



Timaru District Council  
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## Further Submission in Support of, or in Opposition to the Proposed Timaru District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

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**Further submissions close on Friday 4 August 2023 at 5pm**

**To: Timaru District Council**

This is a further submission in support of, or in opposition to, a submission on the **Proposed Timaru District Plan**.

**Full name of person making further submission:**

David Alexander and Susanne Elizabeth Payne (Submitter Number 160)

**Organisation name and contact** (if representing a group or organisation):

N/a

**Only certain persons can make a further submission. Please select the option that applies.**

**I am:**

- a person representing a relevant aspect of the public interest;
- a person who has an interest in the proposal that is greater than the interest the general public has;
- the local authority for the relevant area.

Please explain why you come within the category selected above:

We are property owners in an area requesting Re-zoning by Timaru District Council

### Hearing options

I wish to be heard in support of my further submission?  Yes  No

If others make a similar further submission, I will consider presenting a joint case with them at a hearing.

Yes  No

Signature: S E Payne

Date: 04 August 2023

*(of person making submission or person authorised to make decision on behalf)*

**PLEASE NOTE** - A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.

**Electronic address for service of person making further submission:** peelview.orchard@gmail.com

**Telephone:** 0276016183

**Postal address (or alternative method of service under section 352 of the Act):** 20 Bennett Road, RD 22  
Geraldine 7992

**Contact person:** *[name and designation, if applicable]:* Susanne E Payne

**You have served a copy of the further submission on the original submitter (this is required under the Resource Management Act 1991 Schedule 1, s8A(2) to be completed within 5 working days after it is served on the Timaru District Council)**

Yes    No

**Further submissions close on Friday 4 August 2023 at 5pm.**

**Additional template for multiple further submission points**

Name of person making further submission: David Alexander & Susanne Elizabeth Payne (Original Submission No. 160)						
This further submission is in relation to the original submission of: <i>Enter the name of the original submitter as per the SoDR. E.g. Timaru District Council</i>	This further submission is in relation to the original submission Number: <i>enter the unique submission number as per the SoDR. E.g. 42.45</i>	The particular parts of the original submission I/we support /oppose are:	My/our position on the original submission is: <i>Support or oppose</i>	The reasons for my/our support/ opposition to the original submission are:	Allow or disallow the original submission (in full or in part)	Give precise details (which can include tracked changes) of the decision you want the Council to make in relation to the original submission point
Oliver Amies	22.2	SUB - Subdivision - Standards - SUB/S1 Allotment Sizes and Dimensions	Support	We agree with Mr Amies' submission for smaller allotment sizes in RLZ in FDA 10 (and all other FDA areas) to enable more cost effective development. To provide consistency across the District, we support his submission to intensify RLZ and FDA areas to ensure more sustainable use of the limited RLZ land resource available. Council should take a much more nuanced approach to the lot sizes within these areas, rather than the prescriptive approach as currently outlined. These should be site specific and determined by the character of the area, proximity to townships and available infrastructure. We refer to and support Mr Amies' submission where he notes that "with future development of services to meet the FDA2 Overlay, it makes logic to amortize this cost over as many lots as possible, therefore, supporting the proposal to reduce the minimum lot size in FDA 10 overlay to 2000 sqm".	Allow submission in full	Amend SUB-S1.4 to allow for 2000 sqm in the FDA10 Overlay for RLZ and apply this logic to other RLZ areas to fulfil demand for desirable larger size sections across the District. Promote Policies, Objectives and Rules that make available and enable sustainable use of limited RLZ land resources across the district. We maintain our position that Lot 2 DP356462 should be re-zoned RLZ now and that the FDA11 overlay should be removed.
R & G Kellahan	26.1	Planning Maps - Rezone	Support	We agree with the Kellahan's submission in full. As the submission states "The present level of subdivision within this area is inconsistent with its current rural zoning as well as SUB03, which is perhaps the reason it is identified as an FDA but makes illogical the proposed GRUZ zoning of it. Zoning this area as GRUZ does not give effect to multiple over-riding directives including but not limited to the NPS on Urban Development Capacity 2016, Objectives OA1-3, Timaru Growth Management Strategy, Strategic Directions 1, 3, 7 and 8, and Part 2 of the RMA, Section 7(b) and (ba)."	Allow submission in full.	Apply the relief sought in original submission. Zone the land bounded by Templer Street, Main North Road and Bennett Road (proposed FDA 11) as RLZ. Rezoning as RLZ would best reflect the current level of subdivision and current characteristics and activities in the area.
Sharon & Chris McKnight	30.1	Planning Maps - Rezone	Support	The submission relates to Timaru, but the situation is similar to the Templer St, Bennett Road, Main North Road Precinct in Geraldine. For consistency across District Plan zoning matters, we support providing a clearly zoned RLZ transition area between smaller allotments and larger farmed sections. The submitters, like ourselves, are aware of the need for defensible boundaries between small allotment holders and intensive primary productive users to avoid reverse sensitivity effects. Like our situation, the site is surrounded by small sites (less than 2.5 ha) that are unable to support large scale commercial farm operations.	Allow submission in full.	Apply relief sought in original submission and apply this logic across all district zoning rules.
Bruce Selbie	32.1	Planning Maps - Rezone	Support	We support Mr Selbie's submission based on the matters outlined in the summary, particularly that there is a lack of RLZ provision in Geraldine.	Allow submission in full.	We support rezoning of 77 Main North Road as RLZ. We further submit that the entire precinct encompassing Main North Road, Bennett Road and Templer Street should all be rezoned as RLZ, to reflect the current level of subdivision and the existing characteristics and activities of the area (as per submission 26 (Kellahan); 85 (Badcock); 88 (Morten); 108 (Joint Submission); 109 (Harper); 138 (Houwaard-Sullivan). This area provides a defensible boundary between Geraldine township and general rural uses, and it is illogical to maintain this precinct as GRUZ zoning. Zoning this area as GRUZ does not give effect to multiple over-riding directives including but not limited to the NPS on Urban Development Capacity 2016, Objectives OA1-3, Timaru Growth Management Strategy, Strategic Directions 1, 3, 7 and 8, and Part 2 of the RMA, Section 7(b) and (ba). Applying FDA 11 is also illogical, when the current use of the precinct is primarily RLZ, with Peelview Orchard (Lot 2, DP356462), our property, being the largest lot within the relevant area at 8.794 ha, which is not large enough to support intensive primary production especially considering the current reverse sensitivity issues that impact our operation.

Ford, Pike, Andrews, Talbot, Wilkins and Proudfoot, Craig and Mackenzie	33.5	Schedule 15 - Schedule of Future Development Areas	Support	We support the submitters view as quoted "that the time required by Council to get to this stage of the Plan Review has been well in excess of 7 years with the timeline for the proposed DP to be fully operative being unknown, in addition to the time required to complete a plan change within FDA 10. In the meantime the DP imposes significant restrictions on land use and land activities prior to rezoning."	Allow submission in full.	TDC needs to be very clear on reasons for delaying zoning appropriately the FDA areas within the proposed DP, and if FDAs are retained have a clear timeline and trigger date to provide certainty to landowners. It is for TDC to prepare and publicly notify plan changes to give effect to FDAs, and is TDCs responsibility to release land in a proactive manner to meet needs as per NPS Urban Development. Any FDAs that could transition to RLZ immediately should be progressed urgently to meet the current housing needs of the district. This is pertinent to the area bounded by Main North Road, Templer Street and Bennett Road in Geraldine, which is currently marked as FDA 10 delaying RLZ rezoning, when this activity is already the primary use.
Milward Finlay Lobb	60	Subdivision - SUB S1	Support	The 2 ha RLZ minimum allotment size where there is no sewer connection is overly restrictive and is not inline with other Council rules (i.e. no minimum allotment size for Settlement Zones, Pareora and Woodbury, where there is no sewer access). The prescriptive minimum allotment size undermines Council's discretion and will lead to perverse outcomes and prevent innovative development solutions.	Allow submission in full	Amend 4.4. to: in any other areas, 5000m2 to provide flexibility and Council discretion for providing the best development solutions for specific sites. This will avoid wasteful use of limited RLZ land and perverse outcomes with restrictive consenting rules. Council will always have the AEE mechanism to mitigate adverse effects as per the RMA. Furthermore, as per Submission 22 (Amies) there is an argument for 2000m2 lot sizes, because OWMS can be designed effectively for this lot size depending of factors like, but not limited to, soil type and carrying capacity. This would further avoid wasteful use of RLZ resources.
	60	FDA - R7	Support	A non-complying activity status for more than one residential unit per site is far too restrictive and diminishes Council's discretion.	Allow submission in full.	Accept relief proposed in original submission, OR words to similar effect.
John Leonard Shirtcliff and Rosemary Jean Shirtcliff	81.2, 81.3	SUB - Subdivision - Standards - SUB S1 - Allotment sizes and dimesions	Support	The 2 ha RLZ minimum allotment size where there is no sewer connection is overly restrictive and is not inline with other Council rules (i.e. no minimum allotment size for Settlement Zones, Pareora and Woodbury, where there is no sewer access). The prescriptive minimum allotment size appears to be arbitrary and limits Council's discretion and this could lead to perverse outcomes and prevent innovative development solutions. There are contradictions between the PDP and Canterbury Land and Water Regional Plan and Regional Policy Statement that need to be addressed to provide consistency across Regional and District wide matters.	Allow submission in full.	Canterbury Regional Council (hereafter ECan) has clear policies, objectives and rules relating to OWMS, drinking water separation zones and allotment sizes where sewer connection is unavailable (see submissions 108 and 160). These rules should take precedence with District Council planning mechanisms being in alignment to avoid overreach. The addition of further and contradictory rules is unnecessary, causes confusion, delays and adds unnecessary cost.
John and Linda Badcock	85.1	Planning Maps - Rezone	Support	We support the submitters' view that more RLZ and Residential land for housing development is required to support / provide for Geraldine's growth and prosperity. The lack of suitable land currently available is holding back the community. Not enough land has been zoned for RLZ close to Geraldine township. The minimum allotment size of 2 ha for RLZ is too large for many people to manage. The area to the north of Geraldine is appropriate for residential and rural lifestyle development.	Allow submission in full.	Support relief sought in original submission, as follows: "Make more residential and rural lifestyle land available to provide for the current needs of Geraldine and future growth and prosperity. The area to the north of Geraldine along the east and the rest of Main North Road from Templer Street to Bennett Road and Woodbury Road should be rezoned an appropriate mix of residential and rural lifestyle with smaller, more managable lots consented. This area should not be retained as GRUZ."
Anna Morten	88.1	Planning Maps - General	Support	Not enough land has been zoned for RLZ close to Geraldine township which has detrimental effects on the prosperity of the town.	Allow submission in full.	Support relief sought in original submission. Rezone the area to the north of Geraldine, along the Main North Road to Woodbury Road and east of Main North Road between Templer Street and Bennett Road to RLZ to reflect the existing land use of the area and provide additional housing.
G & R Harper, R & G Kellahan, B & S Robertson, D & S Payne	108.1	Planning Maps - Rezone	Support	It is not appropriate to zone the relevant area as GRUZ. The existing land use activities are not consistent with the Timaru District Council's Proposed GRUZ Objectives, Policies and Rules. The proposed zoning does not meet Part 2 of the RMA. If the land is rezoned RLZ now, Templer Street and Bennett Road become a clearly delineated defensible edge to the GRUZ and this more appropriately reflects the existing use of the area on the peri-urban zone, while enabling council to provide for current and future land demand in Geraldine. Submission 26 (R & G Kellahan), Submission 108 (Joint Parties) and Submission 109 (G & R Harper)also specifically address the inappropriateness of the current and proposed zoning.	Allow submission in full.	Accept relief sought in original joint party submission: The relevant area of land should be rezoned from GRUZ to RLZ (as a minimum) to reflect the existing land use of the area and provide scope and flexibility for the future.
	108.2	Planning Maps - Future Development Area Overlay - FDA11 - Templer Street Future Development Area	Support	We support removing FDA11 from the Future Development Area Overlay. Given the length of time for Council processes and plan review, the 10+ year timeframe creates significant uncertainty for those living in the relevant area and has no benefit given the realities of its current use. Council needs to accept that the relevant area is no longer GRUZ and immediately zone the entire area RLZ (as a minimum) recognising the form and function of the predominant land use it currently has.	Allow submission in full.	Delete FDA11 from the Future development Area overlay. Rezone relevant area to RLZ (see 108.1 above).

	108.3	SUB - Subdivision - General	Support	We support the original submission content. We emphasise that ECan is the consenting authority for OWMS. We note that "for areas larger than 4ha On-site Wastewater Disposal is a <b>Permitted Activity</b> . All applications are assessed on a case-by-case basis, but, in general detailed information and proof of plans for highly-effective systems will be required for: sites smaller than 4 ha; properties with no reticulated sewers or water, or where groundwater is shallow; areas with known high levels of nitrate and E.Coli in the groundwater; where groundwater is shallow and there are properties with drinking-water bores located near or down gradient from the proposed site; and properties within a Community Drinking-water Supply Protection Zone." The prescriptive application of a 2ha minimum lot size undermines Council's discretion at consenting and will lead to perverse development outcomes.	Allow submission in full.	Accept relief in original submission. Amend the SUB-Subdivision chapter to: 1. Remove the 2ha minimum lot size for OWMS within the RLZ. 2. Create rules to align with SUB-P15, and ensure consistency with Environment Canterbury's activity rules related to OWMS. Furthermore, as per Submission 22 (Amies) there is an argument for 2000m2 lot sizes, because OWMS can be designed effectively for this lot size depending of factors like, but not limited to, soil type and carrying capacity. This would avoid wasteful use of RLZ resources.
George and Rachel Harper	109.1	Planning Maps - Rezone	Support	We support the submitter's full submission. We agree that the TDC's current approach to land availability in Geraldine is far too conservative. Not enough land has been zoned for housing close to Geraldine, which is impacting on the community's current social and economic prosperity and ability to retain talent, which will intensify going forward. Continuing to zone the area as Rural (GRUZ) does not meet the purpose and principles of Part 2 of the RMA nor TDC's own Objectives, Policies and Rules that are in the documentation for the Proposed (Notified) District Plan including The Growth Management Plan (2016) and the s. 32 Subdivision report.	Allow submission in full.	Council needs to take a strategic view of the area north of Geraldine and zone it appropriately to reflect its current use and characteristics, which is <b>NOT</b> GRUZ and hasn't been for many years.
Steve and Yanna Houwaard	138.1	Planning Maps - Rezone	Support	Support submission in full as outlined within the summary. More General Residential Zone (GRZ) and Rural Lifestyle Zone (RLZ) land close to Geraldine township is required to promote the community's future prosperity.	Allow submission in full.	Accept relief proposed in original submission.
Federated Farmers	182.142	VS - Versatile Soils	Support	We support the protection of HPL in principal. However, a more nuanced approach needs to be developed in conjunction with relevant stakeholders and authorities to achieve a ground truthed and site specific classification approach rather than the current default mechanism of applying LUC 1, 2 & 3.	Allow submission in part.	In general support the protection of HPL for primary production with caveats to ensure nuanced application of the NPS-HPL. Simply rolling over the versatile soil layer is not appropriate.
	182.143	SUB - Subdivision - General	Support	We are in total agreement that rural communities need to grow in a well managed way to provide for diversity and vibrancy, the sustainability of essential infrastructure, and the provision of employment flexibility and opportunities.	Allow Submission in full	Accept relief sought in original submission, with the added comment that had this happened previously the predicament our orchard faces would not have occurred. This was a weakness that was identified in preliminary works undertaken by TDC in formulating this plan, and TDC now needs to work proactively to provide a more defensible buffer between GRUZ and urban areas within the Timaru District (as highlighted in various other submissions).
	182.144 - 182.147	SUB - Subdivision - Objectives	Support	We appreciate the Submitter seeking to protect HPL and acknowledge trying to mitigate reverse sensitivity issues on primary production activities. In our situation, reverse sensitivity issues have already undermined the viability of our production. In some cases, like ours, the horse has already bolted.	Allow submission in part.	We support the protection of HPL where its appropriately applied. Zoning our site RLZ for the reasons outlined in our submission will ensure it will not be incorrectly identified as HPL, given the constraints it currently faces. TDC's approach needs to be flexible and adaptable to specific situations .
	182.157	SUB - Subdivision - Policies	Support	Support this policy (SUB-P15 Rural Lifestyle Zone)	Allow submission in full.	Retain as notified, OR wording to similar effect.
Canterbury Regional Council (Environment Canterbury)	183.12	DEF - Definitions - Versatile Soils	Support	Canterbury Regional Council need to develop a nuanced framework to identify what is highly productive land in Canterbury, rather than relying on the rudimentary classification system provided within the NPS-HPL of LUC 1, 2 & 3. This mechanism is too broad-brush and potentially leads to perverse outcomes. Removing reference to versatile soils definition and the map will remove confusion and enable ECan as the responsible authority to undertake accurate and ground truthed NPS-HPL mapping across the region. This will recognise that soils and land classifications are more than just 'lines on a map'. They have tangible impacts locally to livelihoods and opportunities, and therefore, need to be applied with careful consideration and ground-truthed evidence.	Allow submission point in full.	Remove reference to versatile soils. Provide a far more nuanced, ground truthed and site-specific classification system than defaulting to the unspecific classification of LUC 1, 2 & 3 as per the NPS-HPL.

	183.21	UFD - Urban Form and Development	Oppose	While we support efforts to maximise limited RLZ resources, the policy proposed by ECan is too prescriptive and inflexible. A density of 12 household per hectare may be suitable for the fringes of major urban centres and may, or may not, be suitable on the fringes of smaller rural townships. Overall, however, the policy will restrict Council's discretion in consenting, prevent achieving innovative development solutions and will lead to perverse outcomes such as making developments possible only by large developers with vast resources. Smaller, more bespoke developments will be prevented with such a prescriptive	Disallow submission point in full	A more nuanced set of rules is required in terms of housing density / development yield.
	183.97	VS - Versatile Soils - Policies - VS P1 - Identification of Versatile Soils	Oppose	Canterbury Regional Council need to develop a nuanced framework to identify what is highly productive land in Canterbury, rather than relying on the rudimentary classificatin system provided within the NPS-HPL of LUC 1, 2 & 3. This mechanism is too broad-brush and potentially leads to perverse outcomes.	Disallow submission point in full	Remove reference to versatile soils. Provide a far more nuanced, ground truthed and site-specific classification system rather than defaulting to the unspecific classification of LUC 1, 2 & 3 as per the NPS-HPL.
	183.103	SUB - Subdivision - Policies - SUB P15 - Rural Lifestyle Zone	Support	ECan has given no indication of what they consider "a larger minimum allotment size" to be with regard to OWMS. At present the prescriptive application of a 2ha minimum allotment size within the TDC's PDP rules for RLZ is at odds with ECan's clear rules related to OWMS systems provided within the Canterbury Land and Water Management Plan. These rules reserve appropriate discretion for ECan as the consenting authority for discharges to land and water and provide flexibility for achieving appropriate site-specific waste-water solutions. This issue is covered in detail within various submissions including, but not limited to, Submissions 60 (Milward Finlay Lobb), 22 (Amies), 81 (Shirtcliff) and 108 (Joint Submitters)	Allow submission in part.	Retain SUB-P15 as notified, but ensure consistency with current ECan rules pertaining to OWMS. Remove the prescribed 2ha minimum allotment size from RLZ rules to enable discretion in consenting to meet high standards with design solutions via the Assessment of Environment Effects, and recognise different carrying capacities across particular sites and land types throughout the Canterbury Region. As per Submission 22 (Amies) there is an argument for 2000m2 lot sizes, because OWMS can be designed effectively for this lot size depending of factors like, but not limited to, soil type and carrying capacity. This would further avoid wasteful use of RLZ resources in specific locations. The RLZ lot size should relate to anticipated amenity from the zone, it should not be dictated by onsite wastewater management when ECan manage this and have specific rules to do so.
	183.166	Future Development Areas Overlay	Oppose	This submission point is very unspecific about what Ecan considers to be short, medium and long term land release. It is imperative that TDC is proactive with identifying and providing strategic land release within clear timeframes in order to meet the pressing needs of housing supply and ensure growth within the district. From a local perspective, we strongly disagree with a supposed oversupply identified by ECan, as we see no evidence of this. We argue that FDA11 should be zoned to RLZ immediately as it may allow some freeing of land to meet current demand in Geraldine and prevent potential residents from leaving the district.	Disallow submission in full.	Where FDA mechanisms are considered appropriate for staged land release, clarity should be provided to ensure security and confidence of landholder investment.
Rosa Westgarth & Jan Gibson	227.2	SCHED15 - Schedule of Future Development Areas	Support	Support in principal. However, where Future Development Areas are considered by Council to be the most appropriate mechanism for staged land release, that the onus is on Council to provide an explicit timeframe for triggering this plan change process and they are responsible for preparing the Development Area Plan.	Allow submission in part.	Council to progress necessary plan changes for FDAs based on an explicit timeframe and trigger date. However, if the primary relief sought to rezone our site is accepted, the reference to FDA will no longer be required.
Horticulture NZ	245.1	General	Support	Support on the basis that by not protecting productive land from reverse sensitivity effects, the result is what has happened with our submission site (Lot 2 DP356462).	Allow submission in part.	Our site (Lot 2 DP356462) is, as requested, rezoned as RLZ along with all other properties in the relevant area to reflect the area's current use and character. The weakness in the previous plan, which has allowed the 38 titled lots across the 56.13 ha of this area was identified by TDC when preparing the PDP.
	245.63	VS - Versatile Soils - General	Oppose	TDC cannot replace versatile soil references or have specific rules relating to NPS-HPL before Ecan has done the mapping. How can landowners submit on these rules if they do not know whether they apply to their land or not.	Disallow submission point in full	In general support the protection of HPL for primary production with caveats to ensure nuanced application of the NPS-HPL. Simply rolling over the versatile soil layer is not appropriate.
	245.81	FDA - Future Development Areas	Oppose	Until mapping has been undertaken by Ecan this undermines the work TDC has put into identifying FDAs. The submission point is only applicable where primary production is not already compromised by adjacent development. This is not the case for our property, which is now totally compromised as an orchard by reverse sensitivity issues and economically unviable (Lot 2 DP356462).	Disallow submission point in full	Our site (Lot 2 DP356462) is, as requested, rezoned RLZ along with all other properties in the relevant area to reflect that this is its predominant use and character of the area encompassing Main North Road, Templer Street and Bennett Road Geraldine.

