



# **Proposed Timaru District Plan**

## **Section 42A Report: Designations**

**Report on submissions and further submissions**

**Author: Rachael Williams**

**Date: 6 June 2025**

## Contents

List of Submitters and Further Submitters Addressed in this Report:.....	4
Original Submitters .....	4
Further Submitters.....	4
Abbreviations Used in this Report: .....	4
1. Introduction .....	6
1.1 Experience and Qualifications .....	6
1.2 Purpose and Scope of this Report .....	6
1.3 Procedural Matters.....	7
2. Topic Overview .....	7
2.1 Designations and NOR.....	7
2.2 Background and Process.....	8
2.3 Statutory Considerations.....	9
The Resource Management Act 1991.....	9
National Planning Standards.....	10
3. Analysis and Evaluation of Submissions .....	11
3.1 Approach to Analysis .....	11
3.2 General Matters .....	12
Submissions.....	12
Analysis of Submissions .....	12
Recommendations .....	14
3.3 Designations Proposed to be Modified where no Submissions were Received .....	14
Recommendations .....	15
3.4 CNZ – Chorus New Zealand Limited and SPK – Spark New Zealand Trading Limited.....	15
Clause 4 Notice .....	15
Submissions.....	16
Analysis of Submissions .....	16
Notice of Requirement.....	21
Recommendations .....	25
3.5 KRH – KiwiRail Holdings Limited.....	25
Clause 4 Notice .....	25
Submissions.....	26
Analysis of Submissions .....	26
Recommendations .....	35
3.6 MEDU – Minister of Education .....	36
Clause 4 Notice .....	36
Submissions.....	36

Analysis of Submissions .....	37
Notices of Requirement .....	40
Recommendations .....	47
3.7 NZTA – New Zealand Transport Agency (Waka Kotahi) .....	47
Clause 4 Notice .....	47
Submissions.....	48
Analysis of Submissions .....	49
Recommendations .....	51
3.8 TDC – Timaru District Council .....	51
Clause 4 Notice .....	51
Submissions.....	51
Analysis of Submissions .....	52
Recommendations .....	53
4. Conclusion.....	53

## Appendices

Appendix 1 – Recommended Amendments to the Designations

Appendix 2 – Recommended Responses to Submissions

Appendix 3 – Designations Summary Report

Appendix 4 – Notices of Requirement

Appendix 5 – Proposed General Residential Zone and Medium Density Residential Zone Chapters

Appendix 6 – Normanby Road Realignment Conditions

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

### Original Submitters

Submitter Ref	Submitter Name	Abbreviation
42	Timaru District Council	TDC
70	Joanne Brownie	Brownie, J
74	H B	H B
106	Minister / Ministry of Education	MoE
133	Toni Gilbert	Gilbert, T
139	Peter Nixon	Nixon, P
142	McAuley Trust	McAuley Trust
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
146	Lyndsay William & Frances Margaret Dennison	Dennison, L W and F M
162	Enviro NZ Services Limited (formerly Enviro Waste Services Limited)	Enviro NZ
187	KiwiRail Holdings Limited	KiwiRail

### Further Submitters

Submitter Ref	Further Submitter Name	Abbreviation
262	Catholic Education Office, Catholic Diocese of Christchurch	Catholic Education Office and Diocese

## Abbreviations Used in this Report:

Abbreviation	Full Text
CRPS	Canterbury Regional Policy Statement
CNZ	Chorus New Zealand Limited
Council	Timaru District Council
CE	Coastal Environment
ECAN	Environment Canterbury Regional Council
GIZ	General Industrial Zone
GRZ	General Residential Zone
GRUZ	General Rural Zone
HNWB	High Naturalness Waterbody
KRH	KiwiRail Holdings Limited
MRZ	Medium Density Residential Zone
MSNZ	Meteorological Service of New Zealand
MEDU	Minister of Education
MPOL	Minister of Police / New Zealand Police
MJUS	Minister of Justice
NZTA	New Zealand Transport Agency
NOR	Notice of Requirement
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPSHPL	National Policy Statement for Highly Productive Land 2022
NP Standards	National Planning Standards
ODP	Operative Timaru District Plan
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
PDP	Proposed Timaru District Plan
RMA	Resource Management Act 1991
SNA	Significant Natural Area
SPK	Spark New Zealand Trading Limited
TDC	Timaru District Council

TPR	Transpower New Zealand Limited
VAL	Visual Amenity Landscape

# 1. Introduction

## 1.1 Experience and Qualifications

- 1.1.1 My full name is Rachael Lorraine Williams.
- 1.1.2 I am a Senior Policy Planner at Timaru District Council. I have a Master of Planning and a Bachelor of Arts from Otago University. I am an intermediate member of the New Zealand Planning Institute.
- 1.1.3 I have over eight years' planning experience working in local government. My experience includes processing and reviewing resource consent applications, including notices of requirement and alterations to designations, preparation and reporting on plan changes as part of the Mackenzie District Plan Review (PC21 and PC27) and reporting on the Timaru District Plan Review Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities chapters (Hearing F). I was not involved in the preparation of the Proposed Timaru District Plan (the PDP).
- 1.1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

## 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 in relation to the designations (that are being rolled over from the Operative District Plan (ODP)) and notices of requirement (NOR) in the PDP and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and making recommendations to the relevant requiring authority on the submissions.
- 1.2.2 The requiring authority will determine whether to accept or reject (in whole or in part) the Panel's recommendation in accordance with Clause 13(1) of the RMA. It may modify the designation only if the modification is recommended by the Panel, or it is not inconsistent with the modification as notified.
- 1.2.3 This report considers the submissions and further submissions that were received in relation to designations and NOR and includes recommendations on whether each designation and NOR in the PDP should be confirmed, modified or withdrawn, regardless of whether submissions were received. 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 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 At the time of writing this s42A report there has not been any pre-hearing conferences, Clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 1.3.2 Discussion with some requiring authorities has occurred to discuss matters that arose during the preparation of this report including Chorus New Zealand (CNZ), KiwiRail Holdings Limited (KRH), and New Zealand Transport Agency (NZTA).

## **2. Topic Overview**

### **2.1 Designations and NOR**

- 2.1.1 A designation is a planning tool used by Ministers of the Crown, network utility operators and local authorities, approved as requiring authorities under s167 of the RMA, to authorise public works and projects and to protect land for future public works and projects. A designation can only be made by a requiring authority where that requiring authority is financially responsible for the project, work, or operation on the designated land. A designation operates as a form of 'spot zoning' over a site, area or route in a district plan and has similar effect to a plan change (establishing a permitted activity rule) as it:
- identifies the land affected in the district plan;
  - enables a requiring authority to undertaken works within the designated area without the need for a land use consent; and
  - sets the parameters under which the activity can occur.
- 2.1.2 The scope of a designation defines the nature of the activity and the works that can be established on the designated site and is generally determined by its purpose. The form and scope of the works can also be controlled through conditions.
- 2.1.3 A designation restricts anyone other than the requiring authority from carrying out works on the designated land that will prevent or hinder the project or work to which the designation relates, without first obtaining the permission of the requiring authority. The 'underlying zone' of the district plan remains over the site and applies to any activities that are outside the scope of a designation, or activities that are undertaken by a party other than the requiring authority.

## 2.2 Background and Process

- 2.2.1 The PDP in relation to designations and NOR was prepared in accordance with Clause 4, Schedule 1 of the RMA.
- 2.2.2 Clause 4, Schedule 1 of RMA, requires territorial authorities, prior to the notification of a proposed plan, to invite requiring authorities who have designations existing under the ODP (but which have not lapsed) to give written notice to the territorial authority stating whether or not they require their existing designation(s) to be rolled over to the PDP with or without modification.
- 2.2.3 Any modifications are required to be included in the requiring authority's written notice together with reasons for such modifications. Rolling over an existing designation allows that designation to continue, without the preparation of new NOR. If a requiring authority does not respond to the invitation, the designation is not included in the PDP.
- 2.2.4 In addition to rollover designations, a requiring authority may also give written notice requesting a new designation (a NOR). The territorial authority can then include this requirement in the PDP in accordance with Clause 4(5) of Schedule 1 of RMA.
- 2.2.5 The ODP includes 184 designations from 10 requiring authorities. In 2015, the Council formally invited requiring authorities to withdraw, rollover or rollover with modification their existing designations and to supply NOR for any new designations sought in the PDP. Following this invitation, and a follow up in 2018 where updated Clause 4 notices were received by some requiring authorities, 142 designations were included in the PDP from the following requiring authorities:
- Chorus New Zealand Limited – CNZ<sup>1</sup>
  - Canterbury Regional Council – ECAN
  - KiwiRail Holdings Limited – KRH<sup>2</sup>
  - Meteorological Service of New Zealand – MSNZ
  - Minister of Education – MEDU
  - Minister of Police (New Zealand Police) – MPOL
  - Minister of Justice – MJUS
  - New Zealand Transport Agency – NZTA<sup>3</sup>
  - Spark New Zealand Trading Limited – SPK<sup>4</sup>
  - Timaru District Council – TDC
  - Transpower New Zealand Limited – TRP

---

<sup>1</sup> Part of former Telecom New Zealand Limited and Telecom Mobile Limited

<sup>2</sup> Former New Zealand Railways Corporation

<sup>3</sup> Former Transit New Zealand

<sup>4</sup> Part of former Telecom New Zealand Limited and Telecom Mobile Limited

- 2.2.6 One hundred and thirty-six of the designations are rollovers of existing designations with modifications and six are NOR for new designations over existing facilities:
- CNZ-14 – Hilton Exchange, Brenton Road, Hilton Geraldine
  - MEDU-24 – St Joseph’s School, Timaru
  - MEDU-25 – St Joseph’s School, Pleasant Point
  - MEDU-26 – St Josephs’s School, Temuka
  - MEDU-27 – Roncalli College, Timaru
  - MEDU-28 – Sacred Heart School, Timaru
- 2.2.7 No designations in the PDP are rollovers of existing designations without modification.
- 2.2.8 The proposed modifications and reasons for them, as advised by the requiring authority,<sup>5</sup> are outlined in the Designations Summary Report in **Appendix 3**.
- 2.2.9 The NOR reports for CNZ-14 and MEDU-24 to MEDU-28 are attached in **Appendix 4**.
- 2.2.10 The formal submission process on the designations and NOR ran at the same time as the submission process for the PDP.

## 2.3 Statutory Considerations

### *The Resource Management Act 1991*

- 2.3.1 Where the requiring authority is not the territorial authority, the territorial authority is required to make and notify its recommendation on rollover designations and NOR to the relevant requiring authority in accordance with Clause 9, Schedule 1 of the RMA. The territorial authority may recommend whether to confirm or modify the requirement with or without conditions, or withdraw the requirement (s171(2)).
- 2.3.2 The requiring authority then determines whether to accept or reject the recommendation in whole or in part, in accordance with Clause 13(1). The requiring authority can modify a requirement if the territorial authority has recommended that modification, or the modification is not inconsistent with the requirement as notified.
- 2.3.3 Where the territorial authority is the requiring authority, it makes the decision on the rollover designation or NOR. It must determine whether to confirm or modify the requirement with or without conditions, or withdraw the requirement.
- 2.3.4 Where an existing designation is being rolled over without modification and there have been no submissions, the territorial authority is precluded from making any recommendation or decision, and the designation is automatically rolled over (Clause 9(3), Schedule 1).

---

<sup>5</sup> Amendments to the designations were also made to give effect to the NP Standards and to remove legal descriptions from the designations.

2.3.5 The matters to be considered by the territorial authority when considering a rollover designation or NOR, and any submission received are listed in s168A(3) (when the territorial authority is the requiring authority) and s171 (where the NOR or designation belongs to another requiring authority). The matters for consideration set out in each of these provisions are the same. The territorial authority must not have regard to trade competition.

2.3.6 The matters the territorial authority must consider are:

*When considering a requirement and any submissions received, a territorial authority must, subject to Part II, consider the effects on the environment of allowing the requirement, having particular regard to –*

- a. *any relevant provisions of –*
  - i. *a national policy statement;*
  - ii. *a New Zealand coastal policy statement;*
  - iii. *a regional policy statement or proposed regional policy statement;*
  - iv. *a plan or proposed plan; and*
- b. *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
  - i. *requiring authority does not have an interest in the land sufficient for undertaking the work; or*
  - ii. *it is likely that the work will have a significant adverse effect on the environment; and*
- c. *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- d. *any other matter the territorial authority considers reasonably necessary in order to make a recommendation/decision on the requirement.*

### **National Planning Standards**

2.3.7 The National Planning Standards (NP Standards) Standard 9 requires the district plan to contain a separate chapter for each requiring authority. Each designation must be recorded in the form stipulated in Table 14 as follows:

<b>[Name of Designation]</b>	
<b>[Designation unique identifier]</b>	
<b>Designation Purpose</b>	
<b>Site identifier</b>	[must be one or more of the following: <ol style="list-style-type: none"> <li>a. a legal description</li> <li>b. a physical address</li> <li>c. a site name</li> <li>d. a site description.]</li> </ol>
<b>Lapse date</b>	[may be a lapsed date or identification that the designation has been given effect]
<b>Designation hierarchy under s177 of the RMA</b>	[insert 'Primary', 'Secondary' or 'Varies']
<b>Conditions</b>	[insert 'Yes' and a link to schedule or external document if not included below table or 'No'. Conditions may be free form text below the relevant table, an appendix to the designation chapter or a link to an external document]
<b>Additional information</b>	[insert additional information or 'n/a']

- 2.3.8 Where a requiring authority is listed in the NP Standard, the unique identifier code listed in the Standard must be used.

### 3. Analysis and Evaluation of Submissions

#### 3.1 Approach to Analysis

- 3.1.1 There were 73 original submissions received on the designations and NOR, and 11 further submissions, with the majority being received from the relevant requiring authorities.

- 3.1.2 The analysis of submissions has been ordered by requiring authority, as they appear in the PDP. Within each section, individual designations are considered in numerical order, except that designations have been grouped where similar submission points were received on multiple designations, to reduce repetition. Where a NOR has been sought by a requiring authority I have included my analysis of the NOR under my analysis of submissions.

- 3.1.3 The assessment of submissions generally follows the following format:

- A brief summary of the Clause 4 Notice.
- A brief summary of the relevant submission points.
- An analysis of those submission points.
- An analysis of any NOR (if applicable).
- Recommendations.

- 3.1.4 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 and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. 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.

### 3.2 General Matters

- 3.2.1 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)
TDC	42.67, 42.70
MoE	106.50, 106.51
McAuley Trust	142.1

#### **Submissions**

- 3.2.2 TDC [42.67] note that several designations have been incorrectly identified as having no conditions due to difficulties in accessing Council's records at the time of notification of the PDP. Amendments to the designations are therefore sought to include conditions where conditions, in their view, should apply.
- 3.2.3 TDC [42.70] note that several of Councils existing drainage and water infrastructure/assets are undesignated including, but not limited to, Harts tanks, Geraldine Reservoir, Temuka Reservoir and Rosewill Pump Station, and that it would be desirable for these assets to be designated in the PDP. TDC [42.70] acknowledge that this may not be possible through the PDP process but request that TDC, as a requiring authority, explore progressing NOR for all existing undesignated drainage and water infrastructure/assets by way of a standalone future variation to the PDP.
- 3.2.4 MoE [106.50 and 106.61] support the designations listed in the PDP and the planning maps except as set out in their other submission points.
- 3.2.5 McAuley Trust (142.1) seek amendments to Designation chapter to ensure specific rules for designated sites are made clear and unambiguous. In their view, without explicit guidelines outlining which, rules apply to designated sites there is no certainty of rule application or certainty and management of environmental effects. In their view, if the underlying zone provisions are to apply this needs to be stated, or alternatively specific rules tailored to designated sites need to be outlined and made clear.

#### **Analysis of Submissions**

- 3.2.6 The general submission points from MoE [106.50 and 106.51] in support of the designations and planning maps are noted.
- 3.2.7 No modifications to the designations are recommended in relation to the general submission points from TDC. The specific submission points from TDC requesting conditions be imposed on CNZ-6 (TDC [42.65]), NZTA-1 (TDC [42.66]) and TDC-45 (TDC [42.64]) have been analysed in the subsequent sections. I am also not aware of any other designations (being rolled over) where conditions should apply.

3.2.8 In relation to TDC [42.70] it is my understanding, that it is not possible for new designations to be included in PDP as part of the submission process as the time to submit a NOR has closed. However, I wish to clarify that a requiring authority may submit a NOR at any time and is not restricted to the PDP process. There are therefore opportunities for TDC, as a requiring authority, to explore NOR for all existing undesigned sites separate from the PDP.

3.2.9 I agree with McAuley Trust [142.1] that the relationship between the designations and the PDP provisions (as set out in Part 8 of the RMA) is not clear within the designation chapter(s)<sup>6</sup> and that explicit guidelines outlining the purpose, scope and rules (i.e., conditions) applying to designated sites is appropriate. I therefore recommend that the Designation Cover Page is amended to include the following guidance:

***Designations***

*Designations are a planning tool used by Ministers of the Crown, local authorities, and network utility operators approved as requiring authorities under s167 of the RMA. Only requiring authorities can seek designations for land.*

*A designation operates as a form of 'spot zoning' over a site, area, or route in the District Plan and has a similar effect to a plan change (establishing a permitted activity rule) as it:*

- a. identifies the land affected by the District Plan;*
- b. enables a requiring authority to undertake the works within the designated area, for the purpose of the designation, without the need for a land use consent (i.e., supersedes the District Plan provisions); and*
- c. sets the parameters under which the activity can occur.*

*The scope of the designation defines the nature of the activity and the works that can be established on the designated site and is generally determined by its purpose. The form and scope of works (in some cases) is also controlled by conditions attached to the designation.*

*The underlying zone of the District Plan remains over the site and applies to any other activities that are for a purpose different to the designation purpose (or activities undertaken by a party other than the requiring authority). Therefore, any activity or works outside the scope of a designation will require resource consent unless the activity or works are a permitted activity in the District Plan.*

3.2.10 In my view, this guidance will address the concerns of McAuley Trust [142.1] by making it clear to plan users that works within a designated area supersede the District Plan provisions. I note similar text is included in the Partially Operative Selwyn District Plan, the Proposed Mackenzie District Plan and Proposed Waitaki District Plan. Whether specific conditions should be applied to the designations and NOR has been analysed in the subsequent sections. I therefore recommend that the submission point from McAuley Trust [142.1] be accepted in part.

---

<sup>6</sup> Part 1 – How the Plan Works – General Approach, includes the following advice regarding designations: Designations are used to show land that has been designated for a particular purpose by a Requiring Authority. Designations are generally associated with a public work, project, or utility operation. Designations supersede District Plan provisions.

## Recommendations

- 3.2.11 I recommend, for the reasons given above, that the Designation Cover Page is amended as follows:

### **Designations**

Designations are a planning tool used by Ministers of the Crown, local authorities, and network utility operators approved as requiring authorities under s167 of the RMA. Only requiring authorities can seek designations for land.

A designation operates as a form of 'spot zoning' over a site, area, or route in the District Plan and has a similar effect to a plan change (establishing a permitted activity rule) as it:

- a. identifies the land affected by the District Plan;
- b. enables a requiring authority to undertake the works within the designated area, for the purpose of the designation, without the need for a land use consent (i.e., supersedes the District Plan provisions); and
- c. sets the parameters under which the activity can occur.

The scope of the designation defines the nature of the activity and the works that can be established on the designated site and is generally determined by its purpose. The form and scope of works (in some cases) is also controlled by conditions attached to the designation.

The underlying zone of the District Plan remains over the site and applies to any other activities that are for a purpose different to the designation purpose (or activities undertaken by a party other than the requiring authority). Therefore, any activity or works outside the scope of a designation will require resource consent unless the activity or works are a permitted activity in the District Plan.

This section includes designations from ~~for~~ the following requiring authorities:

CNZ – Chorus New Zealand Limited

ECAN – Canterbury Regional Council

KRH – KiwiRail Holdings Limited

MSNZ – Meteorological Service of New Zealand Limited

MEDU – Minister of Education

MPOL – Minister of Police / NZ Police

MJUS – Minister of Justice

NZTA – New Zealand Transport Agency

SPK – Spark New Zealand Trading Limited

TDC – Timaru District Council

TPR – Transpower New Zealand Limited

- 3.2.12 The scale of the changes, in my view, are minor changes to provide clarity to plan users and do not alter the intent/application of the designations.

## **3.3 Designations Proposed to be Modified where no Submissions were Received**

- 3.3.1 The following designations are proposed to be rolled over from the ODP with minor modifications and received no submissions:

Requiring Authority/Designation	Modifications:
CNZ-1 to CNZ-5 and CNZ-7 to CNZ-13	<ol style="list-style-type: none"> <li>1. Update requiring authority from 'Telecom New Zealand Limited and Telecom Mobile Limited' to 'Chorus NZ Ltd'.</li> <li>2. Add site name/addresses, remove legal descriptions.</li> <li>3. Clarify that the designations are the primary designations for the site (if applicable).</li> <li>4. Update the address and mapped area of CNZ-12 to accurately reflect all land owned and operated by CNZ.</li> </ol>
ECAN-1 to ECAN-17	<ol style="list-style-type: none"> <li>1. Add site name, addresses and remove legal descriptions.</li> </ol>
MSNZ-1	<ol style="list-style-type: none"> <li>1. Add site name, addresses and remove legal descriptions.</li> </ol>
MPOL-1 to MPOL-4	<ol style="list-style-type: none"> <li>1. Remove legal descriptions, add location/addresses.</li> </ol>
MJUS-1	<ol style="list-style-type: none"> <li>1. Update requiring authority name from 'Department of Justice' to 'Minister of Justice'.</li> <li>2. Update the designation purpose from 'Courthouse' to 'Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works include development and operation of land and buildings for aforementioned purposes.'</li> <li>3. Remove legal descriptions. Add location/addresses.</li> </ol>
SPK-1 to SPK-3, SKP-5 and SPK-6	<ol style="list-style-type: none"> <li>1. Update requiring authority name from 'Telecom New Zealand Limited and Telecom Mobile Limited' to 'Spark New Zealand Trading Ltd'.</li> <li>2. Add secondary designation from original designation.</li> <li>3. Add site name/addresses, remove legal descriptions.</li> </ol>
TDC-1 to TDC-21, TDC-23 to TDC-44 and TDC-46 to TDC-60	<ol style="list-style-type: none"> <li>1. Add site name, addresses and remove legal descriptions.</li> <li>2. Convert from point to area (TDC-11, TDC-12, TDC-20, TDC-21, TDC-23, TDC-24, TDC-26, TDC-27, TDC-28, TDC-29, TDC-31, TDC-32, TDC-37, TDC-39, TDC-41, TDC-43, TDC-44, TDC-46, TDC-54)</li> </ol>
TPR-1 to TPR-6	<ol style="list-style-type: none"> <li>1. Update purpose, add site name/addresses and remove legal descriptions.</li> </ol>

3.3.2 In my opinion, the above modifications are minor, will provide clarity to plan users, and will not prejudice a third party. I have therefore not provided a specific assessment and recommend that these designations be confirmed.

### **Recommendations**

3.3.3 I recommend, for the reasons given above, that the Hearing Panel recommend that CNZ-1 to CNZ-5, CNZ-7 to CNZ-13, ECAN-1 to ECAN-17, MSNZ-1, MPOL-1 to MPOL-4, MJUS-1, SPK-1 to SPK-3, SPK-5, SPK-6, TDC-1 to TDC-21, TDC-23 to TDC-44, TDC-46 to TDC-60 and TPR-1 to TPR-6 be confirmed.

## **3.4 CNZ – Chorus New Zealand Limited and SPK – Spark New Zealand Trading Limited**

### **Clause 4 Notice**

3.4.1 In addition to the minor modifications (set out in Section 3.3 of this report) CNZ and SPK, in their Clause 4 Notice, requested the rollover of Designation 135 in the ODP with modifications to the requiring authority name and legal description/address to reflect that the Clandeboye Exchange was relocated from RS 38157 to Lot 4 DP 75226 in 2009 (CNZ-6 and SPK-4).

- 3.4.2 CNZ also requested a NOR for the Hilton Exchange located at Brenton Road, Hilton Gerladine (CNZ-14).

### **Submissions**

- 3.4.3 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)
TDC	42.65

- 3.4.4 TDC [42.65] seek an amendment to CNZ-6 to include the following conditions:

*The following activities, structures and elements are allowed on this site:*

1. A 20 metre (m) high tubular steel mast with a three-way, twin-arm head arrangement as shown on the plans submitted with resource consent 6858. The diameter of the mast is approximately 0.6m. The mast will either have a galvanised finish or be painted grey.
2. Twelve panel and six omni antennas affixed to the mast heads. The panel antennas will measure approximately 2200 millimetres (mm) in height by 410mm in width by 200mm in diameter, extending to approximately 20m in height. The omni antennas will measure approximately 4m in length and 50mm in diameter, extending approximately 24m high. The antennas are manufactured with a grey finish.
3. A 3m long x 2.4m wide x 2,7m high equipment cabinet on a 0.5m high concrete pad foundation and located adjacent to the mast. The equipment cabinet will be coloured green.
4. Two small GPS antennas erected on the equipment cabinet.
5. Addition of hardware associated with the antennas, such as antenna supports, mast-head amplifiers and lighting protection rods, mounted near the top of the mast.
6. Power and telecommunication connections will be from the nearest suitable source within the road reserve.
7. Site access for construction and maintenance purposes will be via Rolleston Road.
8. Any maintenance and repair of the above structures and elements.

- 3.4.5 For completeness, no further submissions (including from CNZ) were received.

### **Analysis of Submissions**

- 3.4.6 CNZ-6 (Designation 135 in the ODP) is a rollover designation for the purposes of 'telecommunications and radio communications and ancillary' for the Clandeboye Exchange. CNZ and SPK are both requiring authorities for this designation. CNZ designation is the primary designation (CNZ-6), and SPK designation is the secondary designation (SPK-4).

- 3.4.7 Designation 135, in the ODP, is identified as being located on land legally described as RS 38157. However, CNZ and SPK assets for the Clandeboye Exchange are located 300m away on land legally described Lot 4 DP 75226. An aerial photograph showing the location of RS 38157 and Lot 4 DP 75226 is displayed in Figure 1.

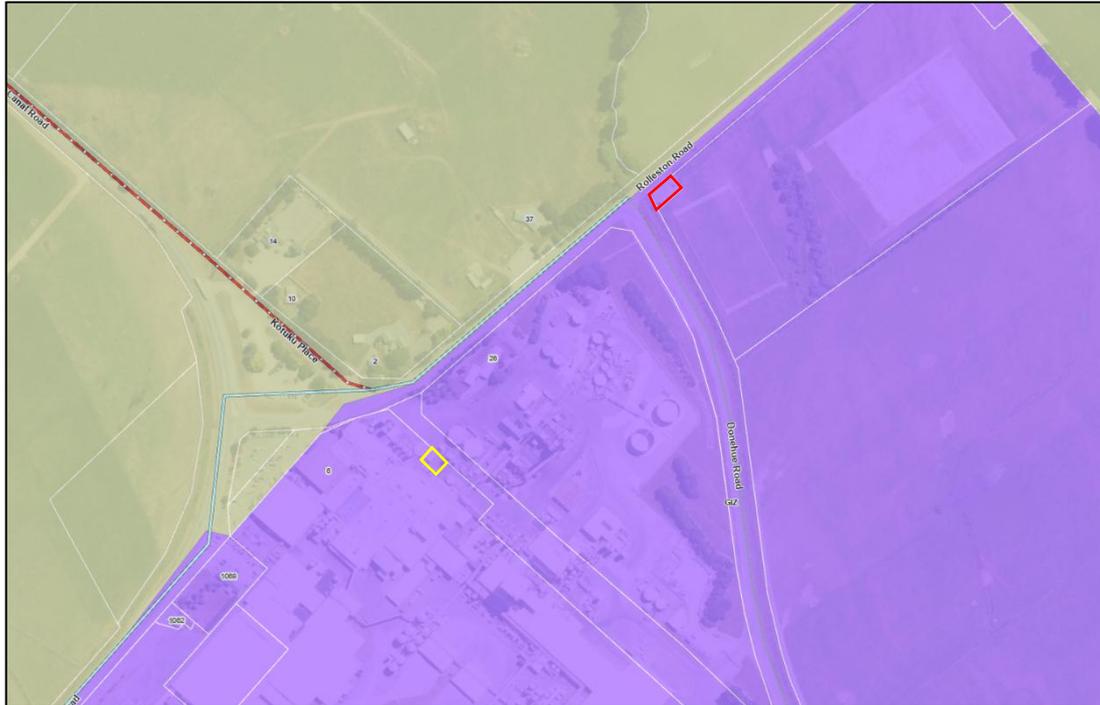


Figure 1 - Aerial photograph showing the previous and current location of the Cladeboye Exchange. Lot 4 DP 75226 is outlined in red. RS 38157 is outlined in yellow.

- 3.4.8 Lot 4 DP 75226 is located at the corner of Rolleston Road and Donehue Road and is zoned GIZ in the PDP (purple shading in Figure 1). The site is owned by CNZ and has a net area of approximately 422m<sup>2</sup>. The site is subject to the following overlays in the PDP:
- a. Flood Assessment Area
  - b. Liquefaction Area
  - c. Wahi Tupuna Overlay (SASM-5); and
  - d. Height Specific Control Area (35m height limit).
- 3.4.9 The land on the opposite side of Rolleston Road is zoned GRUZ in the PDP (tan shading in Figure 1). The industrial land southwest of the site comprises the Fonterra Cladeboye Manufacturing Plant. A water race runs along the site's western boundary and power lines run along the site's northern boundary. Access to the site is obtained by Rolleston Road via an unformed vehicle crossing. SPK hold land use consent for a mobile phone site on the site (Land Use Consent 6858). This consent was granted in 2009 and authorises a steel mast, equipment cabinet and associated infrastructure. The site is not listed on the Environment Canterbury Listed Land Use Register.
- 3.4.10 The assets owned and operated by CNZ and SPK are displayed in Figure 2. The asset owned and operated by CNZ is the small white hut outlined in red. The steel mast and green equipment cabinet is administered by SPK.



Figure 2 - Photograph of the Clandeboye Exchange at Lot 4 DP 75266.

### **Effects on the environment having regard to relevant provisions, Section 171(1)(a)**

- 3.4.11 No National Policy Statements, in my view, are applicable to the site or designation.
- 3.4.12 Telecommunication facilities are classified as Regionally Significant Infrastructure (RSI) in the Canterbury Regional Policy Statement (CRPS) and PDP. Policy 5.3.10 of the CRPS is specific to telecommunication infrastructure and seeks to avoid development which, constrains the ability of telecommunication infrastructure to be developed and to:
- “Enable telecommunication infrastructure to be developed and used provided that, as a result of its location and design:*
- a) the adverse effects on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied, mitigated; and*
  - b) other adverse effects on the environment are appropriately controlled.”*
- 3.4.13 SD-O8 of the PDP seeks that that the benefits of RSI and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance renewal and upgrading and development is enabled, while managing adverse effects including reverse sensitivity effects. This high-level direction is then implemented by provisions in the EIT chapters of the PDP. EI-P1, for example, recognises the benefits of RSI and lifeline utilities by providing for their operation, maintenance, repair, removal, upgrade and development in appropriate locations and EI-P2 outlines how adverse effects of RSI, lifeline utilities and other infrastructure are to be managed. Most notably EI-P2 seeks to:
- a. avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites and Areas of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas and notable trees in accordance with the relevant Part 2 - District Wide provisions applying to those areas; and*

- b. *manage the height, bulk and location of all infrastructure, taking into account the role, function, character and identified qualities of the underlying zone; and*
- c. *require compliance with recognised standards or guidelines relating to acceptable noise for noise sensitive activities, vibration, radiofrequency fields and electric and magnetic fields to minimise adverse effects on human health, wellbeing and amenity; and*
- d. *require the undergrounding of network utility lines in new areas of urban development; and*
- e. *minimise adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and*
- f. *require other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and taking into account the character and qualities of the surrounding area.*

3.4.14 In my opinion, the proposed modifications to CNZ-6 and SPK-4, without the conditions proposed by TDC, are generally consistent with this direction in the CRPS and PDP as:

- the site is not located within a sensitive natural or physical environment (i.e., it is not located within a ONL, ONF, VAL, CE, SNA, HNWB, riparian margin or bat protection area) and does not contain any notable trees.
- no adverse effects on human health, wellbeing or amenity values are anticipated. The site and its use are well established and no immediate physical or operational changes to the site are proposed. The site is not listed on the Environment Canterbury Regional Council Listed Land Use Register and any future activities at the site are unlikely to result in adverse noise, dust, traffic or light spill in the context of the receiving or anticipated environment.
- if future activities at the site are undertaken the works are unlikely to have adverse effects on cultural values. The provisions applying to SASM-5 in the PDP (as recommended by Ms. White) are relatively permissive and are focused on activities that pose the greatest threat to cultural values, such as large-scale earthworks, mining and quarrying. There are no rules managing buildings and/or structures within this overlay. The site is not located within known archaeological area and any earthworks at the site will easily comply with the notified (750m<sup>2</sup>) or proposed (2,000m<sup>2</sup>) maximum area of earthworks permitted in SASM-R1. If an archaeological site or wahi tapu site is located during any earthworks the requiring authority will also be obligated to follow Heritage New Zealand's Accidental Discovery Protocol.
- in my view, future activities at the site are likely to be compatible with the built form in the underlying zone and receiving environment. The site is zoned GIZ in the PDP which, provides for a range of industrial activities and other compatible activities (GIZ-O1). The site is also opposite the Clandeboye Manufacturing Plant and is located within the GIZ Height Specific Control Area which, allows buildings and structures to have a maximum height of 35m. The site is also small in scale (422m<sup>2</sup>) which, limits the future development potential of the site.
- if the site is developed in the future, the outline plan process will enable Council to consider any actual or potential adverse effects on the environment, including but not limited to, colour palette, bulk and location, noise, lighting and traffic movements and recommend amendments to the outline plan to mitigate potential adverse effects.

3.4.15 Furthermore, CNZ-6 and SPK-4, in my view, are in accordance with Part 2 of the RMA by enabling the sustainable management of an established physical resource and by providing

for people and communities social and economic wellbeing by securing the site for its designated purpose.

- 3.4.16 Based on the above, I consider the effects on the environment of allowing the designation (without the conditions proposed by TDC), having regard to Part 2 and the relevant statutory documents to be no more than minor.

**Alternative sites, routes or methods, Section 171(1)(b)**

- 3.4.17 I do not consider an assessment of alternative sites, routes, or methods of undertaking the work to be necessary as:
- a. the requiring authorities have sufficient interest in the land to undertake the work (i.e., the land and infrastructure is owned and operated by CNZ and SPK; and
  - b. based on the assessment above, the designation will not have significant adverse effects on the environment.

**Reasonably necessary for achieving the objectives of the requiring authority, Section 171(1)(c)**

- 3.4.18 The designation relates to existing infrastructure owned and operated by CNZ and SPK. I therefore consider the designation to be reasonably necessary to achieve the objectives of the requiring authorities by providing certainty for the future operation, maintenance, use and improvement of the site for telecommunication and radiocommunication purposes.

**Any other matters, Section 171(1)(d)**

- 3.4.19 No submissions in opposition to the designation were received.
- 3.4.20 The conditions proposed by TDC [42.65] are conditions of Land Use Consent 6858 and relate specifically to the telecommunication infrastructure administered by SPK. These conditions, in my view, would therefore narrow the scope of the designation to those structures authorised by Land Use Consent 6858 only, and their maintenance and would not give CNZ or SPK future development potential. However, the purpose of the designation itself is broad (telecommunications and radio communications and ancillary), and SPK was granted resource consent for the mobile phone site independently from the designation. Based on the assessment of effects above, I also do not consider the conditions proposed by TDC to be necessary to manage future telecommunication and radiocommunication activities at the site. I note the outline plan process also allows for appropriate consideration of any adverse effects from any works proposed in the future.
- 3.4.21 I do not consider any other matters reasonably necessary to make a recommendation on CNZ-6 and SPK-4.

**Conclusion**

- 3.4.22 Based on the above assessment, I recommend that the submission point from TDC [42.65] be rejected and CNZ-6 and SPK-4 be confirmed.

### Notice of Requirement

- 3.4.23 CNZ in their Clause 4 Notice seek a NOR for the Hilton Exchange located at Brenton Road, Hilton Geraldine. The NOR, as outlined in **Appendix 4**, is sought to allow the continued operation and maintenance of existing utilities at the site, to secure the site for its designated purpose, and to provide notice to the community of the intention of CNZ to use the site for telecommunication, radiocommunication and ancillary purposes. The site is legally described as Part Lot 1 DP 795 and is zoned GRUZ in the PDP. The site is subject to the Flood Assessment Area and Liquefaction Area overlays and is identified as LUC Class 3 land. The site is not listed on the Environment Canterbury Regional Council Listed Land Use Register.
- 3.4.24 The site is small in scale (approximately 207m<sup>2</sup>) and contains an existing building as displayed in Figure 3. The exterior of the building is white weather board with a small window. Access to the site is obtained via Brenton Road. There is no formed vehicle crossing to the site. The site is surrounded by rural production land and existing trees/vegetation. As detailed in the NOR, a range of equipment may be required at the site in future, including a new building for housing equipment, a mast or masts, antennas, on-site air-conditioning and on-site parking for technicians. The NOR does not include any immediate changes to the site and no conditions have been proposed as part of the NOR. An aerial image showing the location of the site is displayed in Figure 4.



Figure 3 - Photograph of the Hilton Exchange.

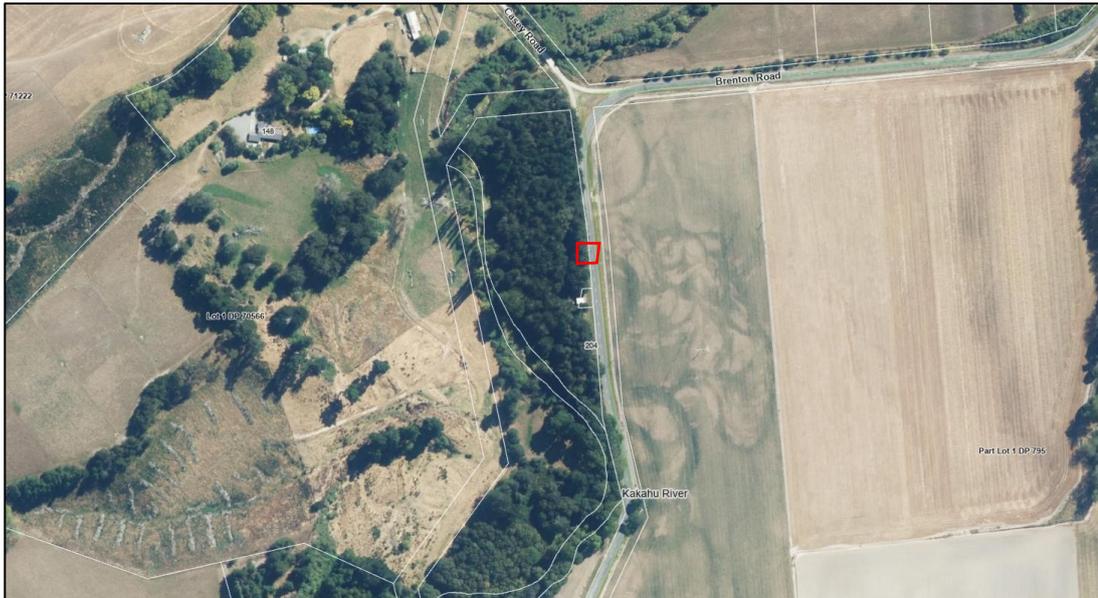


Figure 4 - Aerial Photograph showing the location of the Hilton Exchange. The Hilton Exchange is outlined in red.

### **Effects on the environment having regard to relevant provisions, Section 171(1)(a)**

- 3.4.25 The site is identified as LUC Class 3 land and is subject to the National Policy Statement for Highly Productive Land (NPSHPL). The objective of the NPSHPL is to protect highly productive land for land-based primary production, both now and for future generations. Under Clause 3.9(1) of the NPSHPL territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production. However, the NPSHPL, provides a pathway for 'specified infrastructure' and/or works undertaken by a requiring authority in relation to a designation or NOR where the activity minimises or mitigates any actual loss or potential cumulative effects on the availability and productive capacity of highly productive land and the activity avoids (if possible), or otherwise mitigates any actual or potential reverse sensitivity effects on land-based primary production activities.
- 3.4.26 In my opinion, the NOR for the Hilton Exchange meets the exemptions in the NPSHPL. The use of the site for telecommunication/radio communication is well established and no physical changes to the site are proposed as part of the NOR. The site is also small in scale (approximately 207m<sup>2</sup>), which limits the future development potential of the site. Any future use/development of the site for telecommunication/radio communication purposes, in my view, is therefore unlikely to result in the loss or cumulative loss of highly productive land or reverse sensitivity effects on land-based primary production activities in the surrounding area. I note that the Government as part of the RM Reform are also proposing to remove LUC 3 land from the NPSHPL. I therefore consider the effects on the environment of allowing the NOR in regard to the NSPHPL to be less than minor.
- 3.4.27 No other National Policy Statements, in my view, are applicable to the NOR.
- 3.4.28 As discussed above, telecommunication networks and facilities are classified as RSI in the CRPS and PDP. Policy 5.3.10 of the CRPS regarding telecommunication infrastructure seeks

to avoid development which constrains the ability of telecommunication infrastructure to be developed and to:

*“Enable telecommunication infrastructure to be developed and used provided that, as a result of its location and design:*

- a. the adverse effects on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied, mitigated; and*
- b. other adverse effects on the environment are appropriately controlled.”*

3.4.29 SD-O8 of the PDP seeks that that the benefits of RSI and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance renewal and upgrading and development is enabled, while managing adverse effects including reverse sensitivity effects. This high-level direction is then implemented by provisions within the EIT chapters. EI-P1, for example, recognises the benefits of RSI and lifeline utilities by providing for their operation, maintenance, repair, removal, upgrade and development in appropriate locations and EI-P2 outlines how adverse effects of RSI, lifeline utilities and other infrastructure are to be managed. Most notably EI-P2 seeks to:

- a. avoid adverse effects on the identified values and qualities of ONLs and ONFs, VALs, the CE, SNAs, HNWAs, SASM, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas and notable trees in accordance with the relevant Part 2 - District Wide provisions applying to those areas; and*
- b. manage the height, bulk and location of all infrastructure, taking into account the role, function, character and identified qualities of the underlying zone; and*
- c. require compliance with recognised standards or guidelines relating to acceptable noise for noise sensitive activities, vibration, radiofrequency fields and electric and magnetic fields to minimise adverse effects on human health, wellbeing and amenity; and*
- d. require underground network utility lines in new areas of urban development; and*
- e. minimise adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and*
- f. require other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and taking into account the character and qualities of the surrounding area.*

3.4.30 In my opinion, the NOR for the Hilton Exchange is generally consistent with the objective and policy direction in the CRPS and PDP as:

- the NOR will not have adverse effects on significant natural and physical resources or cultural values. The site is not located within a sensitive environment (i.e., it is not located within a ONL, ONF, VAL, CE, SNA, HNWB, SASM, historical cultural area, known archaeological area, riparian margin or bat protection area) and does not contain any notable trees.
- no immediate change in effects on the environment will occur. The site and its use are well established and no physical or operational changes to the site are proposed as part of the NOR.
- the site is well screened from existing buildings in the surrounding area by established landforms/vegetation, with the closest residential dwelling located approximately 300m from the subject site.

- the existing building at the site is single story and easily complies with maximum building height for non-residential buildings and silos in the GRUZ (15m). Any future buildings at the site are also anticipated to comply with the 15m height limit in the GRUZ.
- traffic movements/visits to the site, are temporary in nature (occurring no more than once or twice per month).
- the existing activities at the site, and any future activities, are unlikely to result in adverse noise, odour, dust or light spill in the context of the underlying zone (GRUZ).
- under section 43D(4) of the RMA, any existing national environmental standards will prevail over the new designation. This includes the National Environmental Standards for Telecommunication Facilities (NESTF) which, includes regulations for antennas on new poles/masts, not in a road reserve, in a rural zone.
- no adverse effects on human health, wellbeing and/or amenity values are anticipated as a result of the NOR. No changes to the radiofrequency emissions are proposed. The site is located approximately 300m from the closest residential dwelling and any future works at the site will be required to comply with Regulation 55 of the NESTF.
- if the site is developed in the future, the outline plan process will enable Council to consider any actual or potential adverse effects on the environment, including but not limited to, colour palette, bulk and location, noise, lighting and traffic movements and recommend amendments to the outline plan to mitigate potential adverse effects.

3.4.31 The NOR, in my opinion, is in accordance with Part 2 of the RMA by enabling the sustainable management of an established physical resource, and by providing for people and communities social and economic wellbeing through securing the site for its designated purpose.

3.4.32 Based on the above, I consider the effects on the environment of allowing the NOR, having regard to Part 2 and the relevant statutory documents to be no more than minor.

**Alternative sites, routes or methods, Section 171(1)(b)**

- 3.4.33 I do not consider an assessment of alternative sites, routes, or methods of undertaking the work to be necessary as:
- a. the requiring authority has sufficient interest in the land to undertake the work (i.e., the land and infrastructure is owned and operated by CNZ); and
  - b. based on the assessment above, the designation will not have significant adverse effects on the environment.

**Reasonably necessary for achieving the objectives of the requiring authority, Section 171(1)(c)**

3.4.34 The NOR relates to existing infrastructure owned and operated by CNZ. I therefore consider the designation to be reasonably necessary to achieve the objectives of the requiring authority by providing certainty for the future operation, maintenance, use and improvement of the site for telecommunication and radiocommunication purposes.

**Any other matters, Section 171(1)(d)**

3.4.35 No submissions in relation to the NOR were received.

3.4.36 CNZ have proposed no conditions as part of the NOR. Based on the above assessment, I do not consider conditions to be necessary as the works to which, the designation relates are

established on the site and there are no relevant overlays or policy direction warranting specific conditions. The outline plan process, in my view, also allows for appropriate consideration of any adverse effects from any works proposed in the future.

- 3.4.37 I do not consider any other matters reasonably necessary to make a recommendation on the NOR.

### **Conclusion**

- 3.4.38 Based on the above assessment, I recommend that CNZ-14 be confirmed.

### ***Recommendations***

- 3.4.39 I recommend, for the reasons given above, that TDC [42.65] be rejected.
- 3.4.40 I recommend, for the reasons given above, that the Hearing Panel recommend that CNZ-6 and SPK-4 be confirmed.
- 3.4.41 I recommend, for the reasons given above, that the Hearing Panel recommend that CNZ-14 be confirmed.

## **3.5 KRH – KiwiRail Holdings Limited**

### ***Clause 4 Notice***

- 3.5.1 KRH, in their Clause 4 Notice, requested the rollover of 21 designations in the ODP, with the following modifications:
- a. changes to the requiring authority name from ‘New Zealand Railways Corporation’ to ‘KiwiRail Holdings Limited’;
  - b. amendments to the railway designation to reflect the linear nature of the network by rationalising the designations into one and updating the purpose of the designations to railway purposes (Main South Line); and
  - c. changes to the railway land cadastre which, may have occurred over the life of the ODP, including rail land that is currently undesignated, rail land which has been deemed surplus, and existing railway lines that cross over roads and watercourses.
- 3.5.2 As acknowledged in its submission, KRH submitted an electronic data set with their Clause 4 Notice which, sought amendments to mapping that were not properly identified and assessed in the Clause 4 Notice. This included the mapping changes (subject to KRH submission, detailed below) as well as larger areas owned and operated by KRH. Because of this, KRH designation was rolled over to the PDP with minor modifications only. Modifications were limited to merging of all designations into one, changing the name from ‘New Zealand Railways Corporation’ to ‘KiwiRail Holdings Limited’ and updating the purpose of the designation to railway purposes (Main South Line).

### Submissions

- 3.5.3 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)
KiwiRail	187.86, 187.90, 187.91, 187.192, 187.193, 187.194, 187.195, 187.196, 187.197, 187.198, 187.199, 187.100, 187.101, 187.102, 187.103, 187.104, 187.105, 187.106, 187.107 and 187.108

- 3.5.4 KiwiRail [187.86 and 187.90] support the wording in the designation chapter but seek amendments to the mapped extent of KRH-1. KiwiRail suggest the following changes could be made pursuant to Clause 16(2) of the RMA:
- a. changes to the alignment of the designation, over the rail corridor, as a result of technological improvements; and
  - b. the inclusion of minor gaps in the designation over KiwiRail owned land, so that the designation more accurately reflects the alignment of the submitter’s assets within the rail corridor.
- 3.5.5 In their view, the proposed amendments are minor changes which, will have a neutral effect (given their scale and/or location) and will not be prejudicial to any other parties.
- 3.5.6 As detailed in its submission, KRH intend to pursue any larger mapping changes via a separate section 181 process.
- 3.5.7 For completeness, no further submissions were received.

### Analysis of Submissions

- 3.5.8 KiwiRail [187.86 and 187.90], in their submission, suggest that the mapping changes included in their submission could be made pursuant to Clause 16(2) of the RMA which, provides that a local authority may make an amendment (without using the process in Schedule 1) to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
- 3.5.9 I am not convinced that Clause 16(2) is the most appropriate mechanism for making the proposed mapping changes. In my opinion, not all of the proposed changes would fall into the category of “alternation of information of minor effect” or “minor errors”.
- 3.5.10 However, given the changes sought by KRH were raised in a submission, there is scope, in my view, to make the changes to KRH-1 without the need to rely on Clause 16(2) of the RMA. While a requiring authority would normally be bound by the scope of a NOR, the submission and further submission process enabled by Schedule 1 provides the opportunity for submissions to be received on any information notified as part of the PDP.

3.5.11 An assessment of the proposed mapping changes sought by KiwiRail is therefore provided in Tables 1 to 4 below. I note that where the proposed mapping changes share commonalities, I have grouped my assessment to avoid unnecessary repetition.

**Table 1 - Expansion of KRH-1 to cover bridges**

Submission Point:	Change sought:	Section 171 Analysis:
187.91	<p>KRH-1 includes the full extent of the Rangitata Bridge (Bridge 57, Main South Line). The area to be included is shaded in light orange in the figure below:</p> 	<p>Including the full extent of the Rangitata Bridge, the Orari River Bridge and the Washdyke Creek Bridge within the mapped extent of KRH-1, in my opinion, is unlikely to generate adverse effects on the environment that are more than minor. The bridges are existing, are used for railway purposes and are administered by KRH.</p> <p>All other bridges (administered by KRH) are designated in the PDP.</p> <p>It is my understanding that a designation does not preclude a requiring authority's responsibility to comply with the Canterbury Land and Water Regional Plan.</p>
187.94	<p>KRH-1 includes the Orari River Bridge (Bridge 67, Main South Line). The area to be included is shaded in orange in the figure below:</p> 	<p>Inclusion of these bridges, in my view, is consistent with the outcomes sought in the PDP. TRAN-P3 seeks to enable the safe and efficient use of existing land transport infrastructure (including bridges) by providing for its operation, maintenance and upgrading.</p> <p>Maintenance and upgrading (including replacement) of existing land transport infrastructure is also a permitted activity in the PDP (TRAN-R1 and TRAN-R2).</p>

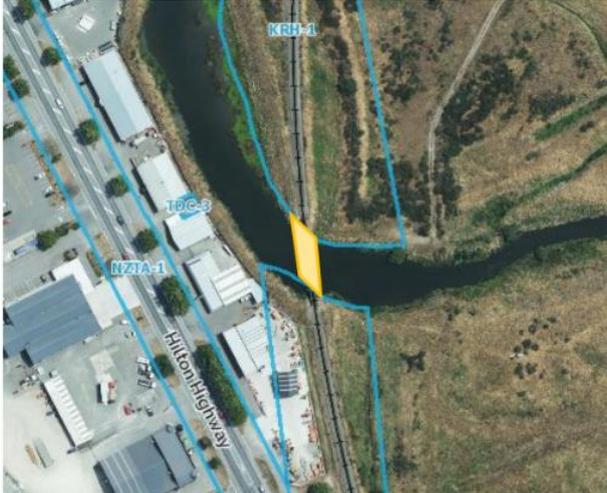
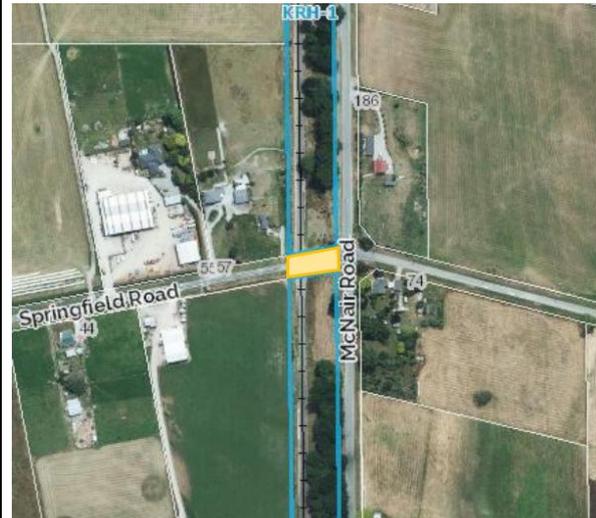
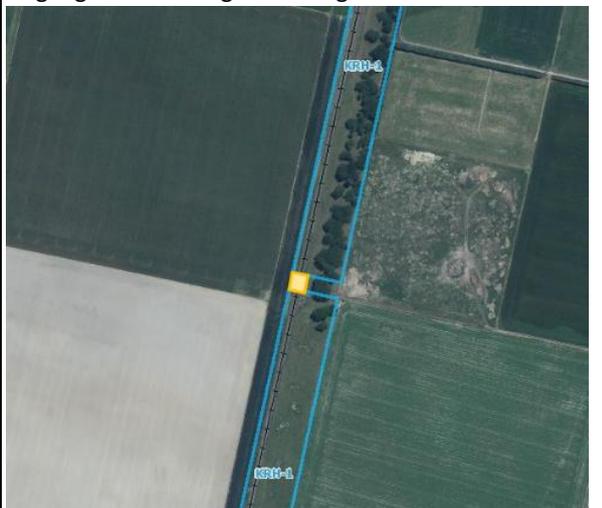
<p>187.102</p>	<p>KRH-1 includes the Washdyke Creek Bridge (Bridge 79, Main South Line). The area to be included is shaded in orange in the figure below:</p> 	<p>In my opinion, inclusion of these bridges is reasonably necessary to achieve the objectives of the requiring authority by providing certainty for the future operation, maintenance, use and improvement of these bridges for railway purposes.</p> <p>I therefore recommended that the submission points from KiwiRail [187.91, 187.94 and 187.102] be accepted in part and that the full extent of the Rangitata Bridge, the Orari River Bridge and the Washdyke Creek Bridge are included in KRH-1 as set out in <b>Appendix 1</b>.</p>
----------------	--	---

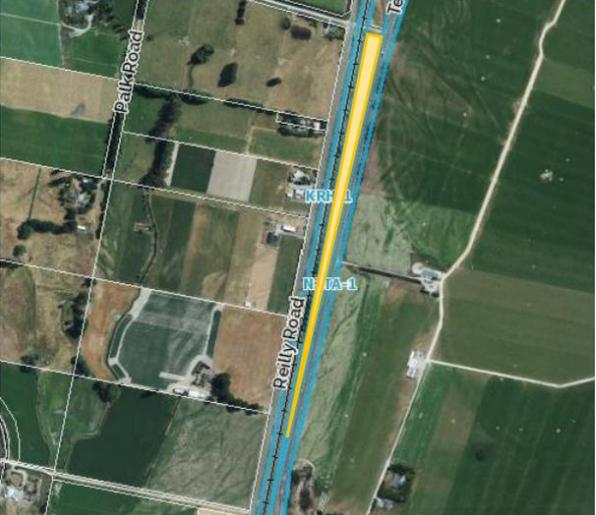
Table 2 - Expansion of KRH-1 to cover Council roads/road reserve

Submission Point:	Change sought:	Section 171 Analysis:
<p>187.97</p>	<p>KRH-1 includes the Spingfield Road rail level crossing. The area to be included is highlighted in orange in the figure below:</p> 	<p>Councils Land Transport Manager, Ms. Suzy Ratahi initially had concerns with the proposed mapping changes as a designation over Council roads, in her view, could have financial and practical implications for Council.</p> <p>A meeting with Ms. Ratahi and Ms. Grainland-Hancock (on behalf of KRH) to discuss Councils concerns was therefore arranged. At this meeting Ms. Ratahi and Ms. Grainland-Hancock reached an agreement regarding future works within KRH designation.</p> <p>Ms. Grainland-Hancock, also agreed to reduce the extent of</p>

<p>187.98</p>	<p>KRH-1 includes the Domain Road east rail crossing. The area to be included is highlighted in orange in the figure below :</p> 	<p>KRH designation to 5m from the existing railway where KRH-1 covers Council roads to reflect the permit to enter access requirements under the Railways Act 2005.</p> <p>Ms. Ratahi is therefore no longer concerned with the proposed mapping changes and supports KRH-1 be extended to cover Councils roads/reserve at the locations identified.</p> <p>No other parties, in my view, are affected by the proposed mapping changes.</p>
<p>187.99</p>	<p>KRH-1 includes the Healey Road rail crossing. The area to be included is highlighted in orange in the figure below:</p> 	<p>In my opinion, inclusion of these mapping changes is unlikely to generate adverse effects on the environment that that are more than minor.</p> <p>Inclusion of these mapping changes, in my view, is consistent with the outcomes sought in the PDP which, seeks to enable the safe and efficient use of existing land transport infrastructure by providing for its operation, maintenance and upgrading.</p> <p>In my opinion, the requiring authority therefore has sufficient interest in the land/infrastructure identified.</p>
<p>187.100</p>	<p>KRH-1 includes the following rail infrastructure. I note that this area is a paper road. The area to be included is highlighted in orange in the figure below:</p> 	<p>In my opinion, inclusion of KRH assets over Council roads/road reserve is reasonably necessary to achieve the objectives of the requiring authority by providing certainty for the future operation, maintenance, use and improvement of the existing railway for railway purposes.</p> <p>I note that all other Council roads are included in KRH designation.</p> <p>I therefore recommended that the submission points from KiwiRail [187.97, 187.98, 187.99, 187.100, 187.101 and 187.106] be accepted in part and that KRH-1 is extended</p>

<p>187.101</p>	<p>KRH-1 includes the Seadown Road rail crossing. The area to be included is highlighted in orange in the figure below:</p> 	<p>to cover Councils roads/road reserve as set out in <b>Appendix 1</b>.</p> <p>I note that KRH are currently preparing an updated shapefile that will accurately show the 5m extent of KRH designation over Council roads/road reserve (as well as other minor modifications). The mapping changes to KRH-1 displayed in <b>Appendix 1</b> are therefore indicative only.</p>
<p>187.106</p>	<p>KRH-1 is realigned to include the full extent of the Main South Line at the following location. Some of this area is contained within Councils Road Reserve. The remaining land is Crown land. The area to be included is highlighted in orange in the figure below:</p> 	

**Table 3 – Realignment/expansion of KRH-1 to follow the existing railway line/land owned by KRH**

Submission Point:	Change sought:	Section 171 Analysis:
187.92	<p>KRH-1 includes the land immediately southwest of the railway tracks as displayed in orange in the figure below:</p>  <p>KRH have provided legal confirmation that this land is owned by KRH.</p>	<p>Inclusion of these mapping changes, in my opinion, is unlikely to generate adverse effects on the environment that are more than minor.</p> <p>All land identified is used for railway proposes and/or is administered by KRH.</p> <p>The proposed mapping changes, in my view, more accurately reflect the existing railway line or KRH land.</p> <p>The realignments/expansions are relatively small in scale and do not significantly increase the extent of the designation.</p>
187.93	<p>KRH-1 is realigned to accurately follow the curvature of the railway line within the area outlined in orange in the figure below:</p> 	<p>The realignment in Submission Points [187.107] and [187.108] will have positive effects by removing the designation over land in private ownership.</p> <p>Inclusion of these areas, in my view, is consistent with the outcomes sought in the PDP, which seeks to enable the safe and efficient use of existing land transport infrastructure including existing railway tracks and facilities.</p>
187.95	<p>KRH-1 includes the land immediate west of the railway tracks as displayed in orange below below:</p> 	<p>In my opinion, the requiring authority has sufficient interest in the land/infrastructure. All land identified is used for railway proposes and/or is administered by KRH.</p> <p>In my opinion, inclusion of these areas is reasonably necessary to achieve the objectives of the requiring authority by providing certainty for the future operation, maintenance, use and improvement of railway land for railway purposes.</p>

<p>187.103</p>	<p>KRH-1 includes the railway line within the area highlighted in orange below:</p>  <p>I note that this land is identified as a hydro parcel and is not in private ownership.</p>	<p>I therefore recommended that the submission points from KiwiRail [187.92, 187.93, 187.95, 187.103, 187.104, 187.105, 187.107 and 187.108] be accepted in part and that KRH-1 is expanded/realigned to follow the existing railway line/land owned by KRK at the locations identified in <b>Appendix 1</b>.</p>
<p>187.104</p>	<p>KRH-1 is realigned to accurately follow the railway at the following location. The designation as notified is displayed in blue and the proposed realignment is displayed in red:</p> 	

<p>187.105</p>	<p>KRH-1 is realigned to accurately follow rail land boundaries at the following location. The designation as notified is displayed in blue and the proposed realignment is displayed in red:</p> 	
<p>187.107</p>	<p>KRH-1 is realigned east of Normandy Lagoon to accurately follow rail land boundaries. The designation as notified is displayed in blue and the proposed realignment is displayed in yellow:</p> 	

<p>187.108</p>	<p>KRH-1 is realigned at the following location to accurately follow rail land boundaries:</p> 	
----------------	--	--

Table 4 - Other

Submission Point:	Change sought:	Section 171 Analysis:
<p>187.96</p>	<p>KRH-1 includes the level crossing over State Highway 1 and KRH land south and west of the existing designation. The area to be included is highlighted in orange in the figure below:</p> 	<p>Inclusion of this mapping change, in my opinion, is unlikely to generate adverse effects on the environment that are more than minor.</p> <p>The proposed mapping change, in my opinion, more accurately reflects the existing railway line/assets owned by KRH. It is also my understanding that KRH-1 and NZTA have a private agreement for instances where a railway line crosses a State Highway.</p> <p>KRH existing designation at this location is subject to the Notable Tree Group overlay in the PDP (TREESG-11). The proposed mapping change is also partially affected by this overlay as set out in the figure below:</p>  <p>However, in my view, the proposed mapping change will not have</p>

		<p>significant effects on the notable trees in this area. The expansion is small in scale to accurately follow the existing railway and based on aerial imagery, does not contain any notable trees.</p> <p>I note that Ms. Grainland-Hancock has indicated that the existing designation at this location is to be reduced (as part of the updated shapefile).</p> <p>Inclusion of this area, in my view, is consistent with the outcomes sought in the PDP, which seeks to enable the safe and efficient use of existing land transport infrastructure including existing railway tracks and facilities.</p> <p>The land identified is used for railway proposes and/or is administered by KRH. In my opinion, the requiring authority therefore has sufficient interest in the land/infrastructure identified.</p> <p>In my opinion, inclusion of this area is reasonably necessary to achieve the objectives of the requiring authority by providing certainty for the future operation, maintenance, use and improvement of railway land for railway purposes.</p> <p>I therefore recommended that KiwiRail [187.96] be accepted in part and that KRH-1 includes the level crossing over State Highway 1 and KRH land south and west of the existing designation as set out in <b>Appendix 1</b>.</p>
--	--	--

### **Recommendations**

- 3.5.12 I recommend, for the reasons given above, that KiwiRail [187.186 and 187.190 to 187.108] be accepted in part.
- 3.5.13 I recommend, for the reasons given above, that the Hearing Panel recommend that KRH-1 be confirmed subject to mapping modifications set out in **Appendix 1**. I note that the mapping modifications set out in **Appendix 1** are indicative only and that KRH are currently in the process of preparing an updated shapefile.

### 3.6 MEDU – Minister of Education

#### Clause 4 Notice

3.6.1 MEDU, in their Clause 4 Notice, requested the rollover of 23 designations with the following modifications:

- a. the designation purpose of each school is changed to 'Education Purposes' and an explanatory note is included for each school to define 'Education Purposes';
- b. seven designations are updated to identify the correct location and/or legal descriptions; and
- c. minor changes are made to the mapped extent of two designations to reflect correct legal boundaries.

3.6.2 MEDU also requested NOR for five new sites:

- a. MEDU-24 – St Joseph's School, Timaru
- b. MEDU-25 – St Joseph's School, Pleasant Point
- c. MEDU-26 – St Josephs's School, Temuka
- d. MEDU-27 – Roncalli College, Timaru
- e. MEDU-28 – Sacred Heart School, Timaru

#### Submissions

3.6.3 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)
MoE	106.52, 106.53, 106.53, 106.154, 106.155, 106.156, 106.157, 106.158, 106.159, 106.160, 106.161, 106.162, 106.163, 106.164, 106.165, 106.166, 106.167, 106.168, 106.169, 106.170, 106.171, 106.172, 106.173, 106.174, 106.175, 106.176, 106.177, 106.178, 106.179, 106.180, 106.181, 106.182, 106.183, 106.84
McAuley Trust	142.2
Dennison, L W and F M	146.1

3.6.4 MoE supports the designations listed in the PDP and the planning maps, but requests the following amendments:

- a. the site identifier of each school is amended to include legal descriptions to match their designation confirmation letter dated 25 May 2021 [106.52, 106.53, 106.54, 106.55, 106.56, 106.57, 106.59, 106.61, 106.62, 106.63, 106.66, 106.77, 106.88, 106.69, 106.70, 106.71, 106.72, 106.73, 106.74, 106.75, 106.76, 106.77, 106.78, 106.79, 106.80, 106.82 and 106.84];
- b. the mapped area of MEDU-6 is amended to exclude Part Lot 32 DP 2069 [106.58];
- c. the mapped area of MEDU-7 is amended to include Part Lot 32 DP 2069, Part Lot 1 DP 2365 and Lot 7 DP 241 [106.60];
- d. MEDU-11 is deleted and incorporated into MEDU-9, noting that this area has been incorrectly identified as being associated with Timaru South School when it is part of Timaru Girls High School [106.64 and 106.65];

- e. consequential amendments to the unique identifier of MEDU-12 to MEDU-24 [106.66, 106.67, 106.88, 106.69. 106.70, 106.71, 106.72, 106.73, 106.74, 106.75, 106.76, 106.77, 106.78, 106.79, 106.80, 106.82, 106.83 and 106.84];
  - f. corrections to MEDU-16 and MEDU-21 to correct minor spelling errors [106.70 and 106.75];
  - g. amendments to MEDU-9 and MEDU-27 to include the correct property address [106.62 and 106.82]; and
  - h. amendments to the designated area of MEDU-26 [106.81] and MEDU-27 [106.83] to accurately reflect the area attached to their designation confirmation letter dated 25 May 2021.
- 3.6.5 McAuley Trust (142.2) request that a 10m yard setback is imposed on MEDU-27. In their view, a 10m setback is needed to mitigate noise and other impacts associated with carparks adjacent to sensitive land uses and to manage the building bulk of education buildings. The condition sought by McAuley Trust (142.2) is as follows:
- “That a 10m yard applies in respect of any boundary with Lot 1 DP 45190 (7A Craigie Avenue, Parkside) and that no buildings or carparks shall be constructed within this yard.”*
- 3.6.6 Dennison, L W and F M (146.1) are concerned that MEDU-27 will encourage further movements along an existing alleyway to a designated bus pick up and drop of zone on Cain Street that will block access to the submitter’s property.
- 3.6.7 For completeness, further submissions from the Catholic Education Office and Diocese [262.1FS to 262.11FS] were received in support of and opposition to the submissions received from MoE, McAuley Trust and Dennison, L W and F M.

### ***Analysis of Submissions***

- 3.6.8 I agree with MoE [106.64 and 106.65] that MEDU-11 has been incorrectly identified as applying to Timaru South School in the Designation Schedule despite being correctly identified as applying to Timaru Girls High School in the PDP maps. I also agree with MoE [106.50] that MEDU-11 can be incorporated into MEDU-9 (specific to Timaru Girls High School) and that a separate designation is not required for this site. Both designations have the same purpose, and no conditions apply to the designations that would warrant a separate designation. As such, I agree with MoE [106.66, 106.67, 106.88, 106.69. 106.70, 106.71, 106.72, 106.73, 106.74, 106.75, 106.76, 106.77, 106.78, 106.79, 106.80, 106.82, 106.83 and 106.84] that consequential amendments to the unique identifier of MEDU-12 to MEDU-28 are required.
- 3.6.9 I also agree with MoE [106.70 and 106.75] that minor amendments are needed to MEDU-16 and MEDU-21 to correct minor spelling errors and amendments are needed to MEDU-9 and MEDU-27 to include correct site addresses [106.62 and 106.82].
- 3.6.10 I do not support MoE proposed mapping change to MEDU-6 [106.58] and MEDU-7 [106.60]. To my understanding, the PDP maps already identify Part Lot 32 DP 2069, Part Lot 1 DP 2365 and Lot 7 DP 241 as being part of MEDU-7 (in accordance with MoE submission) as displayed in Figure 5 (the designation boundaries are outlined in blue). I note that when you click on

MEDU-6 and MEDU-7, the black and white lines show the property boundaries of the sites (based on cadastral boundaries) and do not identify the designation boundaries (as displayed in Figure 6).

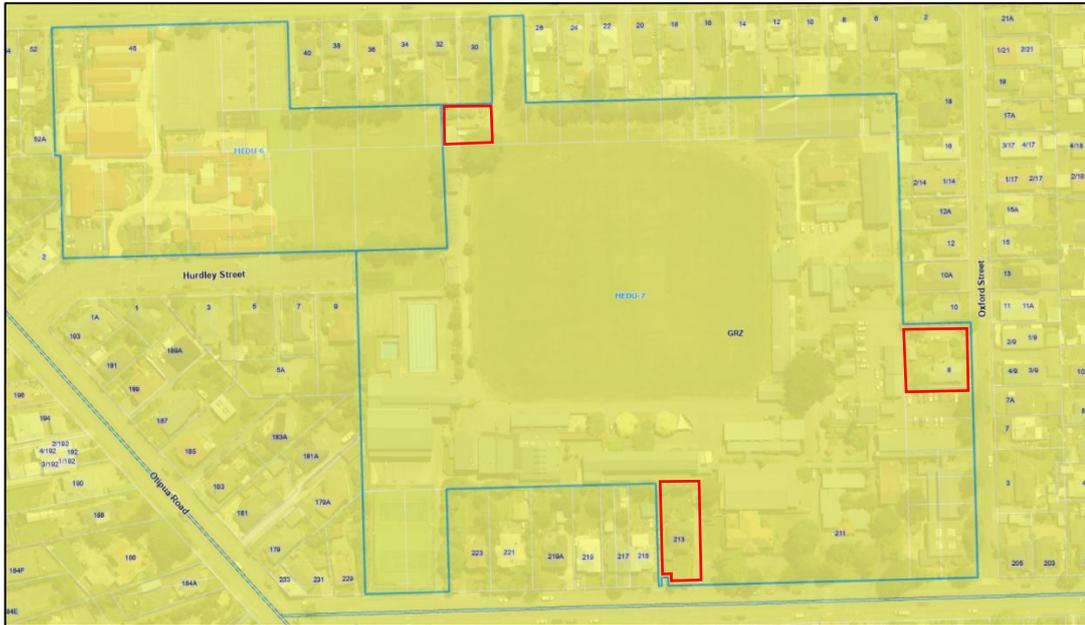


Figure 5 - Aerial photograph of MEDU-6 and MEDU-7. The designation boundaries of these schools are outlined in blue. Part Lot 32 DP 2069, Part Lot 1 DP 2365 and Lot 7 DP 241 within MEDU-7 are outlined in red.

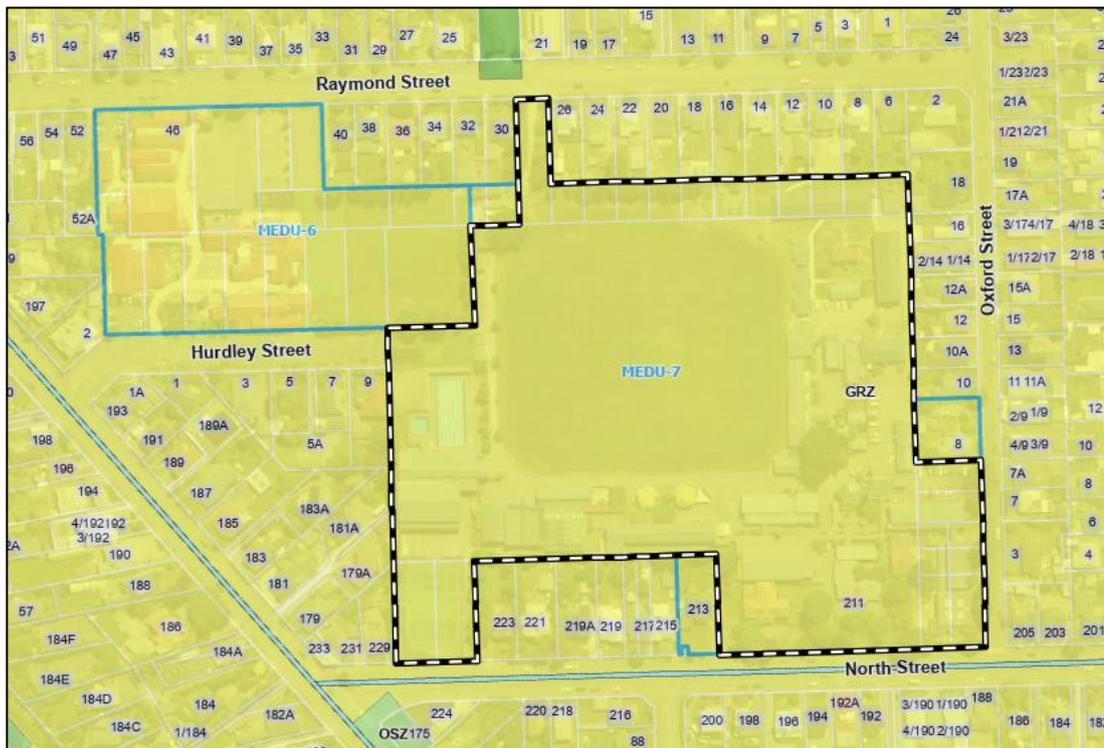


Figure 6 - Aerial photograph of MEDU-6 and MEDU-7. The black and white dashed line shows the property boundaries of MEDU-27 based on cadastral boundaries.

3.6.11 Subject to new shapefiles being provided (or revised maps that clearly show the dimensions of the areas to be excluded) I am comfortable with MoE proposed mapping changes to MEDU-26 [106.81] and MEDU-27 [106.83]. In my view, the proposed mapping changes

appear to be minor changes to accurately reflect the boundaries of the designations and will not be prejudicial to a third party.

- 3.6.12 Regarding legal descriptions, it is my understanding that a drafting choice was made to remove legal descriptions from the designations in the PDP. The reason for this is legal descriptions are not always accurate and can change through subdivision, resulting in a potential mismatch in legal descriptions recorded in the designations and other property documents/data bases. While including legal descriptions in MoE designations will result in an inconsistency with the other designation chapters and may result in a potential mismatch, I am comfortable with legal descriptions being included in the designations if this is preferred by MoE. Legal descriptions, in my opinion, provide added certainty to plan users which land parcels are included within a designation. The transfer of the District Plan to an EPlan format, in my view, also allows amendments to the Designations Schedule to be made to correct any drafting errors or to update legal descriptions following an application for subdivision consent. Furthermore, the Partially Operative Selwyn District Plan, the Proposed Waimakariri District Plan and the Proposed Mackenzie District Plan all include legal descriptions in their designations.
- 3.6.13 Having regard to the above, I recommend that the MoE [106.52 to 106.57, 106.59, 106.61 to 106.80, 106.82 and 106.84] be accepted, MoE [106.81 and 106.83] be accepted in part and MoE [106.58 and 106.60] be rejected.
- 3.6.14 I do not agree with McAuley Trust (142.2) that a 10m setback to Lot 1 DP 45190 should be imposed on MEDU-27. MEDU-27 and Lot 1 DP 45190 are zoned MRZ in the PDP. While education facilities outside a residential unit require resource in the MRZ, the minimum setback for permitted buildings and structures in the PDP is only 1m from internal boundaries (where they comply with the height and height in relation to boundary requirements). In my view, a 10m setback would therefore be overly onerous and would not reflect the anticipated character and/or amenity values anticipated in the zone (MRZ-O2). There are also no minimum separation distances for parking in the MRZ that would warrant a 10m setback to Lot 1 DP 45190.
- 3.6.15 I note that as part of my assessment of the NOR for MEDU-27 I have recommended that the Hearing Panel recommend that MEDU-27 includes the following conditions:
1. *All new buildings and structures on the site shall comply with MRZ-S1 – Height of buildings and structures.*
  2. *All new buildings and structures on the site shall comply with MRZ-S2 – Height in relation to boundary.*
  3. *All new buildings on the site shall comply with MRZ-S5 – Building coverage.*
  4. *All new buildings shall comply with MRZ-SZ – Setbacks.*
- 3.6.16 These conditions, in my view, will ensure future built form on the site maintains the anticipated character and amenity values sought as they align with the bulk and location standards of the underlying zone. I also note that if the site is developed in the future, the outline plan process will enable Council to consider any actual or potential adverse effects

on the environment including but not limited to, amenity, noise, traffic and lighting and recommend amendments to the outline plan to mitigate potential adverse effects. I therefore recommend that the submission point from McAuley Trust (142.1) be accepted in part.

3.6.17 No immediate changes to MEDU-27 are proposed as part of the NOR. The NOR will therefore have no further effects on access to properties on Cain Street from what is currently existing. I note that school buses are allowed to park within the designated parking area on Cain Street during pick up and drop off (8.15am to 9am and 3.30pm to 4pm, Monday to Friday) and that in the event of an emergency, any buses parked in the designated bus pick up and drop of zone could be moved to accommodate emergency vehicles. I also note that if Roncalli College is developed in the future, the outline plan process will enable Council to consider any actual or potential adverse effects on the environment including traffic/bus movements and recommend amendments to the outline plan to mitigate potential adverse effects.

3.6.18 As part of my assessment of the NOR I have recommended that MEDU-27 includes the following condition:

1. *The outline plan for any additional building(s) which generate vehicle trips that meet or exceed the thresholds in TRAN-S20 – High trip generating activities shall include a basic or full integrated transport assessment in accordance with the matter of discretion in TRAN-R10 – High trip generation activities.*

3.6.19 In my view, this condition will help mitigate some of the concerns of submitter. I therefore recommend that the submission point from Dennison, L W and F M (146.1) be accepted in part.

### **Notices of Requirement**

3.6.20 MEDU in their Clause 4 Notice seek NOR for five new sites. The NOR, as detailed in **Appendix 4**, relate to existing State Integrated Schools<sup>7</sup> and are sought to enable the on-going operation, maintenance and development of these sites for education purposes. No immediate changes to the sites are proposed as part of the NOR and no conditions have been proposed by MEDU.

3.6.21 A detailed description of each site is provided in **Appendix 4**. A summary of each site is provided in the table below:

NOR	Site Description
<b>MEDU-24: St Joseph's School, Timaru</b>	<p>St Joseph's School, Timaru is a state integrated primary school (years 1 to 8) established in 1958. The site is located on the corner of Pages Road (to the north) and Kelvin Street (to the east) within a predominantly residential area. The site is zoned GRZ in the PDP and is subject to the Flood Assessment Area overlay.</p> <p>The site has a site area of approximately 8,196m<sup>2</sup> and contains eight classrooms. There is no on-site parking on the site, except for one disabled carpark. The site contains extensive hard surface area in front of the classroom blocks, including playing courts. Beyond the</p>

<sup>7</sup> State-integrated schools are former private schools that have become part of the state system.

playing courts to the north is a large adventure playground and grass area. The buildings on the site are single storied have a site coverage of approximately 17.9%.



**MEDU-25: St Joseph's School, Pleasant Point**

St Joseph's School, Pleasant Point is a state integrated primary school (years 1 to 8) established in 1928. The site is bounded by Afghan Street to the north, Khan Street to the east and Kabul Street to the south and is located within a predominantly residential area. The site is zoned GRZ in the PDP and is subject to the Flood Assessment Area, Liquefaction Area and Drinking Water Protection Area overlays. The Catholic Church is co-located on the site (but will not be included within the designation).

The site to be designated has a net area of approximately 3,550m<sup>2</sup> and contains four classrooms. The school has no onsite parking area. There is a hard surfaced area in front of the classroom blocks, a playing field and a playground. The buildings on the site are single storied and have a site coverage of approximately 16.8%.



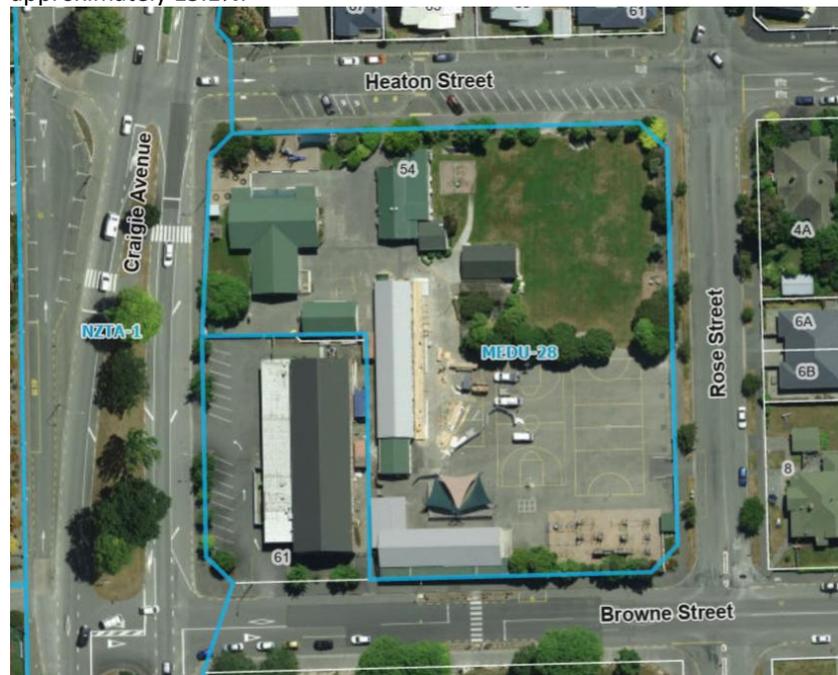
<p><b>MEDU-26: St Joseph’s School, Temuka</b></p>	<p>St Joseph’s School, Temuka is a state integrated primary school (years 1 to 8) established in 1914. The site is bounded by Studholme Street to the west, Denmark Street to the south and Wilkin Street to the east, with its primary access from Wilkin Street. The site is located within a predominantly residential area and is zoned GRZ in the PDP. The site is subject to the Flood Assessment Area, Aerodrome Flight Path Protection Area, Drinking Water Protection Area and Wahi Tupuna Area (SASM-4) overlays. St Joseph’s Church is located on the corner of Denmark and Wilkin Street to the east.</p> <p>The site is approximately 1.443ha and contains six classrooms along with hard surfacing and playing areas. The school has no on-site parking. Within the school site is a residential dwelling which is owned by Diocese which, will not be designated. The buildings on the site are single storey and have a site coverage of approximately 5.8%.</p> 
<p><b>MEDU-27: Roncalli College, Timaru</b></p>	<p>Roncalli College is a state integrated high school (years 9 to 13) established in 1982. The site is zoned MRZ in the PDP and adjoins housing on its northern, western and southern boundaries and State Highway 1 on its eastern boundary. The site is subject to the Flood Assessment Area overlay. The school site adjoins the Scared Heart Basilica and the Parish Hall.</p> <p>The designation site is approximately 4.410ha and contains 29 classrooms, grass playing fields, two adventure playgrounds and hard surface area including two on-site parking areas. The buildings on the site occupy approximately 1,194m<sup>2</sup> of the site.</p>



**MEDU-28:  
Sacred Heart  
School, Timaru**

Sacred Heart School is a state integrated primary school (years 1 to 8) established in 1983. The site adjoins one other property, being the premise of the Celtic Rugby Football Club on the south-western boundary and is zoned MRZ in the PDP.

The site is subject to the Flood Assessment Area overlay. The site is approximately 8,550m<sup>2</sup> and contains nine classrooms. Grass playing fields occupy most of the north-eastern corner of the site. The school is partially screened from the surrounding road network on the northern, southern and eastern boundaries by wire mesh fencing and scattered boundary planting. The western boundary adjoining Craigie Ave (State Highway 1) is screened by a concrete fence. There is no on-site parking. There are extensive hard surfaced areas in front of the classroom blocks as well as playing courts and an adventure playground. The buildings on the site are single storied and have a site coverage of approximately 15.1%.



**Effects on the environment having regard to relevant provisions, Section 171(1)(a)**

- 3.6.22 No National Policy Statements, in my view, are applicable to the sites and NOR.
- 3.6.23 No immediate change in effects on the environment of allowing the NOR will occur. The sites and their use are well established and no physical or operational changes to the sites are proposed as part of the NOR.
- 3.6.24 MEDU-24, MEDU-25 and MEDU-26 are zoned GRZ in the PDP. The GRZ provides primarily for residential activities (via a mix of housing typologies) along with other complimentary activities that support the wellbeing of residents (GRZ-O1). Education facilities within existing residential units in the GRZ, that accommodate no more than six children, are a permitted activity in PDP. All other education facilities require resource consent as a discretionary activity to ensure adverse effects on residential and amenity values are avoided or minimised and that the activity maintains the anticipated character, qualities and purpose of the GRZ. The character and qualities anticipated in the GRZ, as outlined in GRZ-O2, include:
- a. *low to moderate building coverage;*
  - b. *building form of single storey and two storey attached or detached buildings;*
  - c. *sites that incorporate plantings;*
  - d. *a good level of sunlight access; and*
  - e. *a good level of privacy between buildings.*
- 3.6.25 To ensure future buildings and structures on the site maintain the anticipated character and qualities in the zone I therefore recommend that the following conditions be imposed on MEDU-24, MEDU-25 and MEDU-26:
1. *All new buildings and structures on the site shall comply with GRZ-S1 – Height of buildings and structures.*
  2. *All new buildings and structures on the site shall comply with GRZ-S2 – Height in relation to boundary.*
  3. *All new buildings on the site shall comply with GRZ-S3 – Setbacks.*
  4. *All new buildings shall comply with GRZ-S5 – Coverage.*
- 3.6.26 MEDU-27 and MEDU-28 are zoned MRZ in the PDP. Similar to the GRZ, the MRZ provides primarily for residential activities (via a mix of housing typologies) along with other complimentary activities that support the wellbeing of residents (MRZ-O1). Education facilities within existing residential units in the MRZ, that accommodate no more than six children, are a permitted activity in PDP. All other education facilities require resource consent as a discretionary activity to ensure adverse effects on residential and amenity values are avoided or minimised and that the activity maintains the anticipated character, qualities and purpose of the MRZ. The character and qualities anticipated in the MRZ, as outlined in MRZ-O2, includes:
- a. *moderate building coverage;*
  - b. *two to three storey well articulated buildings that make a positive contribution to neighbouring properties and the streetscape;*
  - c. *good quality amenity for adjacent sites; and*

*d. attractive streetscapes.*

- 3.6.27 To ensure future buildings and structures on the site maintain the anticipated character and qualities in the zone I therefore recommend that the following conditions be imposed on MEDU-27 and MEDU-28:
1. *All new buildings and structures on the site shall comply with MRZ-S1 – Height of buildings and structures.*
  2. *All new buildings and structures on the site shall comply with MRZ-S2 – Height in relation to boundary.*
  3. *All new buildings on the site shall comply with MRZ-S5 – Building coverage.*
  4. *All new buildings shall comply with MRZ-SZ – Setbacks.*
- 3.6.28 In my view, the above conditions are not overly onerous and will ensure future built form on these sites maintains the anticipated character and qualities of the underlying zones. For ease of reference, the GRZ and MRZ standards (as proposed by Ms. White) are attached in **Appendix 5**.
- 3.6.29 All five sites are subject to the Flood Assessment Area overlay in the PDP. SD-O3 of the PDP seeks that in areas subject to natural hazard risk that development is avoided where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable and that in other areas natural hazards are appropriately mitigated. This high-level direction is then implemented through provisions in the NH Chapter. NH-P4 is specific to the Flood Assessment Area and seeks to enable subdivision, use and development provided that is not likely to suffer significant damage in a flood event, it will not significantly affect the functioning of the flood plain, it will not generate the need for new or upgraded natural hazard mitigation works, natural hazard sensitive buildings have a minimum floor level above 0.5% AEP flood level and significant adverse effects on people and property are avoided.
- 3.6.30 Council's Stormwater Team Leader, Mr. Kevin Kemp has reviewed the NOR and considers St Joseph's School, Timaru (MEDU-24), Roncalli College, Timaru (MEDU-27) and Sacred Heart School, Timaru (MEDU-28) to be at low risk of flooding based on Council's current stormwater model. I therefore do not consider any conditions to manage potential flood risk at these sites to be necessary. St Joseph School, Pleasant Point (MEDU-25) and St Joseph School, Temuka (MEDU-26) on the other hand are subject to the Flood Assessment Overlay as notified or Environment Canterbury's proposed change to the Flood Assessment Area Overlay. Mr. Kemp therefore recommends that conditions of consent are imposed on MEDU-25 and MEDU-26 to require future buildings and activities on these sites to comply with NH-R1 (Buildings, structures and earthworks) and NH-R4.1 (Natural hazard sensitive buildings). I therefore recommend that the following conditions are applied to MEDU-25 and MEDU-26:
1. *All new buildings, structures and earthworks on the site shall comply with NH-R1.*
  2. *All new natural hazard sensitive buildings on the site shall comply with NH-R4.1*

- 3.6.31 TRAN-P7 of the PDP seeks to only allow high trip generating activities where they support the safe, efficient and effective use of land transport infrastructure, as demonstrated through an integrated transport assessment; and to encourage accessibility by a range of transport modes, including public transport and active transport use. I therefore recommend that a condition of consent is imposed on MEDU-24 to MEDU-28 to require a basic or full integrated transport assessment to be submitted with any future outline plan for additional buildings(s) on the site (where they generate vehicle trips that exceed or meet the thresholds in TRAN-S20 – High trip generating activities) in accordance with the matters of discretion in TRAN-R10 – High trip generating activities. In my view, this will more effectively enable Council to consider the actual or potential transport effects of a proposal and recommend changes (if needed) to mitigate potential or actual adverse effects.
- 3.6.32 MEDU-26 is located within a Wahi Tupuna Area overlay (SASM-4). However, in my opinion, any future activities at the site are unlikely to have adverse effects on cultural values. The provisions applying to SASM-4 in the PDP (as recommended by Ms. White) are relatively permissive and are focused on activities that pose the greatest threat to cultural values, such as large-scale earthworks, mining and quarrying. There are no rules managing buildings and/or structures within this overlay. The site is not located within known archaeological area. If an archaeological site or wahi tapu site is located during any earthworks the requiring authority will also be obligated to follow Heritage New Zealand’s Accidental Discovery Protocol. I therefore do not consider any conditions in regard to this overlay to be necessary.
- 3.6.33 I note that in preparation of my section 42A report I have reached out to the agent on behalf of MoE to discuss my recommended conditions and the proposed mapping changes to MEDU-26 [106.81] and MEDU-27 [106.83]. My communication has been acknowledged but I have not received a formal response. I continue to welcome the opportunity to discuss the conditions and maps further with the submitter prior to the hearing or in response to evidence.
- 3.6.34 The NOR, in my view, are accordance with Part 2 of the RMA by enabling the sustainable management of established physical resources. Securing the sites for their designated purpose will also enable people and communities to provide for their social and cultural wellbeing by providing for the ongoing operation, maintenance and development of the sites for education purposes.
- 3.6.35 Based on the above, I consider the effects on the environment of allowing the NOR, having regard to Part 2, the relevant statutory documents, and the proposed conditions to be no more than minor.

**Alternative sites, routes or methods (Section 171(1)(b))**

- 3.6.36 I do not consider an assessment of alternative sites, routes, or methods to be necessary as:
- a. the requiring authority has sufficient interest in the land to undertake the work (i.e., the schools are well established and are administered by MEDU); and

- b. based on the assessment above, the NOR will not have significant adverse effects on the environment.

**Reasonably necessary for achieving the objectives of the requiring authority, Section 171(1)(c)**

- 3.6.37 I consider the NOR to be reasonably necessary to achieve the objectives of MEDU by providing certainty for the future operation, maintenance, use and development of these sites for education purposes.

**Any other matters, Section 171(1)(d)**

- 3.6.38 No other matters are considered reasonably necessary to make a recommendation on the NOR.

***Recommendations***

- 3.6.39 I recommend, for the reasons given above, that MoE [106.52 to 106.57, 106.59, 106.61 to 106.80, 106.82 and 106.84] be accepted, MoE [106.81 and 106.83] be accepted in part and MoE [106.58 and 106.60] be rejected.
- 3.6.40 I recommend, for the reasons given above, that McAuley Trust (142.2) and Dennison, L W and F M (146.) be accepted in part.
- 3.6.41 I recommend, for the reasons given above, that the Hearing Panel recommend that MEDU-11 is removed from the PDP and that the planning maps are amended to incorporate the mapped area of MEDU-11 into MEDU-9.
- 3.6.42 I recommend, for the reasons given above, that the Hearing Panel recommend that MEDU-1 to MEDU-10 and MEDU-12 to MEDU-23 be confirmed subject to the modifications set out in **Appendix 1**.
- 3.6.43 I recommend, for the reasons given above, that the Hearing Panel recommend that MEDU-24 to MEDU-28 be confirmed subject to the modifications set out in **Appendix 1**.

**3.7 NZTA – New Zealand Transport Agency (Waka Kotahi)**

***Clause 4 Notice***

- 3.7.1 NZTA, in their Clause 4 Notice, requested the rollover of 30 designations with the following modifications:
- a. the existing designations are merged into four designations, one for each State Highway (SH 1, SH 8, SH 78 and SH 79);
  - b. the requiring authority name of each designation is changed from ‘Transit New Zealand’ to ‘New Zealand Transport Agency’;
  - c. the purpose of each designation is changed from ‘Proposed State Highway’ to ‘State Highway’ noting that the designations are operative and no further state highways are proposed; and
  - d. minor modifications to the planning maps to follow the correct alignment of the state highways in the Timaru District.

## Submissions

- 3.7.2 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)
TDC	42.66
Brownie, J	70.1
H B	74.5
Gilbert, T	133.1
Nixon, P	139.1
Waka Kotahi	143.186, 143.87, 143.88, 143.89, 143.190

- 3.7.3 TDC [42.66], Brownie, J [70.1], Gilbert, T [133.1] and Nixon, P [139.1] seek that the existing conditions relating to the Normanby Road realignment (former Designation 192 in the ODP) are applied to NZTA-1. For ease of reference, the conditions applying to the Normandy Road realignment are attached in **Appendix 6**.
- 3.7.4 Similarly, Waka Kotahi [143.186] considers that Conditions p. and r. of the Normanby Road realignment should be included within the PDP, with amendments made to these conditions to reflect that the realignment works have been given effect to. The specific amendments sought by Waka Kotahi are as follows:

**Condition P:** A 300m length of “Open Graded Porous Asphalt (OGPA)” quiet road surfacing, or an alternative form of quiet road surfacing that will achieve at least the equivalent traffic noise level, will be ~~applied within 12 months of completion of the realignment and maintained between meterage points 5900 and 6200 shown on the aerial photos attached in Appendix 3 of the Addendum, to ensure traffic noise levels at the McGlinchy, Donadlson and Paul properties meet or remain within levels recommended by the Transit Guidelines.~~

**Condition R:** A 400m Length of OGPA quiet road surfacing, or an alternative form of quiet road surfacing that will achieve at least the equivalent traffic noise level, will be applied within 12 months of completion of the realignment and maintained between meterage points 6400 and 6800 shown on the aerial photos attached in Appendix 3 of the November 2022 Addendum, so as to ensure traffic noise levels at the Monson, Sturgeon and Barrett properties remain within the 1999 Transit Guidelines.

- 3.7.5 In their opinion, Conditions a. to n., q. and s. to v. have been given effect to or are covered by their day-to-day maintenance (Condition o.) and do not need to be included as specific conditions in the PDP.
- 3.7.6 Waka Kotahi [143.186, 143.87, 143.88 and 143.189] also request the following amendments to NZTA-1, NZTA-2, NZTA-3 and NZTA-4:
- amendments to the designation purpose<sup>8</sup> to achieve national consistency and to provide clarity to plan users;

<sup>8</sup> to ~~undertake construction, maintenance, operation, maintain use and improvement of the state highway network and associated infrastructure~~

- b. minor amendments to the site identifier and lapse date of NZTA-1, NZTA-2, NZTA-3, and NZTA-4; and
- c. amendments to the designation hierarchy of NZTA-1, NZTA-3 and NZTA-4 from 'primary' to 'varies' to reflect sections of the state highway designation that overlap with KRH designation.

- 3.7.7 Waka Kotahi [143.190] supports the proposed planning maps as notified.
- 3.7.8 H B [74.5] notes that there is no explicit provision for addressing the general lack of indigenous flora and/or cycle lanes between settlements, including along SH 1. In their view, providing for a green corridor with more indigenous plantings and/or cycle lanes would promote active transport modes. H B [74.5] therefore seek amendments to NZTA-1 to encourage and provide for indigenous plantings and separated cycle lanes.
- 3.7.9 For completeness, no further submissions in relation to these submission points were received.

### **Analysis of Submissions**

- 3.7.10 I agree with Waka Kotahi [143.186] that Conditions a. to n., q. and s. to v. of the Normanby Road realignment have been given effect to and do not need to be included in the PDP. The NOR for the Normanby road realignment was completed in 2003, with construction occurring soon after.
- 3.7.11 I also agree with Waka Kotahi [143.186] that Conditions p. and r. of the Normanby Road realignment should be included within the PDP, with amendments made to these conditions to reflect that the realignment has been given effect to. However, I also recommend that the property owners listed in Conditions p. and r. are removed from the conditions and replaced with site addresses. The reason for this is the landowners have changed since the Normanby Road realignment was completed. For clarity reasons I also recommend that a revised map is included in the PDP as displayed in Figure 6.
- 3.7.12 My recommended amendments to Conditions p. and r. are displayed in red below:

**Condition P:** A 300m length of "Open Graded Porous Asphalt (OGPA)" quiet road surfacing, or an alternative form of quiet road surfacing that will achieve at least the equivalent traffic noise level, will be ~~applied within 12 months of completion of the realignment and maintained between meterage points 5900 and 6200 shown on the aerial photos attached in Appendix 3 of the Addendum,~~ to ensure traffic noise levels at 7 Talbot Road, 12 Ellis Road and 10 Ellis Road the McGlinchy, Donadlson and Paul properties meet or remain within levels recommended by the Transit Guidelines.

**Condition R:** A 400m Length of OGPA quiet road surfacing, or an alternative form of quiet road surfacing that will achieve at least the equivalent traffic noise level, ~~will be applied within 12 months of completion of the realignment and maintained between meterage points 6400 and 6800 shown on the aerial photos attached in Appendix 3 of the November 2022 Addendum, so as~~ to ensure traffic noise levels at 14 Daniels Road, 16 Daniels Road and 11 Normanby Road the Monson, Sturgeon and Barrett properties remain within the 1999 Transit Guidelines.



Figure 6 - Proposed map to be included in NZTA-1.

- 3.7.13 Mr. Pearson on behalf of NZTA has reviewed my recommended modifications to Conditions p. and r. and the revised map and support these modifications.
- 3.7.14 Having regard to the above, I recommend that the submission points from Waka Kotahi [143.186], TDC (42.66), Brownie, J (70.1), Gilbert, T (133.1) and Nixon, P (139.1) be accepted in part.
- 3.7.15 I support Waka Kotahi's [143.186, 143.87, 143.88 and 143.189] recommended amendments to NZTA-1, NZTA-2, NZTA-3 and NZTA-4. In my view, the changes sought by NZTA are minor changes which, do not alter the scope of the designations, will ensure consistency with the NP Standards and the other designation chapters, and will provide certainty/clarity for plan users. It is also my understanding, that KRH and NZTA have an agreement for instances where a railway line crosses a state highway. I therefore recommend that Waka Kotahi submission points [143.87, 143.88 and 143.189] be accepted and [143.186] be accepted in part.
- 3.7.16 No amendments to the mapped extent of NZTA-1, NZTA-2, NZTA-3 or NZTA-4 are proposed in response to submissions. I therefore recommend that the submission point from Waka Kotahi [143.190] in support of the planning maps be accepted.
- 3.7.17 Regarding the submission from HB (74.5), I do not consider it appropriate to impose conditions on NZTA to require indigenous planting or cycle lanes between settlements. This is not the primary purpose of the designations and, in my view, is not necessary to mitigate potential adverse effects. I also note that the scope of the designations already allows for such activities to occur and that it is ultimately a decision for NZTA. I therefore recommend the submission point from HB (74.5) be rejected.

### Recommendations

- 3.7.18 I recommend, for the reasons given above, that Waka Kotahi [143.87, 143.88 and 143.189, 143.190] be accepted.
- 3.7.19 I recommend, for the reasons given above, that Waka Kotahi [143.186], TDC (42.66), Brownie, J (70.1), Gilbert, T (133.1) and Nixon, P (139.1] be accepted in part.
- 3.7.20 I recommend, for the reasons given above, that HB (74.5) be rejected.
- 3.7.21 I recommend, for the reasons given above, that the Hearing Panel recommend that NZTA-1, NZTA-2, NZTA-3 and NZTA-4 be confirmed subject to the modifications set out in **Appendix 1**.

### 3.8 TDC – Timaru District Council

#### Clause 4 Notice

- 3.8.1 In addition to the minor modifications (set out in Section 3.3 of this report) TDC, in their Clause 4 Notice, requested the rollover of Designation 69 (TDC-22) and Designation 198 (TDC-45) with the following modifications:
- add the location/site address and remove legal descriptions; and
  - minor amendments to the mapped extent of TDC-45.

#### Submissions

- 3.8.2 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)
TDC	42.64
Enviro NZ	162.18

- 3.8.3 TDC [42.64] seek amendments to TDC-45 (North Street Road extension) to include the following conditions:

“The designation is subject to the following conditions:

- Before any construction commences, an Outline Plan shall be prepared by the Requiring Authority and submitted to Timaru District Council pursuant to Section 176A of the Resource Management Act 1991. In addition to the matters required to be included by section 176A of the Resource Management Act, the Outline Plan shall include the final design details for pedestrian and cycle ways and stormwater management measures associated with all works.*
- Before any construction commences, a Traffic Management Plan shall be prepared by the Requiring Authority and submitted to Timaru District Council. The Traffic Management Plan shall include all necessary details of road construction and traffic controls associated with the physical works of the designation. The Traffic Management Plan shall be prepared in accordance with Timaru District Council’s standard for temporary traffic management.*

3. *The Requiring Authority shall provide appropriate signage to the general public during physical site works to define the construction areas.*
4. *The Requiring Authority shall take all practicable steps to ensure the noise emissions comply with the provisions of NZS 6803P:1999 "The measurement and assessment of noise from construction, maintenance, and demolition work".*
5. *The Requiring Authority shall ensure that areas of exposed soil are established as soon as practicable to minimise the potential for soil erosion and sediment run-off.*
6. *The Requiring Authority shall spray water over the construction area, as and when required, to minimise dust nuisance to private property.*
7. *The Requiring Authority shall ensure the storage and handling of all hazardous substances is undertaken in accordance with relevant hazardous substances regulations and relevant rules in the Timaru District Plan. When stored within the construction area, all vehicles, machinery and fuel tanks shall be locked and secured.*
8. *In the event of an accidental discovery of archaeological matter, including human remains, the Transit New Zealand Accidental Discovery Protocol for Transit NZ Regions 11 (Canterbury) and 12 (West Coast) shall apply."*

3.8.4 Enviro NZ [162.18] consider that TDC-22 (Timaru Landfill), as notified, does not include the other resource recovery activities that exist at the site. These include the transfer station, the material recovery facility (recycling), and the organics composting facility. Enviro NZ (162.18) therefore seek amendments to TDC-22 to include these activities in accordance with the existing resource consent conditions applying to the site.

3.8.5 For completeness, no further submissions in relation to these submission points were received.

#### **Analysis of Submissions**

3.8.6 I agree with TDC [42.64] that it is appropriate for the conditions relating to North Street Road extension to be applied to TDC-45. The physical works to complete the road extension have yet to be completed. The proposed conditions, in my opinion, are also sensible to manage any future works at the site and will not frustrate the use and/or purpose of the designation. Furthermore, Ms. Ratahi has no concerns with these conditions. I therefore recommend that the submission point from TDC [42.64] be accepted.

3.8.7 I do not agree with Enviro NZ [162.18] that TDC-22 should include all consented resource recovery activities occurring at the site. The existing conditions applying to the designation, in my view, are specific to the landfill activity at the site and do not provide for, or manage the activities sought by Enviro NZ [162.18]. The activities sought by Enviro NZ [162.18], in my view, therefore need to be assessed through a NOR. In addition, if TDC-22 was modified to include the transfer station, the material recovery facility (recycling), and the organics composting facility in accordance with their existing resource consent(s) conditions the designation would not give them any future development right over what is already provided for under their existing resource consent(s). I therefore recommend the submission point from Enviro NZ [162.18] be rejected.

### **Recommendations**

- 3.8.8 I recommend, for the reasons given above, that TDC [42.64] be accepted.
- 3.8.9 I recommend, for the reasons given above, that Enviro NZ [162.18] be rejected.
- 3.8.10 I recommend, for the reasons given above, that that the Hearing Panel recommend that TDC-22 be confirmed.
- 3.8.11 I recommend, for the reasons given above, that the Hearing Panel recommend that TDC-45 be confirmed with modifications to include the above conditions. The recommended modifications are set out in **Appendix 1**.

## **4. Conclusion**

- 4.1.1 This report provides an assessment of and recommendations on the designations and NOR contained in the PDP and any submissions received in relation to the designations and NOR.
- 4.1.2 Having considered all submissions, I recommend that the PDP designations are amended as set out in **Appendix 1**.
- 4.1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel.