22. Ms Dawson's report was made available on 2 October 2020.
8. Following receipt of the report, the applicant and the submitters advised Council that they were in agreement with, and accepted the findings of, the s42A report. On that basis, they did not consider a hearing to be necessary.
9. After reviewing the application documentation, the submission received and the very thorough report prepared by Ms Dawson, I agreed that no hearing was necessary. Hence, the decision-making process I have undertaken here has been 'on the papers'. I am indebted to Ms Dawson for her report, and largely adopt her assessment and recommendations. As a consequence of this, I only briefly address the relevant issues below, which largely follows the structure of her report.

Assessment of Effects

10. Ms Dawson provided an assessment of the submissions, the technical expertise used to inform her report and analysis of the applicant's assessment under the following topics:

- a. Traffic;
- b. Landscape, visual and amenity;
- c. Servicing;
- d. National Grid and Local Electricity Network;
- e. Loss of Rural Productive Soils;
- f. Integration with the surrounding area;
- g. Housing and Community Infrastructure;
- h. Natural Hazards;
- i. Ecological;
- j. Cultural Values; and
- k. Positive Effects

Traffic

11. As noted in Ms Dawson's report, the applicant provided an assessment of the potential traffic effects on the local road network and SH1. This was supported by a technical assessment prepared by Grant Patterson, WSP Senior Engineer, dated 27 July 2020. While the applicant considers that the adverse effects of the proposal on the transportation network will be no more than minor, a capacity issue was highlighted at the intersection of Washdyke Flat Road and SH1. It was noted that this intersection struggles to cope with existing traffic demand and that this will worsen under the predicted traffic demand in 2029. This issue arises due to heavy northbound and southbound commute traffic, which results in an excessive delay for right turning traffic. The applicant recommended that long-term monitoring of the intersection's performance be undertaken.
12. Ms Dawson highlighted the submission from Environment Canterbury (**ECan**) which raised concerns regarding potential traffic impacts and inconsistency with Objective 5.2.3 of the Canterbury Regional Policy Statement (**CRPS**). This objective seeks a safe, efficient and effective transport system that avoids, remedies or mitigates the adverse effects of transport use and its provision. Ecan did not seek any specific relief other than appropriate conditions to address the issue.
13. The revised traffic impact assessment provided by the applicant has been reviewed by Council's Land Transport Unit Manager, Mr Andrew Dixon. Mr Dixon states that:
 - a. The traffic impact assessment was reviewed in comparison with the Timaru Transportation Strategy from 2007 which anticipates the increases projected by the assessment.
 - b. The drop in the level of service for the Washdyke Flat Road/SH1 is anticipated and is a gauge of the functionality on right-turning traffic during peak times. Increased queuing is expected but the drop in the level of service mainly signifies a decrease in motorist comfort and freedom to choose their operating speed.
 - c. NZTA would be monitoring the road network in this area and together with Council are developing a business case for further improvement of the Washdyke Flat Road network including this intersection (Washdyke Flat Road/SH1).
 - d. There are no plans to install a right turn bay to Laughton Street or the subject site due to the low speed environment.

- e. Council has accepted the roading layout and design of the internal road of the development.
14. Based on the traffic assessment and Mr Dixon's advice, Ms Dawson concluded that *"[w]hile industrial development of the site may result in the level of service declining earlier than what would occur under the status quo, the consequences of this are largely road user 'comfort' rather than a road safety issue and alternative routes are available for those road users seeking to travel south. Overall, I consider that the development is appropriate and will give effect to the CRPS."* Having reviewed the evidence on this matter, I agree with Ms Dawson's conclusion and adopt it accordingly.

Landscape, visual and amenity

15. In paragraphs 35 to 43 of her report, Ms Dawson addresses landscape and other amenity issues potentially arising from noise, lighting/glare, odour and air discharges. These effects were addressed by applicant, with a specific focus on the most sensitive receptors, being the dwelling immediately adjacent to the site at 45 Washdyke Flat Road and the dwellings within the Residential Zone on Ascot Street south of the site. In this context, I note that no submissions were received from these properties and no other submitter raised concerns in relation to potential landscape, visual and other amenity impacts.
16. I have reviewed both the applicant's and Ms Dawson's assessment of these matters and agree with the analysis provided. Ms Dawson agreed with the applicant's conclusions *"that the adverse effects on landscape, visual and amenity values will be appropriate and adequately managed where necessary."* I share Ms Dawson's comfort in this regard.

Servicing

17. The applicant advised that the site can be serviced by the reticulated networks (water, sewerage and stormwater) which are either existing or are currently being constructed in accordance with TDC and Ecan approvals. A memorandum from Selwyn Chang, TDC's Water Services Projects Engineer, to Ms Dawson confirms this. These services are being installed to ensure development of the adjacent site is catered for should the zoning of that site change in the future. The applicants also note that the ODP and associated provisions will ensure that the development of infrastructure services occurs to a suitable standard.
18. In relation to stormwater management, the submission of Ecan addressed future discharges, noting that additional resource consents may be needed and that the design of stormwater systems should mitigate any significant water quality impacts on the Waitarakao/Washdyke Lagoon. The applicant responded to these concerns by highlighting that the existing Ecan resource consents in place cover any future discharge of roof water from buildings on the subject site and that any roof water from future buildings will not be to ground via soak pits. They also noted that it is the responsibility of future landowner to ensure that the stormwater design is appropriate while Council (as owner of the basin, once vested) will need to ensure the stormwater discharges meet the water quality standard dictated by the resource consent conditions.
19. For her part, Ms Dawson considered that the concerns raised are principally matters for Ecan themselves to address given they relate to regional council functions. She highlighted the fact that the consents already obtained for discharges from the site (CRC182776 and CRC182778) will avoid, remedy or mitigate any potential adverse effects on the Waitarakao/Washdyke Lagoon. She disagreed with the applicant that the existing consents deal with roof discharges to land as these are specifically excluded from the consents, which I confirm to be correct. As Ms Dawson noted, the Canterbury Land and Water Regional Plan includes rules that manage these discharges.

20. The Fire and Emergency New Zealand (FENZ) submission sought a new performance standard around firefighting water supply requirements. This matter has subsequently been discussed between the parties, with FENZ having now confirmed that their concerns have been alleviated given Council has already approved the water supply requirements for the development which includes an additional fire hydrant.
21. Given the consultation that has occurred, and the fact that Ecan's concerns fall under their own jurisdiction, I accept Ms Dawson's and the applicant's position that infrastructure services have been adequately addressed.

National Grid and Local Electricity Network

22. As highlighted in paragraph 5 above, Transpower and Alpine Energy infrastructure traverses the site. As part of the previous subdivision of the site, I note that the applicant undertook consultation with Transpower and Alpine Energy that lead to the new road being constructed in a position so that the National Grid lines were contained within it while the Alpine Energy overhead lines were installed underground along the edge of the stormwater basin. This approach will enable the site to be developed at the density allowable under the Industrial L zone.
23. Further consultation was undertaken with these parties prior to lodgement of PC22 and following the receipt of submissions. This consultation has led to the applicant promoting a change to the wording of Rule 5.42 to be consistent with the amendments sought by Transpower. Transpower have confirmed that the wording proposed is acceptable and addresses their concerns. Ms Dawson was also accepting of the changes proposed. On that basis, I accept the Transpower submission on Rule 5.42 accordingly.
24. As a consequence of this proactive approach by the applicants, the impacts of PC22 on the electricity network has been appropriately addressed.

Loss of Rural Productive Soils

25. While the site itself is 9.3ha, the applicant advises that only around 4.8ha of it is available for productive rural purposes, with this use most likely limited to stock grazing, given the development of the stormwater basin/swales, roads, and stopbank and the severance of the area south of the stopbank. Ms Dawson noted that *"it is not clear whether the land could be used for productive uses other than grazing as the applicant has not provided any details to support this statement"* but that is really a moot point in the context of this particular environment and the significant amount of agriculture land available in the Timaru District. In my view, the effect of losing such a small area of rural land in this location with these constraints, will be less than minor.

Integration with the surrounding area

26. Ms Dawson's s42A report noted that the GMS decision highlighted that *"any rezoning of the site and adjacent site from Rural 1 and 2 to Industrial L needed to ensure a comprehensive, integrated and efficient approach to development"*. In her opinion, this has been achieved by the use of an ODP and the provision of water, sewerage, stormwater and road infrastructure to the boundary of the adjacent property. I agree with that assessment.

Housing and community infrastructure

27. The applicant has assessed the rezoning as potentially resulting in an increase in population, depending on the aging status of the District, but that any adverse effects of this will be no more than minor. Ms Dawson noted that the GMS has also canvassed housing and community infrastructure issues and that this included the assumption that the applicant's site was re-zoned. Given the relatively small area of land involved, I do not envisage the development having a significant effect in this regard.

Natural Hazards

28. Ms Dawson addressed natural hazard matters in detail in her s42A report. Based on the Flood Hazard Assessment provided, she agreed that the flood risk to the site is low, which I also agree with.
29. In relation to physical works in proximity to the stopbank, Ms Dawson noted that these will require Engineering Approval from Environment Canterbury under the Flood Protection and Drainage Bylaw but works on individual lots are unlikely to require such approval as the swale is the only part of the development area within this setback. The amendments promoted to Rule 6.16.2.3 seek to exclude buildings or structures within the Washdyke Flat Road ODP from the 100m setback to stopbanks. Ms Dawson concluded that *"[b]ased on the advice provided in the Flood Hazard Assessment from Environment Canterbury and their submissions, I consider the amendment proposed by the applicant is appropriate."* I agree and also note that the ODP prevents structures south of the stopbank.
30. In relation to the matter the applicant raised about the stopbank being shown incorrectly on Planning Map 27, Ms Dawson considers this matter is better addressed during the wider District Plan review process. Clause 20A of the first schedule states that *'A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.'* This can occur at any time and if it is convenient for Council to do it now, then there is no real issue with that. I suspect Ms Dawson's concern relates to efficiency reasons given the plan is about to be reviewed. Hence, it is a matter for Council's executive to determine.
31. In conclusion, I agree with Ms Dawson's position that *"natural hazard risks to the site are low and there is already mitigation in place to manage risks to the proposed development area."*

Ecological Values

32. The site itself has no significant biodiversity although Washdyke Creek does have cultural and ecological values as a waterbody important for maintaining the ecological health of the Waitarakao/Washdyke Lagoon. However, as Ms Dawson notes these effects have been assessed and appropriately addressed in the stormwater discharge consent already obtained for the development. Furthermore, any future discharges or activities that could adversely affect these waterbodies will come under the jurisdiction of the Environment Canterbury.
33. Overall, ecological effects are likely to be less than minor.

Cultural Values

34. Ms Dawson's report advised that the applicant considers that any effects on cultural values will be less than minor for the following reasons:
 - a. *The site is in an area of low archaeological and historical value as there is no archaeological or historic sites recorded.*
 - b. *There is no change in the potential effects of the rezoning, particularly as earthworks that could disturb an archaeological or historic site would be managed in the same manner, regardless of the zoning.*
 - c. *A Cultural Impact Assessment was completed by Te Rūnanga o Arowhenua as part of the application recently submitted to obtain a discharge permit from Environment Canterbury for the discharge of stormwater. Other than the significance of Washdyke Creek, there are no other significant cultural values identified in the Cultural Impact Assessment.*

d. Consultation has been undertaken with Te Rūnanga o Arowheuna during the development of PC22. No concerns were raised regarding the proposal.

35. It seems reasonably clear that there are no known archaeological, heritage or cultural values of significance within the site while the current rule framework of the District Plan (and other legislation) will continue protect any such values, should they be found in the future. Any adverse effects in this regard are likely to be less than minor.

Positive Effects

36. The applicant has highlighted a range of positive effects of the proposal including the generation of additional employment, and the associated social and economic benefits. While Ms Dawson considers that these are potentially overstated, she considers that PC22 will have a positive impact on the industrial land supply and will contribute to social and economic wellbeing of the District. Her opinion is largely formed on the basis of her review of the GMS Property Economics – Growth report and the officers report on the GMS on this matter. I agree with her analysis and adopt it accordingly.

Assessment of Statutory Documents

37. As Ms Dawson's report highlights that the District Plan forms part of a statutory hierarchy of planning documents that incorporates National Policy Statements (NPS), National Environmental Standards (NES), Regional Policy Statement and Regional Plans. Ms Dawson's report (at paragraphs 80 to 110) thoroughly analyses the following relevant documents in this hierarchy, along with the relevant Iwi Management Plan:

- National Policy Statement on Electricity Transmission (NPSET)
- National Policy Statement on Urban Development (NPS-UD)
- The Canterbury Regional Policy Statement (CRPS)
- Canterbury Land and Water Regional Plan (CLWRP)
- The Canterbury Air Regional Plan (CARP)

38. I do not propose to repeat Ms Dawson's very thorough assessment in detail. I merely note here that she is of the opinion that the proposal will give effect to both the NPSET and the NPS-UD. In relation to the RPS, she considered Chapter 5 Land Use and Infrastructure and Chapter 16 Energy to be the most relevant to PC22. In relation to Chapter 5 of the CRPS, she addressed Ecan's submission regarding Objective 5.2.3 and the need for an effective transport system. After having reviewed the evidence, her view was that the proposal will not result in any effects on the transport system that will conflict with the CRPS. She also considered the proposal consistent, or at least not at odds, with the other relevant policy suites of the CRPS and the relevant Regional Plans.

39. Having reviewed the relevant statutory documents, the application and Ms Dawson's s42A report, I find myself once again in agreement with Ms Dawson analysis. As a consequence, I adopt it fully and accept her position that PC22 aligns with the higher order planning documents of relevance.

Section 32 and 32AA Assessment

40. As required by clause 22 of the First Schedule, the applicant has provided a section 32 evaluation with a level of detail that corresponds to the scale and significance of the effects anticipated from the implementation of the proposal. While Ms Dawson's report makes a number of additional comments, particularly in relation to the benefits and opportunities and costs and risks assessed by the applicant, she felt the s32 evaluation was appropriate. She also

suggests that the natural hazards objectives of the current plan should have been assessed. Notwithstanding that, she concluded that *“PC22 is an efficient and effective method to achieve the purpose of the proposal and objectives of the District Plan and is consistent with the functions of the Council under s31 of the RMA.”*

41. She went on to say at paragraphs 126 and 127 that *“In relation to the proposed tracked changes to the District Plan proposed by the applicant, I largely support the amendments and consider that the changes are consistent with the wider plan framework providing suitable regulatory controls and guidance for resource consents. The only comment I have is rather administrative in that the proposed sentence to be added to Policy 4.1.2.2 should be included at the end of the provision as the sentence following it is related to the Washdyke Industrial Expansion Area Outline Development Plan. Shifting the proposed sentence to the end of the provision ensures that there remains a distinction between the parts of the policy related to the Washdyke Industrial Expansion area and the Washdyke Flat Road ODP’s.*

On the basis that there are no changes recommended to the proposed provisions, I consider the applicant’s section 32 evaluation remains accurate with some additional comments above and a s32AA report is not necessary.”

42. I agree with Ms Dawson’s position in relation to the applications s32 report. It is at a level of detail that is commensurate with the scale of the proposal and I accept that it the change and its provisions are appropriate. I also agree with Ms Dawson’s suggested change that the sentence to be added to Policy 4.1.2.2 should be included at the end of the provision as it’s the proposed location breaks up provisions relating to the Washdyke Industrial Expansion Area Outline Development Plan. I also consider Ms Dawson’s assessment of the amended provisions sufficient for the purposes of s32AA and adopt her evaluations accordingly.

Conclusion and Recommendation

43. In conclusion, I accept the applicant’s position that the land is no longer viable for rural productive activities, particularly given that part of it is now used for a stormwater and roading infrastructure. Being surrounded by existing industrial and commercial development along with its connection to existing Industrial L zone, makes the site eminently suited for industrial development. This has already been recognised in the Growth Management Strategy report prepared by the Council to inform the development of its new District Plan
44. For the reasons I have set out above in the assessment carried out above, I recommend that the Timaru District Council approve, with the modifications made by the decision, Proposed Plan Change No 22 – Seadown Properties Limited.
45. The changes to the Timaru District Plan are as contained in Appendix 1.

Dated this the 26th day of November 2020



Allan Cubitt

Independent Commissioner

Appendix A – Provisions for the Timaru District Plan

The changes are shown as “tracked changes” (i.e. additions are underlined while deletions are ~~struck through~~). The decision changes are shown as “tracked changes”(i.e. additions are double underlined while deletions are ~~~~double struck through~~~~).

The suggested amendments will take legal effect when they become operative at the end of the appeal period in accordance with Section 86F of the Resource Management Act 1991.

Amend Part D4, Industrial Zones, Policy 4.1.2.2 as follows:

To use zones to provide for industrial activities in appropriate locations having regard to:

- location of existing industry
- continuity with previous zoning controls
- location of services especially sewerage and water supply
- adjoining residential and other sensitive land uses
- proximity to natural areas including the coastal environment and wetlands
- exposure to natural hazard risk especially flooding and coastal erosion
- transportation links (the roading hierarchy, port, and rail)
- the versatility of land
- need for expansion to be provided for the life of the District Plan

Industrial L: which is intended to provide for industrial activities having minor to moderate environmental effects and that these effects should be mitigated for neighbouring zones to the extent that is practical.

Industrial H: which is intended for heavier industrial activities having more adverse environmental effects and which should be separated from residential and other sensitive activities.

Access to high capacity water and sewerage services is also more readily available within the Washdyke area of the Industrial H Zone.

Upon reclamation it is anticipated that the land at Evans Bay be zoned Industrial H.

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

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

~~**The Washdyke Flat Road ODP includes a conceptual layout of through roading, including footpaths, and its connection to the wider roading network. Development is required to be in general accordance with the ODP.**~~

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

The Washdyke Flat Road ODP includes a conceptual layout of through roading, including footpaths, and its connection to the wider roading network. Development is required to be in general accordance with the ODP.

Explanation and Principal Reason

Zoning provides a degree of certainty to future developers about the character of activities in specified areas of the District and the environmental effects these activities may produce. This also enables the efficient provision of servicing infrastructure and maximises the use of the existing servicing infrastructure where designed for industrial use.

These zones reflect the type and level of environmental effects expected as part of the activities. The Industrial L Zone provides for a range of industrial and some commercial activities having less noxious actual or potential effects. In some localities this zone will provide a transition area between a residential area and the Industrial H Zone.

A large part of the Industrial H Zone is concentrated at Washdyke where the public sewer, high capacity water supplies, and access to major road and rail transport is available. Expansion of this zone is proposed at Washdyke to provide an area that can be readily serviced adjacent to the existing industrial area. This area is also relatively more isolated from sensitive land uses than other serviced industrial areas of the District. Other areas incorporated in this zone are parts of the existing industrial areas at the Port, Redruth, Clandeboye dairy factory, and existing meat processing facilities in Timaru and Pareora. Noxious industries involving the use, storage, production, or disposal of significant quantities of hazardous substances will in general be confined to this zone.

Those activities which Council has identified as likely to give rise to some adverse effects are made the subject of rules. Where rules can be specified with precision they are included as performance standards. Where the effects are likely to vary according to the location and scale of the activity or land use, consent for a discretionary activity is generally

required. Those activities which are non-complying are either of a type which are individually or more often cumulatively with other proposals of the same or similar nature, anticipated to have inappropriate adverse effects within the zone. Reference to other policies in the District Plan was made in determining which activities are appropriate in the Industrial Zones.

Amend Part D4, Industrial L Zone, Rule 4.2.1(3A) as follows:

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

...

3A.4 Development not in compliance with the indicative road, including footpath, provisions of the Washdyke Flat Road Outline Development Plan (as set out in Part D4 Industrial Zones, Appendix 4). Discretion shall be limited to the matter(s) not complied with.

Amend Part D4, Industrial L Zone, Rule 4.2.1(4) as follows:

All activities not provided for as a permitted, controlled or discretionary activity in this zone are non-complying unless they are provided for by a General Rule.

4.3 In the Washdyke Flat Road - Outline Development Plan area (as set out in Part D4 Industrial Zones, Appendix 4), any building, fence, earthworks or activity that does not meet Performance Standards 5.42, 5.43 or 5.44 is non-complying.

Amend Part D4 Industrial L Zone, Performance Standards 4.2.1(5) as follows:

...

- **Washdyke Flat Road Outline Development Plan**

5.41 Development of the site indicated in Outline Development Plan – Washdyke Flat Road, shall proceed in compliance with the Outline Development Plan (Part D4 Industrial Zones, Appendix 4: Outline Development Plan, Washdyke Flat Road).

The following Performance Standards shall also apply to the land within the area defined by the Outline Development Plan – Washdyke Flat Road (Part D4 Industrial Zones, Appendix 4: Outline Development Plan, Washdyke Flat Road).

All other Industrial L Zone Performance Standards apply, except for when there is conflict with these Performance Standards, in which case these Performance Standards prevail:

Electricity Transmission Line Buffer Corridor:

5.42 No building or structure activity sensitive to the National Grid shall be located within:

- (i) ~~10 metres of the centre line of a National Grid transmission line on single poles;~~
 - (i) 12 metres of the centre line of a National Grid transmission line on poles; and
- (ii) 12 metres of the foundation of a National Grid transmission line support structure, except for non-conductive fencing, which can be located 6metres from any outer edge of the foundation.

5.43 Fences shall be located greater than 6 metres from a National Grid transmission line support structure.

5.44 Earthworks:

- (a) shall not destabilise a National Grid transmission line support structures;
- (b) shall not result in a reduction in the ground to conductor clearance distances below what is required by table 4 of NZCEP34:2001; and
- (c) shall be no deeper than:
 - (i) 300mm within 2.2m of a National Grid transmission line support structure or stay wire; and
 - (ii) 750mm within 2.2m to 5m of a National Grid transmission line support structure; except where the earthworks are vertical holes not exceeding 500mm in diameter beyond 1.5m of a National Grid transmission line support structure or undertaken by a network utility operator.

NOTE 1: Vegetation to be planted around the National Grid should be selected and managed to ensure that it will not breach the Electricity (Hazards for Trees) Regulations 2003.

NOTE 2: Buildings and structures in the vicinity of the National Grid must also comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).

Roads, Including Footpaths:

5.45 At the time of land use and development, new roading shall be constructed in general accordance with the layout shown on the Washdyke Flat Road Outline Development Plan (as set out in Part D4 Industrial Zones, Appendix 4). It is the developer's responsibility to:

- (i) Construct the portion of road contained within their land to be developed. This shall include kerb and channel, street lighting, footpaths, load drainage systems, berms and landscaping required.
- (ii) Design and construct these roads in general accordance with Council's standards. All roads shall have a road reserve no less than 20 metres wide.

(iii) Ensure no methods are used to hinder or restrict the ability for adjoining land to link to the new road.

Utility Services:

5.46 At the time of land use and development, utility services shall be constructed within the Outline Development Plan – Washdyke Flat Road area. It is the developer's responsibility to:

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

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

NOTE 2: The Council will require specific designs to be completed by a suitably qualified chartered professional engineer and these engineering plans and specifications will require Timaru District Council approval prior to the commencement of any work.

NOTE 3: Quality control during construction shall also be documented to check compliance with the relevant engineering design.

Insert Appendix 4: Outline Development Plan, Washdyke Flat Road as follows at the end of these provisions.

Amend Planning Map 27 as follows at the end of these provisions.

Amend Part D6.3, Subdivision General Rule, Rule 6.3.5A as follows:

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

...

(vi) Any subdivision not in compliance with the Washdyke Flat Road Outline Development Plan (as set out in Part D4 Industrial Zones, Appendix 4). Discretion shall be limited to the matter(s) not complied with.

Amend Part D6.3, Subdivision General Rule, Rule 6.3.6 as follows:

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

...

(v) Any subdivision in the Washdyke Flat Road Outline Development Plan area (as set out in Part D4 Industrial Zones, Appendix 4) that does not meet the Performance Standard in Rule 6.3.9(6).

Amend Part D6.3, Subdivision General Rule, Performance Standards 6.3.9 as follows:

...

Washdyke Flat Road Outline Development Plan

(6) In the Washdyke Flat Road Outline Development Plan area (as set out in Part D4 Industrial Zones, Appendix 4) any lots created must maintain access to the National Grid and must show a building platform that is greater than:

(i) 10 metres from the centre line of a National Grid transmission line on single poles;

(ii) 12 metres from the centre line of a National Grid transmission line on poles; and

(iii) 12 metres from the foundation of a National Grid transmission line support structure.

NOTE 1: Consultation with Transpower New Zealand Limited is necessary when considering subdivision within 20 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice (NZECP34:2001) contains restrictions on the location of structures and activities in relation to the lines.

Amend Part D6.16, Natural Hazards General Rule, Rule 6.16.2.3 as follows:

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

Other than for non-habitable accessory buildings, public utilities and utility services, **and any building or structure within the Washdyke Flat Road Outline Development Plan area,** the erection of a building or structure on the landward side of a Regional Council stopbank within 100 metres of the centreline of that stopbank identified on the District Plan maps.

...

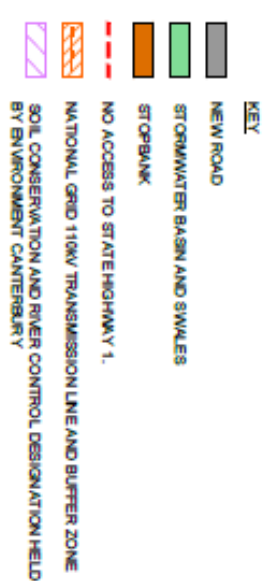
NEW ROAD
LEGAL WIDTH 20m,
TO BE FORMED AND SEALED WITH 2 X 1.5m WIDE PEDESTRIAN
PATHS.

VEHICLE ACCESS ONTO S.H.1
NEW VEHICLE ACCESS ONTO STATE HIGHWAY 1 WILL BE
RESTRICTED AS SHOWN ON THIS PLAN
FOR TRAFFIC SAFETY REASONS. THE EXTENT OF NO ACCESS
EXTENDS 34m ALONG THE EASTERN BOUNDARY OF PART LOT
7 DP 557

LOCATION OF SERVICES
WATER, SEWER AND STORMWATER SERVICES SHALL BE
LOCATED IN THE ROAD RESERVE UNLESS SHOWN
OTHERWISE

SOIL CONSERVATION AND RIVER CONTROL DESIGNATION
ANY ACTIVITY OCCURRING WITHIN THE AREA WILL NEED TO
MEET OR NOT AFFECT THE DESIGNATION PURPOSE.

CANTERBURY REGIONAL COUNCIL FLOOD PROTECTION AND
DRAINAGE BYLAW
THE BYLAW STIPULATES NO STRUCTURE OR THING MAY BE
CONSTRUCTED LOCATED OR DEPOSITED ON TOP OF THE
STOPBANK OR WITHIN THE AREA SOUTH OF THE STOPBANK



APPENDIX 4: OUTLINE DEVELOPMENT PLAN, WASHDYKE FLAT ROAD

Appendix B – Summary of Decisions Requested

SEADOWN PROPERTIES LIMITED, PLAN CHANGE 22 TO THE TIMARU DISTRICT PLAN – SUMMARY OF DECISIONS REQUESTED

#	Submitter Name	Plan Provision/Topic	Wishes to be heard?	Support/Oppose	Summary of Submission	Decision Requested
1	Fire and Emergency New Zealand (FENZ)	Access	Yes	Neutral	Generally concerned that the new industrial area has sufficient access to allow efficient response in the event of a fire emergency. Considers that provided new accesses are constructed in accordance with District Plan requirements, there should be adequate access for fire appliances.	No decision requested.
1	Fire and Emergency New Zealand (FENZ)	Water Supply	Yes	Neutral	The application does not provide detail on water supply, concerns that if there are not specific provisions requiring water supplies compliant with the Firefighting Water Supply Code of Practice, industrial buildings may not have firefighting water supply.	FENZ seek an additional performance standard as follows: <u>5.47 –Prior to the occupation of any building within the Outline Development Plan Washdyke Flat Road area, firefighting water supply for that building must be provided in accordance with the Code of Practice NSZ PAS 4509:2008.</u>

2	Environment Canterbury	Regional Policy Statement	No	Neutral	The application is not contrary to the regional planning framework but may be partially inconsistent with the Canterbury Regional Policy Statement (RPS) (Objective 5.2.3, Policy 7.2.3, Policy 8.3.7).	If the plan change is granted, it should incorporate appropriate conditions to protect Waitarakao and to maintain the efficiency of the transportation system.
2	Environment Canterbury	Flooding	No	Neutral	Flooding and drainage issues have been addressed in resource consents, but further industrial development may be subject to flood risk in the future, if the stopbank was overwhelmed.	No decision requested.
2	Environment Canterbury	Listed Land Use Register	No	Neutral	The site may be included on the Listed Land Use Register if activities undertaken on the site are included on the Hazardous Activities and Industries List (HAIL).	No decision requested.
2	Environment Canterbury	Planning Map 27	No	Neutral	Proposal to make minor amendment to correct the stopbank location on Planning Map 27 is supported.	Amend incorrect location of stopbank on Planning Map 27.
3	Transpower New Zealand	Rule 5.42	Yes	Oppose in part	Performance standard 5.42 as notified does not give effect to Policy 10 of the National Policy Statement on Electricity Transmission (NPSET) as all buildings and structure need to be managed near the National Grid. The NPSET recognises that any	Amend performance standard 5.42 as follows: <i>5.42 No building or structure activity sensitive to the National Grid shall be located within: (i) 10 metres of the centre line of a National Grid</i>

					inappropriate buildings or structures can compromise the National Grid. An amendment is necessary to also ensure consistency with conditions of Resource Consent 101/102.2018.94.1 (which are to be imposed as consent notices against the titles) for the site.	transmission line on single poles; (ii) 12 metres of the centre line of a National Grid transmission line on poles; and (iii) 12 metres of the foundation of a National Grid transmission line support structure
3	Transpower New Zealand	Policy 4.1.2.2 Rule 3A.4 Rule 4.3 Rule 5.41 Rule 5.43 Rule 5.44 Notes 1 and 2 Rule 5.45 / Rule 6.3.5A (vi) Rule 6.3.6(v) Rule 6.3.9(6) and Note 1	Yes	Support	Supports the proposed policy and rules as outlined in Appendix 3 of the Report accompanying the plan change request. In particular supports the setback standards in relation to the National Grid, and the default non-complying activity status.	Retain Policy 4.1.2.2, Rule 3A.4 , Rule 4.3, Performance Standard 5.41, Performance Standard 5.43, Performance Standard 5.44, Notes 1 and 2, Performance Standard 5.45, Rule 6.3.5A (vi), Rule 6.3.6(v), Performance Standard 6.3.9(6) and Note 1 as notified.
3	Transpower New Zealand	Outline Development Plan	Yes	Support	Supports the Outline Development Plan, in particular the location of the 'New Road' and 'National Grid 110kV Transmission Line and Buffer Zone'.	Retain Outline Development Plan as notified.

