

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE TIMARU  
DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or  
**the Act**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on the Proposed Timaru District  
Plan (**PTDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF**

Submissions and Further Submissions on the  
Proposed Timaru District Plan by **Foodstuffs  
South Island Limited**

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**EVIDENCE OF MARK DAVID ALLAN  
ON BEHALF OF FOODSTUFFS SOUTH ISLAND LIMITED  
REGARDING HEARING B – URBAN ZONES**

DATED: 5 July 2024

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Presented for filing by:  
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## INTRODUCTION

- 1 My full name is Mark David Allan.
- 2 I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University.
- 3 I have been employed by Aurecon since 2004 where I currently hold the position of Director – Environment and Planning.
- 4 My previous work experience includes more than 20 years in the field of resource management, both in the public and private sector. The majority of this has been in land development (residential, commercial and industrial), infrastructure and telecommunications in the Greater Christchurch area and wider South Island, involving the preparation and oversight of resource consent applications, plan change requests and submissions on district plan reviews, and providing expert planning evidence in respect of the same.
- 5 This evidence is provided in support of the submissions of Foodstuffs South Island Ltd (**Foodstuffs**) to rezone land at 11 Chalmers Street adjacent to New World Timaru, Highfield Mall from Medium Density Residential Zone (**MRZ**) to Local Centre Zone (**LCZ**), and to rezone a strip of land adjacent to PAK'nSAVE Timaru, Evans Street from MRZ to LCZ (**the Proposal**). My role has been to provide planning advice on the appropriate zoning and rule framework considering the existing environment of New World Timaru and PAK'nSAVE Timaru (**the Sites**).
- 6 Relevant to these proceedings is that I provided advice on the planning and consenting aspects and oversaw the preparation of Foodstuffs' resource consent application associated with the expansion of New World Timaru's carparking area over 11 Chalmers Street. I have also been involved in several resource consent applications and requests to vary consents relating to upgrades and expansions of PAK'nSAVE Timaru since approximately 2012. I am familiar with the location and surrounding environment of the Sites, having visited on numerous occasions through my involvement in the above processes.
- 7 In preparing my evidence I have considered the following documents:
  - (a) Foodstuffs' submissions / further submissions on the PTDP and the submissions of others relevant to the Sites;

- (b) statutory documents – various planning instruments that sit beneath the RMA relevant to my area of expertise;
- (c) resource consent decisions relevant to the Sites; and
- (d) Section 42A Report: Residential; and Commercial and Mixed Use Zones prepared by Liz White (**s42A Report**)

#### **CODE OF CONDUCT**

- 8 I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

#### **SCOPE OF EVIDENCE**

- 9 I have prepared evidence in relation to:
- (a) The relief sought by Foodstuffs;
  - (b) The existing environments of the Sites as lawfully established and/or authorised by Timaru District Council (**TDC or Council**) RMA decisions;
  - (c) Proposed LCZ provisions and expansion of activities;
  - (d) The appropriateness of LCZ for the Sites compared to MRZ; and
  - (e) Response to the s42A Report

#### **SUMMARY OF EVIDENCE**

- 10 Residential activity is not anticipated at Highfield Mall. 11 Chalmers Street is fundamental to the lawfully established commercial operations associated with New World Timaru. LCZ is a more appropriate zone for Foodstuffs' entire landholding and operations at Highfield Mall than MRZ. I agree with Ms White's recommendation that 11 Chalmers Street should be rezoned LCZ to better reflect the existing and consented reality of New World Timaru operations.

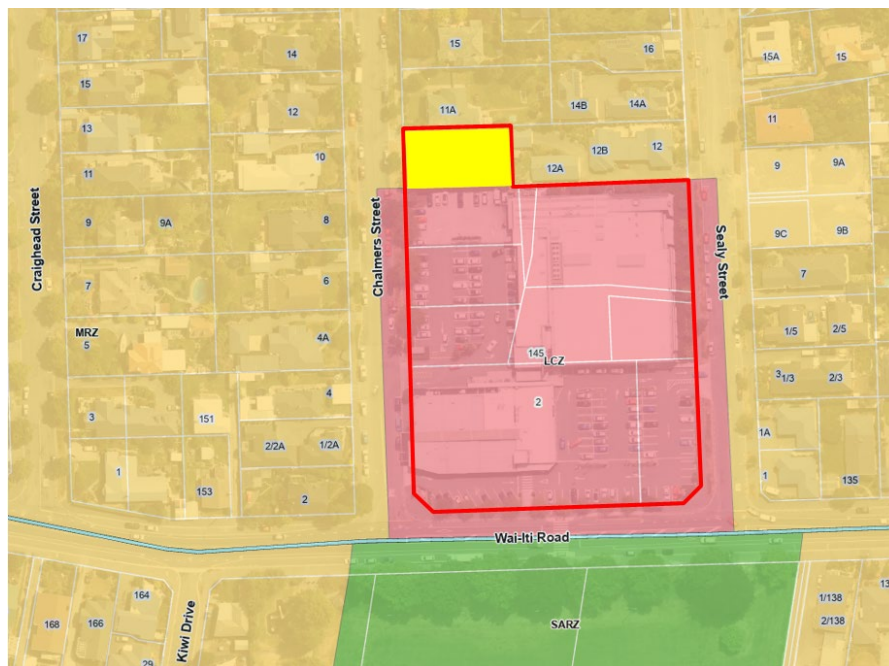
- 11 Residential activity is not anticipated on the PAK'nSAVE Timaru site. The 10m-wide strip of land adjacent to the supermarket's existing servicing area was subdivided and acquired last year for the express purpose of widening the service lane for more efficient back-of-house operations. I agree with Ms White that rezoning the subject land LCZ is appropriate, particularly as the slight shift of the boundary between LCZ and MRZ is anticipated by the subdivision and land use consents associated with residential development of the adjacent land.
- 12 The Sites are illustrative of the manner in which commercial development can be appropriately accommodated at the interface of LCZ and the residential environment. The Sites support substantial supermarket developments integrated with their settings. I consider LCZ for the entire Sites more appropriately reflects the existing environment. Amendments are not required to the policy and rule frameworks relevant to LCZ.
- 13 The nature and extent of the existing supermarket operations is relevant to the PTDP process. LCZ provides the appropriate framework for proper recognition of existing and ongoing supermarket operations. The PTDP process provides a pathway to align the underlying zone of the Sites with the lawfully established and consented commercial activities that occur within the Sites.
- 14 Overall, in my assessment the entire landholdings and operations at the Sites are suitable for LCZ in the context of the existing and future environment. Extending the LCZ boundary to capture all established and anticipated supermarket operations in the manner requested will ensure the most efficient, effective and appropriate provisions are in place to achieve the objectives of the PTDP and the purpose of the Act.

#### **RELIEF SOUGHT**

- 15 The relief sought by Foodstuffs is as follows:
- (a) to rezone 11 Chalmers Street (736m<sup>2</sup>) that is currently carparking area associated with New World Timaru at Highfield Mall from MRZ to LCZ, and
  - (b) to rezone a 10m-wide strip of land (1155m<sup>2</sup>, Lot 1 DP 578393) between Hobbs Street and Ranui Avenue adjacent to PAK'nSAVE Timaru from MRZ to LCZ.

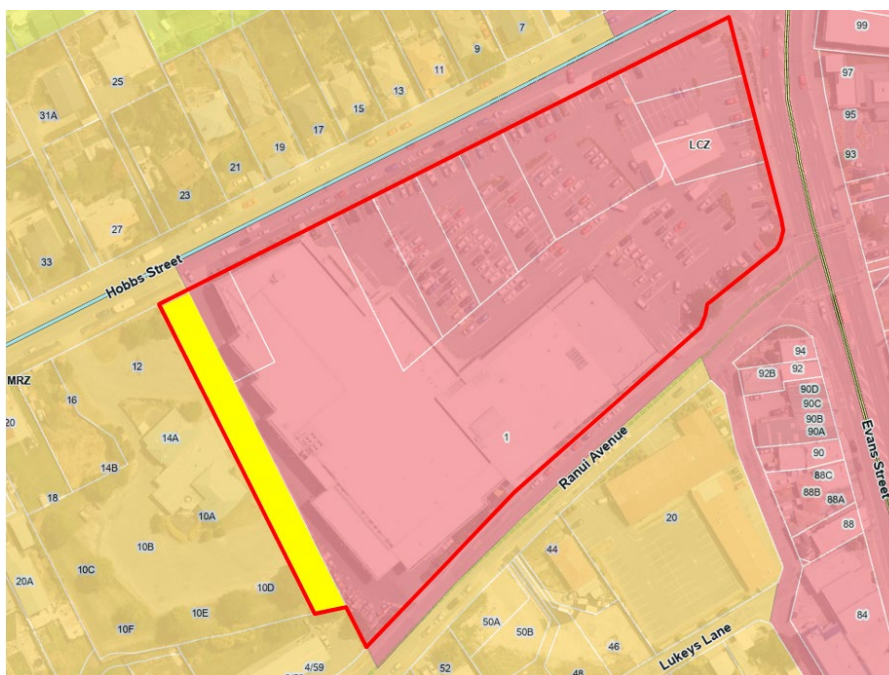
- 16 The relief sought by Foodstuffs is most easily illustrated by the following images, where Foodstuffs' landholdings are demarcated by the red line and the land sought to be rezoned LCZ is highlighted yellow.

***New World Timaru #193.2 – rezone 11 Chalmers Street from MRZ to LCZ***



**Figure 1:** New World Timaru, Highfield Mall (Source: PTDP ePlan)

***PAK'nSAVE Timaru #193.3 – rezone Lot 1 DP 578393 from MRZ to LCZ***



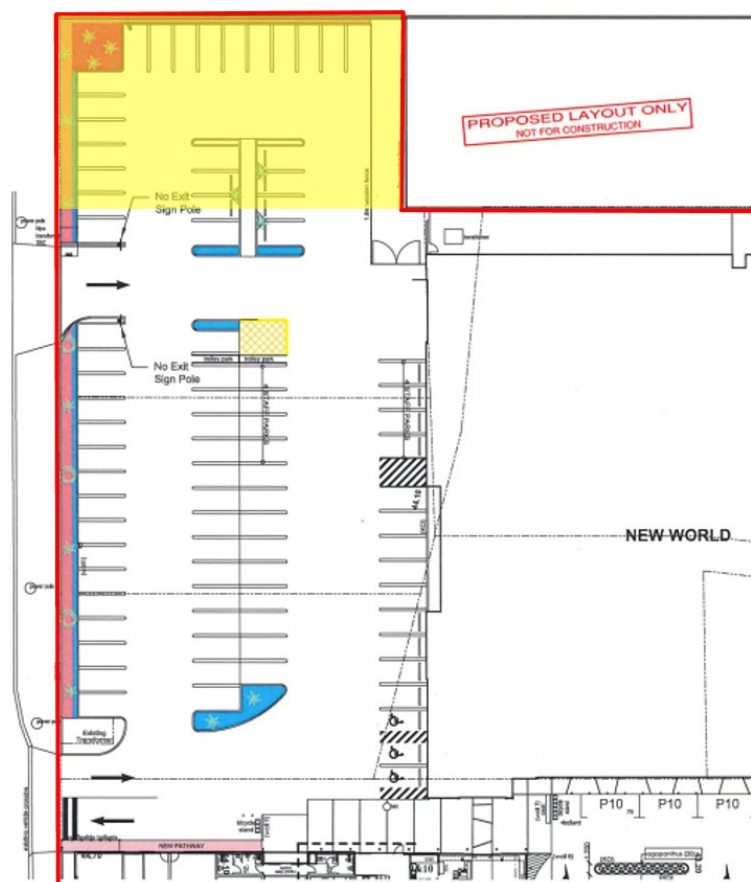
**Figure 2:** PAK'nSAVE Timaru (Source: PTDP ePlan)

## THE SITES – EXISTING ENVIRONMENT

### New World Timaru

- 17 Timaru New World was built approximately 49 years ago, situated within the original Highfield Village Mall complex bound by Wai-iti Road, Chalmers Street and Sealy Street. The complex comprised a small/medium size suburban shopping complex, including the supermarket, six specialty retail shops, a Liquorland outlet, and associated on-site carparking. The complex was built in 1971 with extensions to the building completed in 1985/86 and a new entrance developed in 1993/94. By 2008, the retail complex presented as a series of disjointed aging buildings.
- 18 The existing supermarket and shopping centre was well supported by the local community as a neighbourhood village centre, however there was not enough space available internally to keep up with normal customer grocery demands.
- 19 In 2008 Foodstuffs applied for a plan change and resource consent to upgrade Highfield Mall. The applications were granted which allowed the construction of an integrated shopping centre, supermarket and liquor outlet with associated carparking in a single consolidated location within the Highfield suburb. The primary purpose of the overall redevelopment of Highfield Mall was to provide the Highfield community with a range of retail facilities to service their local needs, so that they were not required to shop outside of their community.
- 20 In 2020 Foodstuffs obtained resource consent (Land Use Consent No. 102.2020.72.1) from TDC to expand the carparking area across the adjacent 11 Chalmers Street, a former residential property 736m<sup>2</sup> in area, and reconfigure the existing access and loading arrangements of the Mall (**Carpark Consent**).
- 21 As a consequence of the carpark extension and associated changes to access and loading arrangements, s127 approval (102.2007.2910) was concurrently obtained to change conditions of Resource Consent 6632 to achieve consistency with the Carpark Consent.
- 22 I have included a copy of the Carpark Consent as **Attachment 1** for reference. **Figure 3** below is an excerpt from the approved plan of the Carpark Consent, with 11 Chalmers Street highlighted in yellow. **Figure 4** shows that the

Carpark Consent has been given effect to, with the extended carparking area on 11 Chalmers Street highlighted in yellow.



**Figure 3:** Approved Plan, Carpark Consent (Source: RC 102.2020.72.1)



**Figure 4:** Existing site layout, New World Timaru (Source: GripMap)

Timaru District 2045 Growth Management Strategy

- 23 In 2017, Foodstuffs was involved as a submitter on the draft Timaru District 2045 Growth Management Strategy (**GMS**). The GMS set out a 30-year strategy to manage land use growth. The GMS is intended to inform the supply of zoned land provided through the District Plan Review and also how the new District Plan manages growth in existing zoned areas.
- 24 A key direction in the GMS is to reinforce and consolidate commercial activity in the existing Timaru town centre. A second key direction is to reinforce and consolidate commercial activity in Timaru's other key activity centres (such as Highfield Mall), where this did not detract from the Timaru town centre. In the draft GMS as notified, in order to achieve the GMS's key directions, no additional commercial land was recommended for Timaru.
- 25 In summary, Foodstuffs' submission on the draft GMS was:
- (a) in support of the reinforcement and consolidation of existing commercial centres in the Timaru District and the identification of Highfield Mall as a priority intensification area;
  - (b) in opposition to the restriction on additional commercial land within the Timaru District; and
  - (c) in particular opposition to the restriction on moderate and appropriate extension of existing commercial centres such as Highfield Mall.
- 26 Following a hearing, the appointed Panel made its decision on the GMS, which was adopted by TDC. The final revised version of the GMS was issued in May 2018.
- 27 The Panel's decision (later reflected in the adopted version of the GMS) was to accept Foodstuffs' request to allow for modest growth of the Highfield Mall Area (emphasis added):<sup>1</sup>

*While it is acknowledged that the consolidation approach is appropriate, it is considered that the GMS should differentiate between the town centre (where no additional commercial land is required) and suburban centres like Highfield Mall where some additional growth in commercial land will be required to encourage*

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<sup>1</sup> See Panel Decision on GMS, dated 10 April 2018, at page 35

*reinvestment and support proposed intensification of the surrounding residential neighbourhood. Accordingly, amendment to the GMS is proposed to recognise these differences and provide for modest growth of Highfield Mall which will complement rather than compete with commercial activity in the CBD.*

- 28 Accordingly, the final version of the GMS included at page 53 the following as part of an *Overview and Explanation*.

*Modest growth of Highfield Mall, which provides for the needs of the surrounding intensifying residential community and remains compatible with commercial activity in the Timaru CBD is anticipated.*

Proposed Timaru District Plan

- 29 In the PTDP, Highfield Mall has been rezoned LCZ (from Commercial 2), with 11 Chalmers Street (the land subject to the Carpark Consent) rezoned MRZ (from Residential 1) (refer **Figure 1**). The PTDP does not rezone 11 Chalmers Street to reflect the existing commercial use lawfully established in accordance with the Carpark Consent.

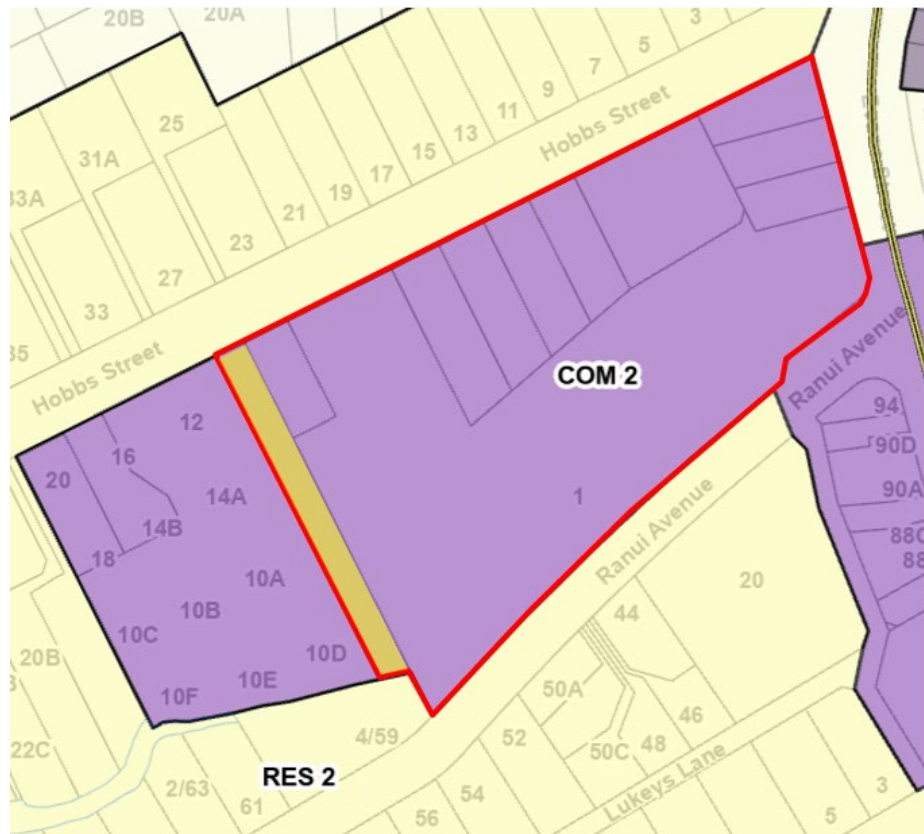
**PAK'nSAVE Timaru**

- 30 The Northtown Mall was built in the mid 70's, with many different refurbishments over the years. The supermarket was constructed in the 1990's to the northwestern corner of the Mall.
- 31 The supermarket is serviced by a service lane, running behind the supermarket between Hobbs Street and Ranui Avenue, which includes a loading bay. The service lane is utilised by large truck and trailer units providing essential deliveries to service the supermarket. Deliveries are a mix of ambient, chilled and frozen heavy vehicles throughout the day, seven days a week (**Figure 5**).



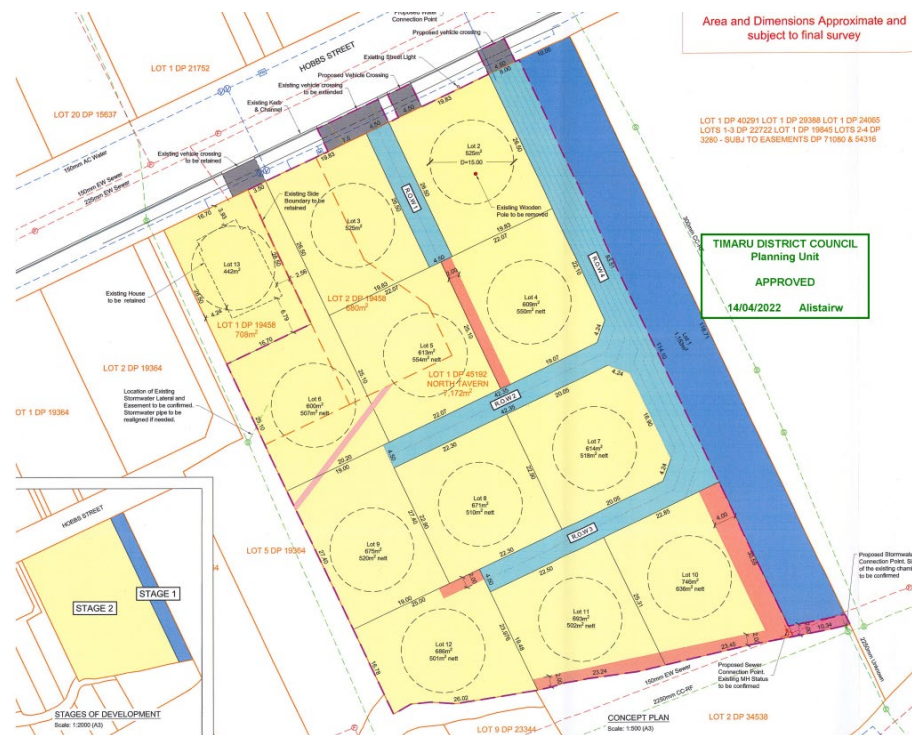
**Figure 5:** PAK'nSAVE Timaru, showing existing service lane at rear of supermarket and subject land highlighted (*Source: GripMap*)

- 32 Adjacent to the service lane is land at 10-20 Hobbs Street that formerly contained the Timaru Tavern (the **Tavern land**). The supermarket site and the adjacent Tavern land are zoned Commercial 2 Zone in the Operative District Plan (**ODP**), as shown on **Figure 6**.



**Figure 6:** Excerpt from ODP Planning Map 35 showing Commercial 2 Zone over PAK'nSAVE Timaru (red outline) and the land formerly occupied by the Timaru Tavern (12-20 Hobbs Street). Subject land highlighted yellow (*Source: Operative Timaru District Plan*)

- 33 The Tavern land was subsequently sold to Timaru Developments Limited (TDL) and the Tavern was demolished. In April 2022 TDL obtained resource consent (Subdivision and Land Use Consent No. 101.2021.79.1) for a 12-lot residential development on the Tavern land, as shown in **Figure 7 (TDL Consent)**. I have included a copy of the TDL Consent as **Attachment 2** for reference.
- 34 In November 2023 Foodstuffs purchased from TDL a 10m-wide strip of 18A Hobbs Street to widen the existing service lane behind the supermarket and provide more efficient back-of-house operations. The 10m-wide strip is shown as Lot 1 of the subdivision scheme plan immediately adjacent to the supermarket (**Figure 7**).



**Figure 7:** Excerpt from TDL's approved subdivision plan for 18A Hobbs Street (Tavern Land). Lot 1 (dark blue) being the 10m-wide strip purchased by Foodstuffs.

- 35 The PTDP maintains commercial zoning (from Commercial 2 to LCZ) of the existing PAK'nSAVE Timaru site, and rezones the adjacent Tavern Land from Commercial 2 to MRZ (refer **Figure 2**).
- 36 The PTDP does not currently recognise Foodstuffs' ownership of the 10m-wide strip as discussed above or the intended commercial use of this land.

#### LOCAL CENTRE ZONE PROVISIONS AND EXPANSION OF ACTIVITIES

- 37 The purpose of the LCZ is to provide *"primarily for community facilities and a range of commercial activities which...support the daily and weekly goods and services needs of the surrounding residential areas; and are of a size and scale that do not undermine the purpose, function and amenity values of the City Centre Zone"* (LCZ-O1, PTDP). The character and qualities of the LCZ include *"attractive and functional buildings...with larger footprints for supermarkets, and associated car parking and storage areas"* and *"activities and buildings that are compatible with the use and amenity values of adjoining sites in the Residential Zones..."* (LCZ-O2, PTDP). Supporting policies seek to enable a range of commercial activities that (amongst other matters) minimise any adverse effects on the use and amenity values of adjacent residential sites (LCZ-P1 & P2, PTDP).

- 38 The LCZ policy framework is implemented by built form standards to ensure buildings are of a height that maintain sunlight access, privacy and outlook of adjoining residential sites.
- 39 I have included a table at **Attachment 3** that compares the requirements of the implemented Carpark Consent against the corresponding provisions of the PTDP. It usefully demonstrates that LCZ-enabled activities on 11 Chalmers Street would be subject to similar (and in some cases more restrictive) requirements as the Carpark Consent conditions in respect of the residential interface. The same can be extrapolated for future use of the additional land at PAK'nSAVE Timaru, which would also interface with MRZ.

### **APPROPRIATENESS OF LOCAL CENTRE ZONE**

- 40 The statutory framework for an assessment of the rezoning relief sought is set out within Sections 31 and 32 and 72 to 76 of the Act. Within the relevant sections of the Act are a number of requirements which I consider to be of specific relevance to the rezoning. These are outlined below:

*The Proposal must accord with and assist the TDC in carrying out its functions so as to meet the requirements of Part 2 of the Act*

- 41 The purpose of the Act is to promote the sustainable management of natural and physical resources, as outlined in Section 5(2) of the Act.
- 42 The PTDP application of zones and associated policy and rule frameworks sets out TDC's direction with respect to appropriate land use and activities within identified areas which are expected to achieve 'sustainable management'.
- 43 There are no Section 6 (Matters of National Importance) or Section 8 (Principles of the Treaty of Waitangi) relevant to the Sites that must be provided for or taken into account when exercising the functions and powers of the Act and particularly when considering the appropriate zoning framework.
- 44 Section 7 (Other Matters) matters that I consider most relevant when considering the Proposal are:
- (b) the efficient use and development of natural and physical resources:*
  - (c) the maintenance and enhancement of amenity values:*
  - (f) maintenance and enhancement of the quality of the environment:*

45 I consider these matters to be relevant due to:

- (a) the nature and extent of development associated with Sites and their operations;
- (b) the business / residential interface that has established at the common boundary with 11 Chalmers Street in accordance with the Carpark Consent, and as intended at the common boundary with consented residential subdivision of the Tavern Land;
- (c) the consistency of the conditions of the Carpark Consent with the corresponding LCZ rules as they apply along the MRZ interface **(Attachment 3)**; and
- (d) the conditions of the TDL Consent that recognise the existing PAK'nSAVE operations.

*The rezoning must have regard to the actual and potential effects of activities on the environment*

46 All effects associated with the establishment, expansion and operation of the Sites were comprehensively assessed by subject matter experts and experienced decision-makers through the various resource consent and rezoning processes that have contributed to the evolving nature, scale and character of the existing environments, including architecture / urban design, landscape / visual amenity, acoustics and transport.

47 In the case of New World Timaru, conditions were imposed on the Carpark Consent for the express purpose of managing or mitigating effects of the expanded carparking area on adjacent residential properties and the residential character and amenity of the surrounding area. As demonstrated in **Attachment 3**, these conditions effectively replicate the proposed LCZ standards that have been drafted to avoid, remedy or mitigate adverse effects at the LCZ / MRZ interface.

48 In the case of PAK'nSAVE Timaru, the TDL Consent imposes specific requirements for residential buildings to manage the interface and potential conflict between the supermarket activities and the residential development. These requirements (registered as consent notices on the residential titles), in combination with the proposed LCZ standards, will maintain the amenity values of the surrounding area and adjoining sites.

- 49 I consider that the actual or potential environmental effects of recognising the entire Sites' existing and intended operations through the LCZ zone and rule frameworks will be no more than minor, and akin to those already deemed acceptable through the issuance of the Carpark Consent and TDL's subdivision consent. Extending LCZ across the Sites will serve to recognise the respective supermarket's integrated activities and manage the nature, scale and intensity of activities in the future. The Proposal complements the supermarket operations in the most pragmatic of ways.
- 50 I am satisfied that the effects of the Proposal will be appropriate and acceptable, taking comfort from the existing environment established by the Carpark Consent, and the efficacy of the proposed LCZ provisions to guide future activity that is considerate of the receiving environment. While I accept the relief sought signifies, in a theoretical zone sense, a fundamental 'shift' from residential to commercial, it more accurately represents the 'on-the-ground' reality of commercial development and activity established and occurring at Highfield Mall, and the intended reconfiguration of existing servicing activities associated with PAK'nSAVE Timaru. LCZ is therefore more appropriate than MRZ.
- 51 Influential to my finding regarding the effects of the Proposal are the contextual and locational factors of the Sites, including:
- (a) the significant investment and fundamental supermarket operations occurring on 11 Chalmers Street;
  - (b) the 2m-high close-boarded acoustic fence established along the common boundary with 11A Chalmers Street and 12B Sealy Street, as required by the Carpark Consent and consistent with that required by LCZ in order to comply with NOISE-S2 and outdoor storage area screening requirements of the PTDP;
  - (c) the size (736m<sup>2</sup>) and use of 11 Chalmers Street – the entire area is occupied by carparking, landscaping and outdoor storage areas that are essential to the supermarket's functional and operational requirements and sympathetic integration with the residential setting. Given the supermarket's reliance on adequate parking provision, this is unlikely to change in the foreseeable future and leaves no room for

new or different commercial activity, otherwise enabled by LCZ, without compromising parking supply;

- (d) the dimension (10m-wide) and location of the strip of land at the rear of PAK'nSAVE Timaru – being adjacent to the supermarket's back-of-house facilities, the land has no development potential for anything other than Foodstuffs' intended widening of the existing service lane and associated reconfiguration of loading activities for improved operational efficiencies. Further, the strip of land adjoins a right-of-serving the TDL residential subdivision, providing an increased setback / buffer to future residential dwellings in that subdivision. I also note the residential lots are subject to consent notices in relation to minimum acoustic insulation standards for building to manage the interface and potential conflict between the supermarket activities and the residential development.

- 52 That the Sites have been occupied by substantial built form and fundamental operational activities (commercial buildings, chillers, bulk store, carparking, loading and servicing areas) for many years, and are intended to be into the future, only reinforces my opinion that LCZ for the Sites is the most efficient, effective and appropriate way to achieve the objectives of the PTDP.

*The rezoning must have regard to any evaluation report prepared in accordance with Section 32*

- 53 Section 32AA of the Act requires that a further evaluation is required for any changes made to or proposed since a Section 32 evaluation report for a proposed plan was completed. Essentially assessment under Section 32AA of the Act is a comprehensive evaluation of the proposed changes.

- 54 I have not prepared a standalone Section 32AA evaluation report in respect of the Proposal. However, I consider I have demonstrated within the body of my evidence that adopting the proposed LCZ provisions across the entire Sites is the most appropriate way to achieve the purpose of the Act. LCZ will contribute to and maintain the clear delineation of business and residential land in the District while appropriately maintaining the amenity of neighbouring MRZ properties and contributing to a well-functioning urban environment.

55 LCZ ensures the Council will retain appropriate discretion / control over future development through standards in the PTDP or, if breached, the resource consent process, as has been evident through previous resource consent applications processed under the equivalent provisions of the ODP (and its predecessors). The benefit for Foodstuffs is that there is a reasonable level of certainty that lawfully established activities and appropriately sited and configured future operations would be permitted or otherwise approved on the Site on a non-notified basis. The cost benefit of the Proposal versus a potentially prolonged (and uncertain) resource consent process is substantial.

56 In my opinion, pursuing resource consent applications for non-residential activity on residentially zoned land would not be a viable alternative to the Proposal. Having to seek and obtain resource consent for typical maintenance, upgrade and expansion works associated with established supermarket operations on former residential land would come at a significant cost and no guarantee of a successful outcome. Such costs are unwarranted when the potential adverse effects of the Proposal can be appropriately remedied and mitigated, as demonstrated by the Carpark Consent that effectively mirrors relevant PTDP standards at the LCZ / MRZ interface.

*The rezoning must give effect to the Canterbury Regional Policy Statement (RPS) and the National Policy Statement on Urban Development (NPS-UD)*

57 Section 75(3) of the Act requires that the PTDP must give effect to the RPS and the NPS-UD.

58 The expansion of the New World Timaru carparking area onto 11 Chalmers Street underwent appropriate assessment against the relevant objectives and policies of the RPS through the processing of the Carpark Consent. That application's conclusions as to consistency with the RPS were effectively upheld by TDC's decision, which found the application did not conflict with any national or regional planning document. I consider the conclusions reached in respect of the Carpark Consent's consistency with the policy framework of the RPS are equally applicable to the proposed rezoning of the corresponding land.

59 The NPS-UD represents the Government's latest thinking on how to encourage well-functioning and liveable urban environments. It aims to remove barriers to the supply of land and infrastructure and make room for

growth. It applies to all planning decisions that affect an 'urban environment'. Giving effect to the NPS-UD involves:

- (a) having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future (Objective 1);
- (b) enabling more businesses to be located in areas of an urban environment in or near a centre zone or other area with many employment opportunities and where there is high demand for housing (Objective 3);
- (c) requiring decisions on urban development that affect urban environments to be integrated with infrastructure planning and funding decisions; strategic over the medium and long term; and responsive, particularly in relation to proposals that would supply significant development capacity (Objective 6);
- (d) Council making planning decisions that contribute to well-functioning urban environments that have or enable a variety of sites for different business sectors in terms of location and site size; have good accessibility between housing, jobs, community services, natural spaces, and open spaces; and support the competitive operation of land and development markets (Policy 1(b), (c) and (d)); and
- (e) Council providing at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term (Policy 2).

60 The NPS-UD directs the Council to provide for more housing and businesses to be built in places close to jobs, community services and public transport; and to respond to market demand. Assessing the Proposal in isolation of this higher order document would not present an appropriately balanced or considered view of the environment in which the Sites are situated.

61 Based on the nature and level of commercial development and activity that has been established at the Sites, I consider extending LCZ over the entire Sites would contribute to a well-functioning urban environment, i.e., being located immediately adjacent a Centre Zone, well serviced by existing public

transport, and within comfortable walking and cycling distance of existing and growing residential areas.

62 New World Timaru and PAK'nSAVE Timaru have taken advantage of the Sites' regular shape and location to contribute to a compact, consolidated urban form in locations that are accessible for all modes of transport. It makes sense, both practically and administratively, that this be recognised through LCZ zoning of the underlying residential land at the respective Sites.

63 For these reasons it is my view that the environmental outcomes anticipated by LCZ will, like the Carpark Consent, be consistent with a well-functioning urban environment and will meet the general directive of the NPS-UD. In short, I consider LCZ will give effect to the NPS-UD more than would MRZ at the Sites.

### **Summary**

64 MRZ does not reflect the existing or intended environment associated with the commercial operations at the Sites, specifically:

- (a) the Carpark Consent has been given effect to continuously since 2021 and the land will not be used for residential activity for as long as New World Timaru is operating;
- (b) the 10m-wide strip of land was subdivided and purchased for the express purpose of complementing existing servicing operations at PAK'nSAVE Timaru;
- (c) retail activity or other non-residential activity of the nature and scale that already exists (including the expansion of the same) is a non-complying activity in MRZ (MRZ-R17, PTDP) and discouraged through avoidance policies (e.g. MRZ-P7, PTDP) that are unjustifiably obstructive in the context of the Sites; and
- (d) no residential activities can occur on the Sites based on established fundamental supermarket operations and / or the size and dimension of the land in question, and Foodstuffs' ownership and land use intentions.

65 In summary, what is sought is a consistent zoning regime across the Sites' entire operations. LCZ acknowledges the lawfully established and / or intended activity on the Sites and will ensure future development outcomes

continue to respect the residential interface. Put simply, LCZ will better reflect the existing environment of the Site than the notified MRZ and is considered the most appropriate zone.

- 66 The statutory assessment required under LCZ for any future expansion or change in use on the Sites is robust and adequate to ensure the receiving environment is afforded appropriate protection whilst providing for the continued provision of essential goods and services to the community. It also provides Foodstuffs certainty that all supermarket-related activities will continue to be provided for into the future without being unduly compromised by a disparate zoning and rule framework.

#### **RESPONSE TO S42A REPORT**

- 67 Ms White assesses the Proposal at paras 6.39.23 to 6.39.29 (pages 143-145), ultimately concluding that rezoning the Sites LCZ is appropriate.
- 68 In terms of 11 Chalmers Street at New World Timaru, she considers LCZ *"better aligns with the current use of the site, and the effects of any future redevelopment of the site (or alterations to the current consent) on adjoining residential properties would be adequately managed through the LCZ framework."* (para 6.39.27, page 144).
- 69 In terms of the 10m-wide strip at PAK'nSAVE Timaru, Ms White acknowledges the TDL Consent, noting *"the PDP proposed zoning reflects the residential development for which consent has been granted, but does not align with the intended continued commercial use of this parcel of land. In my view, the rezoning is appropriate, because it simply shifts the location of the boundary between the MRZ and LCZ slightly, is consistent with the land use consent, and the potential conflict at the interface has been addressed through the subdivision and land use consent."* (para 6.39.29, page 145).
- 70 For the reasons I have set out in my evidence, I agree with Ms White's assessment and conclusions.

#### **CONCLUSION**

- 71 The Proposal is considered to be the most appropriate approach, having had regard to matters of efficiency and effectiveness, to achieve the objectives of the PTDP. It adopts a notified PTDP zone and associated activity and built form standards, that ensures continuity of the PTDP's anticipated

environmental outcomes for the LCZ, particularly at the interface with residential properties.

- 72 Overall, I consider LCZ is a more efficient and effective representation of the existing lawfully established environment of New World Timaru and the intended use of the 10m-wide strip at the rear of PAK'nSAVE Timaru than is the notified MRZ. LCZ reflects the established and future reality and provides certainty for Foodstuffs and the community that supermarket activity is appropriate and anticipated on the Sites.
- 73 LCZ will not fragment the key business or residential areas in Timaru because the extension of LCZ is limited to discrete areas that better reflect, recognise and respond to the existing, consented and future use of the Sites.
- 74 The PTDP process presents the appropriate opportunity and timing to implement this change.

**Mark David Allan**

5 July 2024

**ATTACHMENT 1:**

**Land Use Consent No. 102.2020.72.1 (the Carpark Consent)**

10 September 2020

Foodstuffs South Island Limited  
c/- Aurecon New Zealand Limited  
93 Cambridge Terrace  
Christchurch 8013  
New Zealand

Email: Nick.Beattie@aurecongroup.com

Dear Nick,

**Land Use Consent No. 102.2020.72.1**

**Extend the parking area and reconfigure the existing access and loading arrangements of the New World supermarket**

**11 Chalmers Street, Timaru**

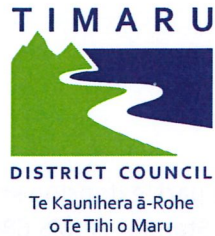
I advise that your land use consent application (102.2020.72.1) was granted subject to conditions under delegated authority by Timaru District Council on 10 September 2020. Please find attached the decision on the application and the approved plans.

If you have any queries on this matter, please do not hesitate to contact me at the details listed below.

Yours faithfully



Mithran Gopinath  
Planner  
e. mithran.gopinath@timdc.govt.nz  
p. 03 687 7237



**Decision of Timaru District Council  
Land Use Consent No. 102.2020.72.1**

Acting under the delegated authority from Timaru District Council, I have considered the subject application for subdivision consent and have decided, pursuant to sections 104 and 104B of the Resource Management Act 1991 (the Act), that consent be granted subject to the following conditions imposed in accordance with section 108 of the Act.

General

1. The development shall be carried out in accordance with the application and plans submitted (reference 102.2020.72.1) with the exception of any amendments required by the conditions of consent. The approved plans are attached and date stamped 10 September 2020.
2. The proposed new vehicle crossing shall be located and constructed in accordance with G-205 Heavy Commercial drop crossing standard and with an approved service consent. The splays shall not be constructed closer than one metre of a street tree or power pole.

*Advice Note: Street Tree; A Service Consent must first be obtained for any pruning or removal of the street tree in the vicinity of the proposed vehicle crossing, a financial off-set of will first be required to provide for the planting of a similar tree at another location.*

*Advice Note: Electricity Power Pole; Approval from Alpine Energy for the relocation of the power pole is first required should any work on or near the pole be carried out.*

3. The stormwater catchment system in the western car park of the supermarket shall be upgraded to collect the additional stormwater from the extended car parking area on 11 Chalmers street and the total volume of the stormwater shall be attenuated to a 1 in 10 year 24 hour rainfall event before being discharged to Council's stormwater reticulation and disposal network. The completion of this work shall be certified as meeting this condition by a suitably qualified person before the car park extension is used for customer parking.

*Advice Note: A service consent will be required at the time that the stormwater treatment system is changed, upgraded, or a new connection is made.*

Noise

4. Operational activities in the car park extension at 11 Chalmers Street shall be conducted such that noise generated does not exceed the following limits:

At any point within any Residential Zone, excluding the site itself:

- 0700 – 2200 hours: 50 dB LAeq (15 min)
- 2200 – 0700 hours 40 dB LAeq (15 min) and 70 dB LMax

5. Noise from activities in the car park extension shall be measured and assessed in accordance with New Zealand Standards NZS 6801:2008 "*Acoustics Measurement of environmental sound*" and NZS 6802:2008 "*Acoustics – Environmental noise*", respectively.
6. Noise from construction activities shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 "*Acoustics – Construction Noise*".

#### Lighting

7. All exterior lighting shall be directed away from neighbouring sites and roads.
8. Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane, at the boundary of any other residential zoned sites between the hours of 10.00pm and 7.00am and 20 lux at all other times.

#### Landscaping

9. The proposed landscaping shall be established on site within the first planting season (extending from 1 April to 30 September) following the completion of the extended car park.
10. The consent holder shall maintain all planting in a good and healthy condition for the term of the consent. Any planting not in a good and healthy condition that is removed, dies or defective in any way shall be replaced by the consent holder so as to be in accordance with the landscaping plan as required by condition 9.



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Nathan Hole  
**Team Leader Consents and Compliance**

Date: 10.9.2020

## **ADVICE NOTES**

### **Commencement**

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

### **Right of Objection**

If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357A of the Resource Management Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Timaru District Council within 15 working days of receipt of this decision.

You may, when making an objection, under section 357A(1)(f) or (g), request that the objection be considered by a hearings commissioner(s), who is not a member of the consent authority.

### **Subsequent Right of Appeal to the Environment Court**

Any person who has made an objection under section 357A of the Act may appeal to the Environment Court against the decision on the objection pursuant to section 358 of the Act.

Notice of such an appeal must be in the prescribed form, state the reasons for the appeal and be lodged with the Environment Court (PO Box 2069, Christchurch) within 15 working days after the decision on the objection being notified to that person, or within such further time as the Environment Court may allow.

### **Appeal Direct to the Environment Court**

If you do not agree with the decision, an alternative to a section 357A objection, or if section 357A does not apply, is to appeal the decision under section 120 of the Act to the Environment Court.

However, there is no right of appeal under this section against the whole or any part of a decision of a consent authority to the extent that the decision relates to 1 or more of the following, but no other, activities:

- (a) a boundary activity, unless the boundary activity is a non-complying activity;
- (b) a subdivision, unless the subdivision is a non-complying activity;
- (c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.

A person who made a submission on the application or review of consent conditions may appeal only in respect of a matter raised in the person's submission (excluding any part of the submission that is struck out under section 41D).

The notice of appeal shall be in the prescribed form; state the reason for the appeal and the relief sought; state any matters required by the regulations; and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working days notice of the

decision being received. Notice of the appeal must also be served on Timaru District Council within 15 working days within the same period. Notice of the appeal must also be served on any person who made a submission in relation to the application within 5 working days of the notice being lodged with the Environment Court. If you are in any doubt about the correct procedures, you should seek legal advice.

#### Minor Correction of Resource Consents

Section 133A of the Act provides the consent authority may at its discretion issue an amended consent that corrects minor mistakes or defects in the consent within 20 working days of the grant. If you consider that the consent contains a minor mistake or defect you may advise the Timaru District Council of the same.

#### Lapsing of Consents

A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or, an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

#### Change or Cancellation of Conditions

An application to change or cancel a condition of this consent can be made under section 127 of the Act.

#### Review of Consent

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of a resource consent.

#### Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. Should all the conditions of consent be complied with, a single monitoring visit will occur and therefore no further monitoring charges will be incurred. However, should conditions of consent not be met, further monitoring will be required which will generate additional costs as outlined above. Please note that some consents will require periodic or on-going monitoring and therefore despite compliance, monitoring will occur and costs will be charged for that monitoring.

#### Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Timaru District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.

#### Other Consents May Be Required

This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:

- Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legally established.
- Conduct any activity that requires resource consent from Environment Canterbury (ECan). You are advised to contact ECan to ascertain if consent is required for the proposed development.
- Authorise building or utility services construction work that requires separate consent/approval.

#### District Services Advice Notes

- Unless otherwise stated, all the conditions of consent described above are to be complied with prior to application for s224(c) certification.
- In accordance with TDC Bylaws, Clause 1003.1, no person shall drive or operate any vehicle over any footpath or berm other than at a specifically designed and constructed vehicle crossing.
- In accordance with TDC Bylaws, Clause 1004.1, any proposed new vehicle access to a private property or any modification to any such existing vehicle access shall require specific approval by Council.
- In accordance with TDC Bylaws, Clause 1502.1, every person who proposes to:
  - (a) Draw water from the Water Network Infrastructure; or
  - (b) Discharge sewage to the Sewer Network Infrastructure; or
  - (c) Discharge Stormwater to the Stormwater Network Infrastructure; or
  - (d) Discharge to the sewer network infrastructure any trade waste (either continuously, intermittently or temporarily); or
  - (e) Vary the characteristics of a consent or approval to discharge that has previously been granted; or
  - (f) Vary the conditions of consent or approval that has previously been granted; or
  - (g) Vary the location of the point of supply or discharge that has previously been granted; or
  - (h) Significantly change the method or means of pre-treatment for discharge under an existing consent; or
  - (i) Disconnect from any network infrastructure service;
 shall complete an application on an approved form for the supply of such service, together with payment of any prescribed charges. The applicant shall provide all of the details required by Council.
- In accordance with TDC Bylaws, Chapter 15, Clause 1515.4, no person shall carry out excavation work in a road reserve or public place without approval from Council.
- In accordance with TDC Bylaws, Clause 1505.3, no person shall provide any network infrastructure service to any other party without approval from Council.
- In accordance with the Performance Standards for Stormwater from the Timaru District Plan, Section 6.5.3.3, stormwater attenuation for up to a 5 year rain event must be provided onsite.

- In accordance with the Performance Standards for Stormwater from the Timaru District Plan, Section 6.5.3.3, if the existing or proposed secondary flow path discharges to a neighbouring property without appropriate easements or existing use rights, the stormwater system shall accommodate a 2% annual exceedance probability rainfall event.



## Report on Land Use Consent Application 102.2020.72.1

CONSENT NO:	102.2020.72.1
APPLICANT:	Foodstuffs South Island Limited
ACTIVITY:	Establish an Additional Car Park For New World Timaru
LOCATION:	11 Chalmers Street, Timaru
ZONING:	Residential 1
LEGAL DESCRIPTION:	Part Lot 85 DP 3110
ACTIVITY STATUS:	Non-Complying
RECEIVED DATE:	4 June 2020
DUE DATE:	2 July 2020

### 1.0 INTRODUCTION

This report has been prepared under section 42A of the Resource Management Act 1991 to document the assessment of the subject land use consent application. This report also constitutes the decision and reasons for the decision as required under section 113 of the Act.

### 2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

#### 2.1 Proposal

The application proposes to extend the north-western (Chalmers Street) car parking area, and reconfigure the existing access and loading arrangements of the New World supermarket/Highfield Village Mall.

##### Car Parking

11 Chalmers Street is currently a vacant allotments located to the north western side of the new world supermarket. The applications proposes to extend the north-western car parking area to 11 Chalmers Street. The proposed parking area will result in 25 parking spaces, will increase the number of parking spaces in this area from 74 to 85. The total parking spaces for the mall will increase from 148 to 159.

### Vehicle Access

A new vehicle crossing near the site's southern boundary on 11 Chalmers Street is proposed. The application states that this crossing will be limited to vehicles entering the site. The other crossing currently used to access the supermarket/mall will remain unchanged.

### Loading

Delivery vehicles servicing the supermarket currently enter and exit the parking area via the existing two-way vehicle crossing on Chalmers Street. This requires delivery vehicles to reverse into the servicing area to exit the site in forward gear.

### Signage

The allocation proposes to erect two "no-exit" signs within the parking area either side of the new vehicle crossing on Chalmers Street.

### Landscaping and Fencing

The application contains a landscaping plan for the existing and expanded carparking area. This comprises a 1.89m wide landscape strip along the road frontage of 11 Chalmers Street as a continuation of the landscape strip along the frontage of the existing carparking area, and a 0.43m wide landscape strip along the common boundary with 11A Chalmers Street.

The application also proposed to establish a 2m high close-boarded acoustic fence along the common boundary with 11A Chalmers Street and 12B Sealy Street.

## **2.2 Site Description**

The Highfield Village Mall is located on the north side of Wai-it Road between Chalmers and Sealy Streets. The Mall comprises Timaru New World, a clothing and footwear shop, hairdresser, pharmacy, NZ Post and a Liquor outlet, with 148 on-site car parking spaces accessed from Chalmers and Sealy Streets.

The applicants have acquired 11 Chalmers Street for the purpose of expanding the Mall's existing car parking provision. 11 Chalmers Street shares its southern boundary with the Mall's Chalmers Street car parking area. The house and accessory building that formerly occupied the site have been demolished, and the site is currently vacant. The site is rectangular in shape and has frontage of approximately 20m to Chalmers Street.

11 Chalmers and the supermarket share their northern (and in the case of 11 Chalmers Street, eastern) boundaries with established residential properties. Residential properties are also located opposite (west) side of Chalmers Street. An aerial photograph of the site is provided in Figure 1 below.



Figure 1 – The location of the existing Highfield Village Mall highlighted is shaded in yellow while the proposed car park extension (11 Chalmers Street) is shaded in blue.

### 2.3 Site History

Plan Change 9 and consent RC6632 were granted through a consent hearing process on 30 September 2008. Plan change was requested concurrently with a resource consent to rezone residentially zoned property in Chalmers Street and 6, 8, and 10 Sealy Street from Residential 1 to Commercial 2.

Change of conditions to land use consent 6632 is currently being processed. Changes to conditions 1, 2, 5 and 5 of Resource Consent 6632 are requested to reflect changes associated with the proposed carpark extension onto 11 Chalmers Road and associated access, parking and loading reconfigurations.

## 3.0 ACTIVITY STATUS

The Highfield Village Shopping Mall is located with the Commercial 2 Zone and 11 Chalmers Street is within the Residential 1 Zone of the Timaru District. The activity status of the proposed development is commented on below.

Part D8, rule 6.19.2(1) states that, "Where parking is provided, other than in the Industrial H Zone, an area equivalent to 10% of the area of the parking and manoeuvring areas shall be landscaped." The application states that only 7.8% of the expanded Chalmers Street car parking area will be landscaped.

Car Parking is not listed as a permitted, controlled, restricted discretionary or discretionary activity, and is not provided for under a General Rule. In accordance with Part D2, Section 2.6.1, rule 4.1, this proposal is assessed as a non-complying activity.

The effects associated with the proposed reconfiguration of the existing access and loading arrangements of the New World supermarket will be assessed under the change of conditions to land use consent no. 6632.

## **4.0 STATUTORY CONSIDERATION**

This section of the report details the provision of the Act that are relevant to the consideration and determination of the application. The remainder of this report has been set out to address these provisions.

### **4.1 DETERMINATION OF APPLICATION**

After considering an application for a resource consent for a discretionary activity or non-complying activity, section 104B of the Act states that a consent authority —

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

Section 104D of the Act provides particular restrictions for non-complying activities, stating that:

- (1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
  - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
  - (b) the application is for an activity that will not be contrary to the objectives and policies of—
    - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
    - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
    - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

### **4.2 CONSIDERATION OF APPLICATIONS**

When considering a resource consent application and any submissions, section 104 of the Act provides that the consent authority, must, subject to Part 2, have regard to the following:

- any actual and potential effects on the environment of allowing the activity;
- any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;
- any relevant provisions of:

- a national environmental standard:
  - other regulations:
  - a national policy statement:
  - a New Zealand coastal policy statement:
  - a regional policy statement or proposed regional policy statement:
  - a plan or proposed plan;
- any other matter it considers relevant and reasonably necessary to determine the application.

When forming an opinion for the purposes of actual and potential effects on the environment of allowing the activity, subsection 104(2) of the Act states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

Subsection 104(3) of the Act states that a consent authority must not when considering an application have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

Subsection 104(3) of the Act also provides that a consent authority must not grant a resource consent:

- To do something that will or is likely to, have a significant adverse effect on a recognised customary activity, unless written approval is given to conduct the activity from the holder of the customer rights order.
- If the application should have been notified and was not.

Subsection 104(6) of the Act states that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

### **4.3 CONDITIONS**

Section 108 of the Act provides the consent authority with the ability to impose conditions on resource consent applications.

## **5.0 ASSESSMENT OF APPLICATION**

### **5.1 ADEQUACY OF INFORMATION**

This application proposes to extend the north-western (Chalmers Street) car parking area and reconfigure the existing access and loading arrangements, of the New World supermarket/Highfield Village Mall. The granting of this proposal would have resulted in some of the conditions under the existing consent (Resource Consent Number 6632) not being complied with. Accordingly pursuant to section 91 of the Resource Management Act 1991 this application was deferred pending an application from an addition consent. The applicants have since submitted a change of conditions to Land Use Consent 6632 which is being processed in conjunction with this application.

In accordance with section 92 of the Act, the applicant was also asked to confirm if there was going to be any additional lighting and if there was going to be any changes to the existing (under Resource Consent Number 6632) unloading conditions. The applicant has confirmed that there is no proposal to add any additional lighting as part of the car park reconfiguration and extension. A condition of consent is recommended to ensure that any future lighting (if required at a later date) is in accordance with the provisions of the District Plan.

The applicants have also confirmed the proposal would result in all unloading of goods occurring outside the supermarket building. This will result in a change to the existing conditions under resource consent number 6632. Accordingly, the proposed changes to the unloading conditions are being assessed under the mentioned change of conditions to resource consent number 6632.

It is considered that the information provided by the application and the applicant's response to the further information request is adequate to determine the application in terms of section 104(6) of the Act.

## **5.2 ACTUAL & POTENTIAL EFFECTS ON THE ENVIRONMENT**

### **5.2.1 Permitted Baseline**

The permitted baseline has not been considered as car parking is not listed as a permitted activity in the Residential 1 zone.

### **5.2.2 Written Approvals**

Section 104(3) of the Act provides that a consent authority may not have regard to any effect on a person who has given written approval to the application. No written approvals have been submitted with the application and no persons are considered to be affected by this proposal.

### **5.2.3 Existing Environment**

The New World supermarket and Highfield Village shops are a substantial feature in the locality, and as such their presence inevitably influences the outlook of the surrounding neighbourhood.

### **5.2.4 Character and Amenity**

The shopping centre and supermarket lie within the Commercial 2 zone. The site of the proposed car park expansion, 11 Chalmers Street, is a vacant residential property abutting the existing car park associated with the supermarket and shopping centre. The supermarket and shopping centre is an established land use activity in this location, and has been in place since 2008. Any effects on the character and amenity are considered to be less than minor given that the vacant property is adopting an existing activity (i.e. car parking associated with the established supermarket) as opposed to one that is not currently taking place in the surrounding environment.

The Timaru District Plan contains a site-specific requirement for fencing along the common boundary with 11 Chalmers Street, which is located on the boundary Commercial 2 and Residential 1 zone. The application proposes to establish a 2m high acoustic fence along the site's common boundary with 11A Chalmers Street and 12B Sealy Street. The proposed

landscaping along the road frontage and within the parking area will break up view from residential properties opposite the site on Chalmers Street. The proposed landscaping and fencing will help to ensure that the boundary between 11 Chalmers Street and 11A Chalmers/12B Sealy Streets appear as the commercial/residential interface.

The adverse effects of the proposed parking extension on adjacent residential properties, in terms of residential coherence, character and amenity values, will be appropriate in the context of the receiving environment.

#### **5.2.5 Effects on Landscaping**

The application states that landscaping of the parking extension across 11 Chalmers Street will be approximately 9.5% of this parking area. Although this is less than the prescribed 20% for non residential activities in the residential zone, the parking area will be viewed as part of an established commercial activity. Overall, the proposed parking area (existing and proposed) will have approximately 7.8% landscaping, which is an increase from the current proportion of landscaping to parking area.

Accordingly it is concluded that any effects associated with the reduced landscaping will be less than minor and appropriate in the context of the receiving environment.

#### **5.2.6 Effects on Infrastructure**

Council's Subdivision and Compliance Office has made the following comments in relation to stormwater.

"The increase in sealed area or impermeable surface will add to the volume of water collected and needing to be discharged to Council's stormwater reticulation and disposal network. Council's Water Services Project Engineer has requested that the stormwater discharge from this carpark first be attenuated."

"The development will increase the amount of stormwater being discharged to Council's stormwater disposal network. Based on the scale of the development it is estimated that this increase can be accommodated within the existing network. Therefore, the applicant is not required to upgrade Council's stormwater disposal facilities.

#### **Comment**

I agree with the recommendations made by Council's Subdivision and Compliance Officer. A condition of consent has been applied to ensure that stormwater is attenuated on site prior to discharging to Council's reticulation and disposal network.

#### **5.2.7 Effects on Traffic Generation & Vehicle Movements**

Council's Subdivision and Compliance Office has made the following comments in relation to the proposed vehicle crossing.

"The proposal involves the formation of a new vehicle crossing on their existing site in the Commercial 2 zone for access from Chalmers street. That vehicle crossing will be designed and constructed for heavy vehicles that deliver goods to the supermarket, the vehicle crossing will then enable an improved circulation pattern in the carpark for both heavy vehicles and for supermarket shopper's vehicles."

"While the application proposes a new heavy vehicle vehicle-crossing, a condition will be necessary to specify the type of crossing that the Council requires with a reinforced concrete apron extending into the property."

#### Comment

I agree with the recommendations made by Council's Subdivision and Compliance Officer.

### **5.2.8 Effects on Nuisance**

A noise assessment has been undertaken by Marshall Day Acoustics Limited (Marshall Day) to assess the noise effects associated with this proposal. The noise assessment deals with the expansion of the car park area and changes to the unloading activities (under Resource Consent Number 6632) associated with the super market.

The report recommends that operational activities in the car park extension at 11 Chalmers Street must be conducted such that noise generated does not exceed the following limits:

At any point within any Residential Zone, excluding the site itself:

- 0700 – 2200 hours: 50 dB LAeq (15 min)
- 2200 – 0700 hours 40 dB LAeq (15 min) and 70 dB LAmax

The report also recommends that, "Noise from construction activities shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 *"Acoustics – Construction Noise"*.

Both these recommendations have been included as a condition of consent. Accordingly noise generated from the proposed car park extension will be appropriate and acceptable in the receiving context.

The noise effects associated with the changes to the unloading activities are being assessed under the change of conditions to resource consent number 6632. The change of conditions will result in the construction of a noise control fence along the site boundary between the proposed car park extension (11 Chalmers Street) and 11A Chalmers Street/12 Sealy Street.

### **5.2.9 Conclusion**

Based on the above assessment, it is concluded that allowing the proposal will have no adverse effects on the environment that will be more than minor. Accordingly, it is considered that the proposal does pass the first test provided by section 104D of the Act.

## **5.3 ASSESSMENT OF APPLICABLE STATUTORY DOCUMENTS & REGULATIONS**

The Timaru District Plan is the only statutory planning document that is pertinent to the consideration of the subject application. Accordingly, and in the interests of conciseness, no other statutory planning documents are considered in this assessment.

### **5.3.1 Timaru District Plan**

As the proposed development is considered as a non-complying activity and as section 104D of the Act requires non-complying activities to be specifically assessed against the objectives and policies of the Plan, the Objectives and Policies of the District Plan are considered below.

**(a) Objectives & Policies**

- Part B, Section 8, objective 1 seeks to create a, “safe and efficient roading network which recognises and provides for different users.
- Part B, Section 8, objective 2 seeks to “avoid, reduce, or mitigate any adverse effects on the environment occurring in association with the roading network.”

The proposal will reduce spill-over parking onto local roads, thus contributing to the efficient functioning of the roading network and the safety for road users. The proposal provides for a new pedestrian pathway, mobility spaces and a legible parking layout, which will enhance the safety and accessibility of users.

- Part B, Section 11(a), objective 1 tries to achieve “greater amenity by improving the quality of tree planting on private and publicly owned land.”
- Part B, Section 11(a), policy 2 seeks to “enhance and increase the planting of trees and other appropriate vegetation on Council reserves and along street frontages of residential, commercial and industrial sites in settlements.”
- Part B, Section 11(c), objective 1, “Improved amenity and safety of urban “streetscapes” in the District.”

The proposal will result in additional planting that will comprise a mix of groundcover, flaxes, hedges and specimen trees. This will improve the overall visual amenity and quality of the New World supermarket. The proposal will retain the majority of existing trees along the site frontage to Chalmers Street. For these reasons the proposal is considered to be in accordance with the amenity-related objectives and policies of the Timaru District Plan.

- Part B12, objective 1 seeks to, “Minimise the situations where there is conflict between noise emissions from land use activities and other more sensitive land uses.”

Noise conditions are recommended to ensure that noise generated from within the extended car park area is in accordance with the relevant standards of the District Plan. It is noted that unloading of goods will not be occurring from within that extended car park area and application is suggesting a change to the existing unloading conditions. The noise effects associated with the change to the existing unloading conditions is being assessed under the change of conditions to consent number 6632.

- Part D2, objective 2.1.1.1 seeks to, “recognise the importance of maintaining and enhancing the amenity values of residential areas.”
- Part D2, policy 2.1.2.1 seeks to, “protect and enhance the visual appeal, coherence, and quality of residential areas.”

The change of conditions to resource consent number 6632 will result in an acoustic fence along the northern and eastern site boundaries of 11 Chalmers Street and additional noise mitigation measures. Landscaping has been proposed along the boundary of the car parking area.

Overall, it is considered that the proposed application is in accordance with the relevant objectives and policies of the District Plan.

**(b) Conclusion**

Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of the two tests. The tests of section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan. As discussed in section 5.2, the effects arising from the proposal are considered to be less than minor. Additionally, the proposal is considered to be consistent with the objectives and policies of the Timaru District Plan.

**5.4 ANY OTHER MATTER**

It is considered that there are no other matters that are relevant or reasonably necessary to determine the application.

**5.5 PART II MATTERS**

Part II of the Act sets out the purpose and principles of the Act. It is considered that the application will achieve the purpose and principles of the Act and promote sustainable management of the site.

The proposed use of the site promotes the sustainable use of the land which is situated adjacent to the New World supermarket. The effects of the proposed car park extension is considered to be appropriate for the receiving environment.

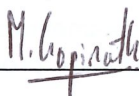
**6.0 CONCLUSION & REASON FOR THE DECISION**

Before granting an application for a non-complying activity, Council must be satisfied that either the adverse effects of the activity on the environment will be minor (section 104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of the District Plan (section 104D(1)(b)). In this instance it has been assessed that the proposal achieves both parts of the section 104D gateway test, and that a decision is able to be made to grant consent.

**7.0 RECOMMENDATION & DECISION**

Pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, it is recommended that land use consent be granted subject to the conditions imposed in accordance with section 108 of the Act.

Reported on and Recommended by:  
Mithran Gopinath  
**Planner**

  
\_\_\_\_\_

Date: 10.9.2020

## 8.0 NOTIFICATION STATUS OF APPLICATION

Section 95A(1) of the Act states that a consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.

- **Step 1**  
Sections 95A(2) and (3) provide for mandatory public notification in certain circumstances. In this case, Step 1 does not apply and therefore we move to Step 2 provided for under sections 95A(4) and (5).
- **Step 2**  
This is to determine whether public notification is precluded in certain circumstances. This application is for a resource consent for one or more activities, and no activity is subject to a rule or national environmental standard that precludes public notification (section 95A(5)(a)). This application is for a Non Complying Activity but it is not for the subdivision of land and it is not a boundary activity. Therefore in accordance section 95A(4)(b) with we move directly to Step 3.
- **Step 3**  
This is to identify if public notification is required in certain circumstances. This application is for a resource consent for one or more activities no activity is subject to a rule or national environmental standard that precludes public notification (section 95A(8)(a)). In accordance with section 95D it is considered that there are no adverse effects that are more than minor (Section 95(8)(b)). Therefore we move directly to Step 4.
- **Step 4**  
This step identifies if public notification is required in special circumstances. As the answer is no we do not publicly notify the application, but determine whether to give limited notification of the application under section 95B (section 95A(9)(b)).

Section 95B(1) of the Act specifies that we must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

- **Step 1**  
Sections 95B(2), (3) and (4) provide that certain affected groups and affected persons must be notified. Firstly, we need to determine whether there are any affected protected customary rights groups (section 95B(2)(a)) or affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity) (section 95B(2)(a)). And next, determine whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 (Section 95B(3)(a)), and whether the person to whom the statutory acknowledgement is made is an affected person under section 95E (Section 95B(3)(b)). In this case, Step 1 does not apply and therefore we move to Step 2 provided for under sections 95B(5).
- **Step 2**  
This is to determine whether limited notification is precluded in certain circumstances. This application is for a resource consent for one or more activities, and no activity is subject to a rule or national environmental standard that precludes limited notification

(section 95B(6)9a); and the application is not for a resource consent for a controlled or not for a controlled or prescribed activity (sections 360H(1)(a)(ii)). Therefore under section 95B(5)(b) we move on to Step 3.

- Step 3

This is to identify if certain other affected persons must be notified. Section 95B(7) requires a determination to be made in accordance with section 95E if in the case of a boundary activity the owner of an allotment with an infringed boundary is affected, or a prescribed person under section 360H(1)(b) (sections 95B(7)(a) and (b)); and determine in the case of any other activity whether a person is affected (section 95B(8)). In this instance there are no persons prescribed under section 360H(1)(b) (sections 95B(7)(a) and (b)) affected by this proposal and there are no boundary infringements created by the application. Therefore, we move on to Step 4.

- Step 4

Lastly, we move to Step 4 to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons). As the answer is no we do not notify anyone else (Section 95B(10)(b)).

Acting under the delegated authority from Council, I have considered this application for Land Use Consent and have decided, pursuant to sections 95A-95G of the Resource Management Act 1991 that the application be processed on a non-notified basis.



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Nathan Hole

**Team Leader Consents and Compliance**

Date: 10 September 2020

TIMARU DISTRICT COUNCIL

Resource Consent No. 10-2020-73-1

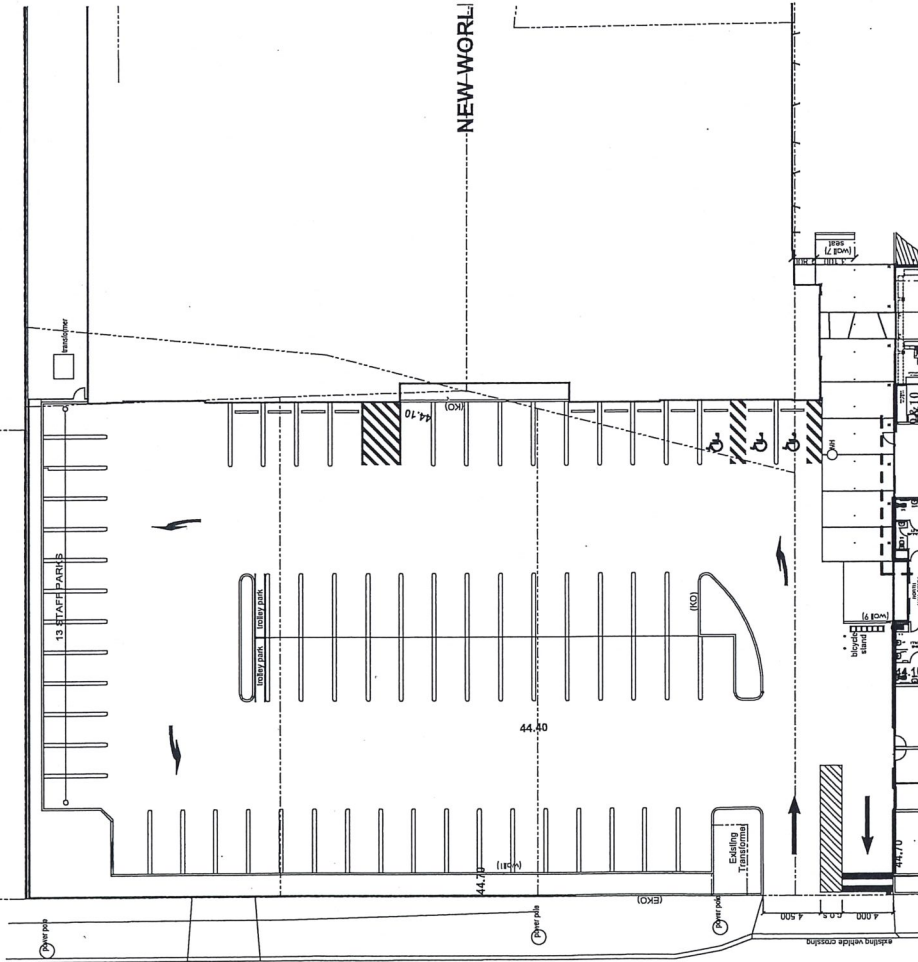
**APPROVED PLANS**

Signed: M. Chapman

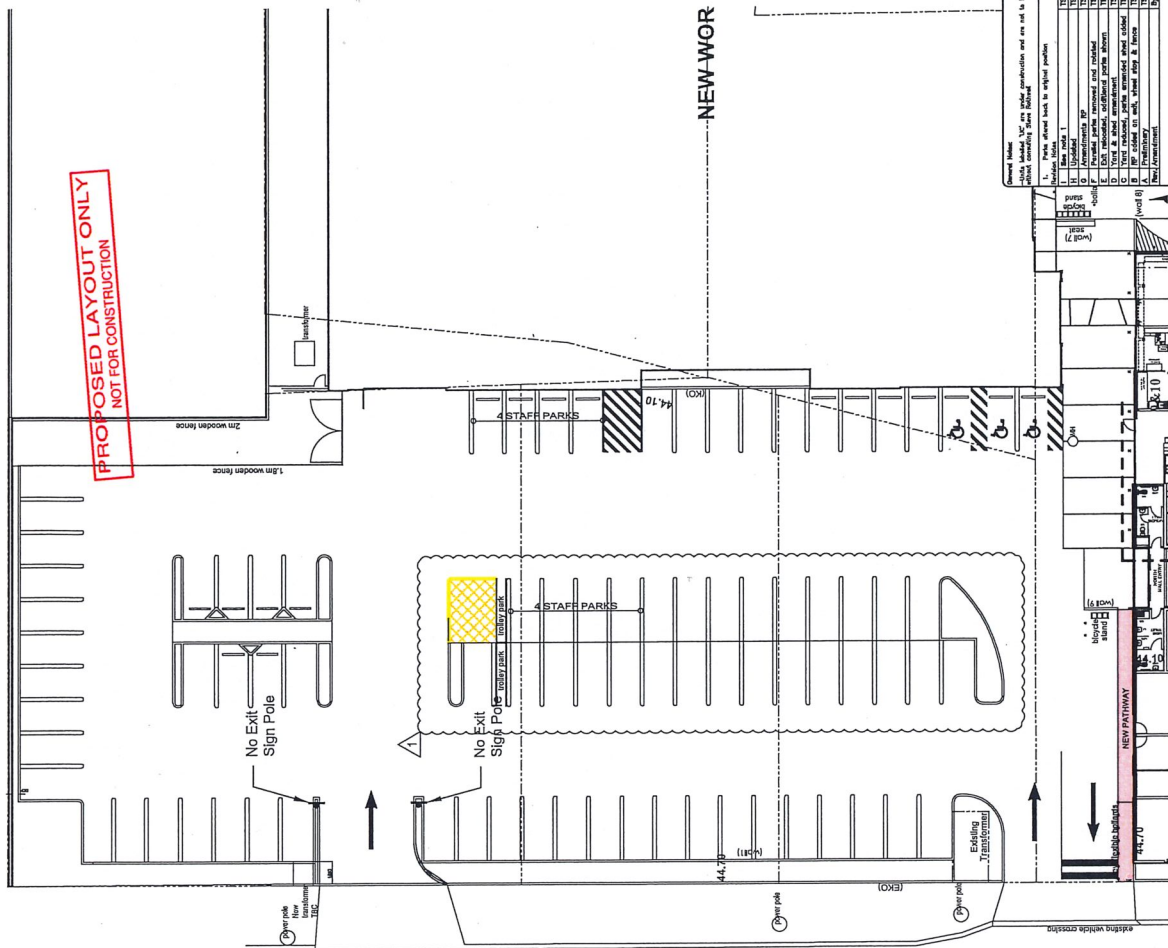
Name: M. Chapman

Date: 10-9-2020

Pt 85  
DP 3110  
736m<sup>2</sup>




EXISTING LAYOUT  
Scale 1:200



**PROPOSED LAYOUT**  
**Scale 1:200**

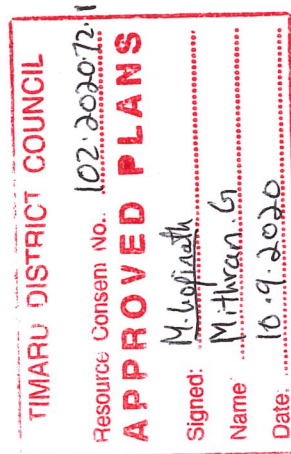
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**FOODSTUFFS**  
South Island Limited

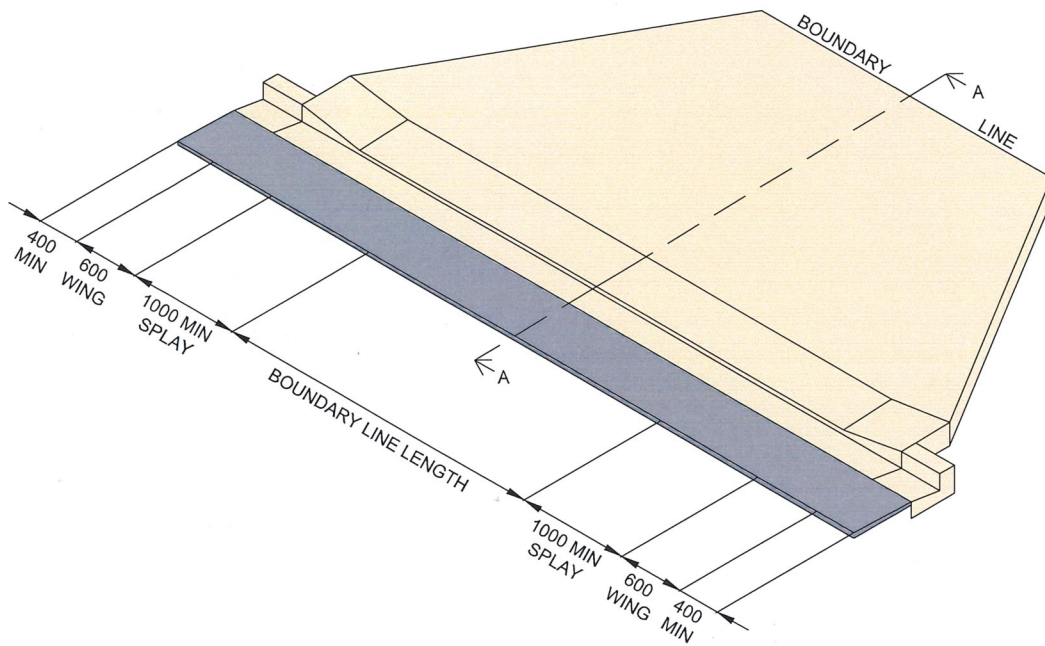


**TIMARU**  
**Proposed Layout**  
**Site Plan**

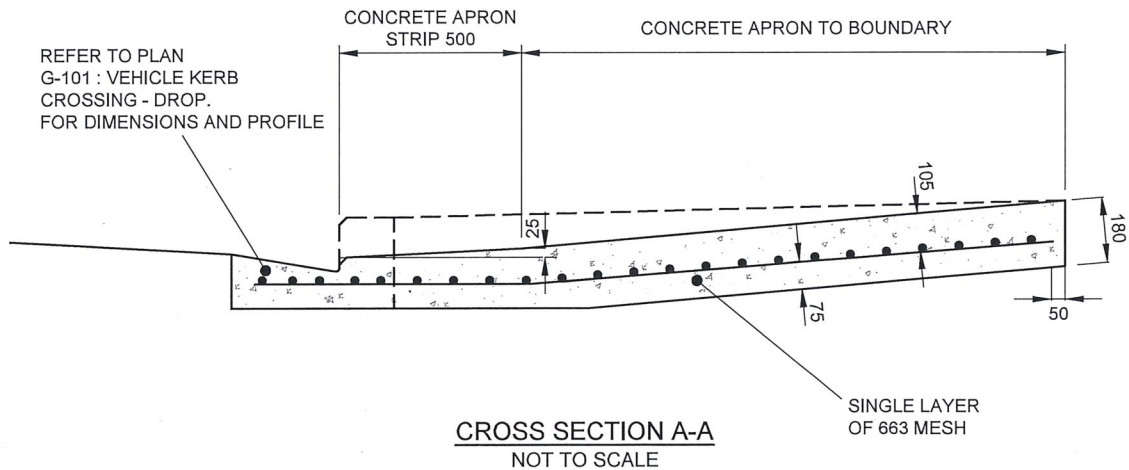
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[illegible]

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 7. **Project Timeline** \_\_\_\_\_  
 8. **Project Team** \_\_\_\_\_  
 9. **Project Contact** \_\_\_\_\_  
 10. **Project Notes** \_\_\_\_\_  
 11. **Project Date** \_\_\_\_\_  
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 15. **Project Timeline** \_\_\_\_\_  
 16. **Project Team** \_\_\_\_\_  
 17. **Project Contact** \_\_\_\_\_  
 18. **Project Notes** \_\_\_\_\_  
 19. **Project Date** \_\_\_\_\_  
 20. **Project Version** \_\_\_\_\_



**VEHICLE KERB CROSSING - HEAVY COMMERCIAL DROP**  
NOT TO SCALE



**NOTES:**

1. SINGLE LAYER OF 'REINFORCING MESH' IS TO BE 663 STEEL MESH
2. CONCRETE TO BE NZS 3109 WITH A 28 DAY STRENGTH OF 30MPa
3. A BASECOURSE LAYER UNDER THE KERB & CHANNEL AND APRON MUST BE 150mm AP40 M/4 COMPACTED TO TNZ B/2
4. SCALA TEST THE SUBGRADE SURFACE TO ACHIEVE A CBR OF 7 MINIMUM
5. SHOULD THE SUBBASE MATERIAL BE UNSUITABLE A 150mm MINIMUM DEPTH OF AP65 MUST BE LAID AND COMPACTED TO A MAXIMUM DEPTH OF 1m BELOW THE FINISHED SURFACE OF THE CROSSING.

DRAWING USED BY TLA:		TITLE:		ORIGINAL SCALE (A4):	
ADC Y/N TDC Y/N		VEHICLE KERB CROSSING		NTS	
MDC Y/N WDC Y/N		- HEAVY COMMERCIAL DROP		DRAWING NUMBER:	
		AORAKI ROADING COLLABORATION		G-205	
				SHEET: 1 OF 1	
				REVISION:	
				A	

**ATTACHMENT 2:**

**Subdivision and Land Use Consent No. 101.2021.79.1 (the TDL Consent)**



14 April 2022

Timaru Developments Limited

c/- Nathan Hole

8 Mahoneys Hill Road

Timaru 7940

Email: [nathan.hole@rooneygroup.co.nz](mailto:nathan.hole@rooneygroup.co.nz)

Dear Nathan,

**Subdivision and Land Use Consent No. 101.2021.79.1**

**Subdivide to achieve thirteen allotments and develop commercial land for residential use**

**18, 18A, and 20 Hobbs Street, Timaru**

I advise that land use applications (101.2021.79.1) was granted consent subject to conditions under delegated authority by Timaru District Council on 14 April 2022. Please find attached the decision on the application and the approved plan.

If you have any queries on this matter, please do not hesitate to contact me at the details listed below.

Yours faithfully,

Alex Wakefield  
**Team Leader Consents and Compliance**

Email: [alex.wakefield@timdc.govt.nz](mailto:alex.wakefield@timdc.govt.nz)  
Phone: 03 687 7594



**Decision of Timaru District Council**  
**Subdivision and Land Use Consent No. 101/102.2021.79.1.1**

Acting under the delegated authority from Timaru District Council, I have considered the subject application for Subdivision and Land Use consent and have decided, pursuant to sections 104 and 104B and 104D, of the Resource Management Act 1991, that consent is granted subject to the following conditions imposed in accordance with section 108 and 220 of the Act:

General

1. The development shall proceed in accordance with the information submitted for the application (Council reference 101.2021.79.1) including:
  - Further information received on 20 January 2022.
  - And the Council approved plans dated 14 April 2022.
2. The subdivision may be staged and any conditions relevant to a stage shall be satisfied prior to section 224(c) certification for that stage.

Easements

3. The consent holder shall attach to the application for section 224 certification correspondence from a suitably qualified person stating that all services within the site that pass over or through any other lot have been disconnected or are protected by an appropriate easement.
4. Proposed easements shall be duly granted or reserved, with all right of ways and service easements shown on the Land Transfer Plan for approval at the time of section 223 certification.

Amalgamation

5. Pursuant to Section 220(1)(b)(ii) of the Resource Management Act 1991:

*‘That Lot 1 hereon be transferred to the owners of Lot 1 DP 19845, Lot 1 DP 40291, Lot 1 DP 24065, Lot 1-3 DP 22722, Lot 1 DP 29388 and Lot 2-4 DP 3280 (RT CB40A/7) and that one record of title be issued to include all parcels.’*

*(See CSN Request 1776478)*

Construction and earthworks

6. Prior to the commencement of any works on site, the consent holder shall provide a Construction Erosion and Sediment Control Plan prepared by a suitably qualified person to be approved by Council. This Plan shall include measures to ensure dust is contained within the extents of the site and damage to or runoff into natural waterbodies, in particular Waimataitai Stream, does not occur during any construction and earthworks required to give effect to this consent.

7. Included in the Construction Erosion and Sediment Control Plan required by Condition 6, the consent holder shall ensure that a water cart is used to ensure that dust nuisance does not occur for neighbouring sites and occupants. The operation of the Water Cart shall not be limited to the hours of operation specified in the application.
8. Prior to the commencement of any works on site, a topographical contour survey shall be provided to the Subdivision and Compliance Officer of Timaru District Council for approval. This survey shall identify the overland flow paths and finished contours of the development.
9. The consent holder shall ensure that there is no tracking of mud and detritus onto public roads.

#### Water Supply

10. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall install independent connection for Lots 2 to 12 to the Timaru District Council's water supply network. These new connections shall extend to at least 1 metre inside the boundary of each allotment and be designed and constructed to meet the requirements of the Timaru District Council.
11. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall install a fire hydrant, as near to the entrance to Right of Way 1 as possible, to the requirements of the Timaru District Council and New Zealand Fire Service firefighting water supplies code of practice – SNZ PAS 4509:2008.

#### Wastewater

12. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall install connection to Lots 2 to 12 to the Timaru District Council's wastewater disposal network. These connections shall be designed and constructed to meet the requirements of the Timaru District Council and shall extend to at least 1 metre inside the boundary of each allotment.

#### Stormwater

13. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall form Lots 2 to 12 to be shaped to a grade that directs stormwater and surface runoff toward Right of Ways 1, 2, 3 and 4, or to the service easement at the southern boundary of Lots 10, 11 and 12 prior to being collected by the private drainage and discharged to Council's network.
14. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall install connections for Lots 2 to 12 to the Timaru District Council's stormwater network in accordance with Engineering Plans first approved by Council. These connections shall involve laterals that will extend to at least 1 metre inside the boundary of each allotment and be designed and constructed to meet the requirements of the Timaru District Council.
15. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall include in the Engineering Plans to be approved by Council, evidence of the size, material, condition, and location of the existing stormwater connection within Lot 1.

#### Advice note:

*All connections must be in accordance with Council Service Consents and prior agreement of Engineering Plans, supervision and certification.*

16. That any development of lots 2 to 12 must comply with a maximum impervious surface coverage of 40% of the site area, or if exceeded then stormwater attenuation must be provided of sufficient size to achieve attenuation of a 1 in 5 year, 10 minute rain event.

In accordance with section 221 of the Resource Management Act 1991, this condition shall be registered as a consent notice on the record of titles of Lots 2 to 12 to be complied with on a continuing basis with the following text:

*“Any future development of the allotment must maintain an impervious surface (including dwelling, parking and manoeuvring area, right of way access, etc.) of no greater than 40% of the site area. If the allotments impervious surface is greater than 40% of the site area, stormwater attenuation for the difference, sized to a 1 in 5 year, 10 minute rain event, is required.”*

17. That any future development of Lot 13 which generates additional impervious surface will require the installation of stormwater attenuation for the additional surface, sized to a 1 in 5-year, 10 minute rain event.

In accordance with section 221 of the Resource Management Act 1991, this condition shall be registered as a consent notice on the record of titles of Lots 2 to 12 to be complied with on a continuing basis with the following text:

*“Any future development of the allotment generating additional impervious surface will require the installation of stormwater attenuation for the additional surface, sized to a 1 in 5 year, 10 minute rain event.”*

#### Electricity and telecommunications

18. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall provide confirmation from the relevant electricity network and telecommunication providers confirming that electricity and telecommunication connections have been installed to the boundary of each of Lots 2 to 12.

#### Vehicle crossing

19. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall provide Lots 2 to 13 with vehicle crossings in compliance with Council standards, in particular NZS4404:2010, section 3.3.17 and as required by the Timaru District Plan rule, Part D6.7 – 6.7.3.(8), and in compliance with the standard drop crossing design G103.

#### Access formation

20. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall ensure that Rights of Way 1, 2, 3 and 4 are be formed, sealed and drained in accordance with Council requirements, in particular NZS4404:2010 and as required by the Timaru District Plan rule, Part D6.6 Table 6.6.2 (5) Table of private access. Construction will proceed in accordance with Engineering Plans first approved by Council. A Schedule 1B certificate is to be provided at the time that a 224(c) certification is applied for.
21. Right of Way 1 shall be formed with a legal width of 6 metres for the first 9 metres from the road boundary and minimum constructed width of 5 metres over the first 9 metres.

## Noise

22. In accordance with section 221 of the Resource Management Act 1991, the following shall be registered as a consent notice on the record of titles for Lots 2 to 13 to be complied with on a continuing basis with the following text:
1. *That any residential unit constructed on Lots 2 to 13 shall achieve a level of acoustic insulation such that airborne and impact sound on the site is reduced to no greater than:*
    - a) *35 dBA LAeq (15 min) in the interior of habitable rooms 2200 to 0700 hours;*
    - b) *40 dBA LAeq (15 min) in the interior of habitable rooms 0700 to 2200 hours;*
  2. *If windows are required to be closed to achieve the indoor design sound levels in 1 (a) and (b) above, then a means of ventilation shall be required to service the dwelling. The ventilation system shall not generate sound levels that exceed:*
    - a) *35 dBA LAeq (30s) in bedrooms;*
    - b) *40 dBA LAeq (30s) in the interior of other habitable rooms;*
  3. *At the time of application for a Building Consent for a new dwelling, the landowner shall provide certification from a suitably qualified and experienced person to Timaru District Council to confirm that the specified noise levels will be met with the acoustic design of the residential unit and the ventilation system(s) (if any) to be installed; or*
  4. *Upon completion and application for a Code of Compliance for a residential unit, certification from a suitably qualified and experienced person shall be provided to the Council to confirm that the specified noise levels have been met with the acoustic design and construction of the residential unit and the ventilation system(s) (if any).*
  5. *Where the specified noise levels have not been achieved, additional measures shall be adopted and implemented in accordance with recommendations from a qualified acoustic engineer until certification under condition 4 can be provided.*
23. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall install an acoustic fence along the boundary between Lot 1 and Right of Way 4 to a minimum height of 2 metres.

## Landscaping and amenity

24. No buildings may be located within 5 metres of the western boundary of Lot 1.

In accordance with section 221 of the Resource Management Act 1991, this condition shall be registered as a consent notice on the record of titles of Lot 1 to be complied with on a continuing basis with the following text:

*'No buildings may be located within 5 metres of the western boundary of Lot 1.'*

25. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall establish a 2-metre-wide landscaping strip on Lot 1 along the road boundary, not including where access is required along the road frontage. Landscaping along the road boundary of Lot 1

shall include plant species capable of achieving a minimum height of 1 metre above ground level.

#### Natural hazards

26. In accordance with section 221 of the Resource Management Act 1991, the following shall be registered as a consent notice on the record of titles for Lots 4 to 12 to be complied with on a continuing basis with the following text:

*'Any future habitable dwelling on this site shall be constructed with a finished floor height that has been determined by an Environment Canterbury Natural Hazard Assessment. This assessment must be included in any building consent application for a habitable dwelling on the site.'*

#### Residential development (Lots 2 to 13)

27. In accordance with section 221 of the Resource Management Act 1991, the following shall be registered as a consent notice on the record of titles for Lots 2 to 13 to be complied with on a continuing basis with the following text:

*'Any residential dwelling and associated accessory buildings related to residential use of the allotment shall be developed in accordance with Residential 2 Zone rules.'*

*'If the zoning of the allotment changes to a residential zone as the result of a District Plan review or Plan Change, then this consent notice will expire.'*

*'The primary outdoor space and outdoor living areas shall be located within the northern and / or western areas of Lots 2 to 13.'*

*Advice note: This requirement is to ensure that noise levels in outdoor living areas are within the Residential noise limits of the Timaru District Plan and ensure a level of residential amenity is provided to occupiers of the allotment.'*

#### Financial contribution

28. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall pay to Council a reserves contribution of \$5,500 (Five thousand and Five Hundred Dollars) for the creation of eleven additional residential allotments calculated in accordance with Rule 6.5.2.2(2)(a) of the Timaru District Plan.
29. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall pay to Council a financial contribution for the Waimataitai Sewer Catchment Mains Upgrade in respect of eleven new connections to the reticulated sewer network in accordance with the following calculation:

$11 \text{ Allotments} \times \$1032.00 \times ("PPI \text{ at quarter of payment}" / "PPI \text{ at Sep-2005}") + GST$

*Note: PPI = Statistics NZ; Producers Price Index; Outputs; Construction.*



Alex Wakefield

**Team Leader: Consents and Compliance**

Date: 14 April 2022



## **GENERAL ADVICE NOTES**

### **Commencement**

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

### **Right of Objection**

If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357A of the Resource Management Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Timaru District Council within 15 working days of receipt of this decision.

You may, when making an objection, under section 357A(1)(f) or (g), request that the objection be considered by a hearings commissioner(s), who is not a member of the consent authority.

### **Subsequent Right of Appeal to the Environment Court**

Any person who has made an objection under section 357A of the Act may appeal to the Environment Court against the decision on the objection pursuant to section 358 of the Act.

Notice of such an appeal must be in the prescribed form, state the reasons for the appeal and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working days after the decision on the objection being notified to that person, or within such further time as the Environment Court may allow.

### **Appeal Direct to the Environment Court**

If you do not agree with the decision, an alternative to a section 357A objection, or if section 357A does not apply, is to appeal the decision under section 120 of the Act to the Environment Court.

However, there is no right of appeal under this section against the whole or any part of a decision of a consent authority to the extent that the decision relates to 1 or more of the following, but no other, activities:

- (a) a boundary activity, unless the boundary activity is a non-complying activity:
- (b) a subdivision, unless the subdivision is a non-complying activity:
- (c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.

A person who made a submission on the application or review of consent conditions may appeal only in respect of a matter raised in the person's submission (excluding any part of the submission that is struck out under section 41D).

The notice of appeal shall be in the prescribed form; state the reason for the appeal and the relief sought; state any matters required by the regulations; and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working days notice of the decision being received. Notice of the appeal must also be served on Timaru District Council within 15 working days within the same period. Notice of the appeal must also be served on any person who made

a submission in relation to the application within 5 working days of the notice being lodged with the Environment Court. If you are in any doubt about the correct procedures, you should seek legal advice.

#### Minor Correction of Resource Consents

Section 133A of the Act provides the consent authority may at its discretion issue an amended consent that corrects minor mistakes or defects in the consent within 20 working days of the grant. If you consider that the consent contains a minor mistake or defect you may advise the Timaru District Council of the same.

#### Lapsing of Consents

A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or, an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

#### Change or Cancellation of Conditions

An application to change or cancel a condition of this consent can be made under section 127 of the Act.

#### Review of Consent

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of a resource consent.

#### Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. Should all the conditions of consent be complied with, a single monitoring visit will occur and therefore no further monitoring charges will be incurred. However, should conditions of consent not be met, further monitoring will be required which will generate additional costs as outlined above. Please note that some consents will require periodic or on-going monitoring and therefore despite compliance, monitoring will occur and costs will be charged for that monitoring.

#### Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Timaru District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.

#### Other Consents May Be Required

This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:

- Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legally established.

- Conduct any activity that requires resource consent from Environment Canterbury (ECan). You are advised to contact ECan to ascertain if consent is required for the proposed development.
- Authorise building or utility services construction work that requires separate consent/approval.

#### District Services Advice Notes

- Unless otherwise stated, all the conditions of consent described above are to be complied with prior to application for s224(c) certification.
- In accordance with TDC Bylaws, Clause 1003.1, no person shall drive or operate any vehicle over any footpath or berm other than at a specifically designed and constructed vehicle crossing.
- In accordance with TDC Bylaws, Clause 1004.1, any proposed new vehicle access to a private property or any modification to any such existing vehicle access shall require specific approval by Council.
- In accordance with TDC Bylaws, Clause 1502.1, every person who proposes to:
  - (a) Draw water from the Water Network Infrastructure; or
  - (b) Discharge sewage to the Sewer Network Infrastructure; or
  - (c) Discharge Stormwater to the Stormwater Network Infrastructure; or
  - (d) Discharge to the sewer network infrastructure any trade waste (either continuously, intermittently or temporarily); or
  - (e) Vary the characteristics of a consent or approval to discharge that has previously been granted; or
  - (f) Vary the conditions of consent or approval that has previously been granted; or
  - (g) Vary the location of the point of supply or discharge that has previously been granted; or
  - (h) Significantly change the method or means of pre-treatment for discharge under an existing consent; or
  - (i) Disconnect from any network infrastructure service;

shall complete an application on an approved form for the supply of such service, together with payment of any prescribed charges. The applicant shall provide all of the details required by Council.

- In accordance with TDC Bylaws, Chapter 15, Clause 1515.4, no person shall carry out excavation work in a road reserve or public place without approval from Council.
- In accordance with TDC Bylaws, Clause 1505.3, no person shall provide any network infrastructure service to any other party without approval from Council.

- In accordance with the Performance Standards for Stormwater from the Timaru District Plan, Section 6.5.3.3, stormwater attenuation for up to a 5 year rain event must be provided onsite.
- In accordance with the Performance Standards for Stormwater from the Timaru District Plan, Section 6.5.3.3, if the existing or proposed secondary flow path discharges to a neighbouring property without appropriate easements or existing use rights, the stormwater system shall accommodate a 2% annual exceedance probability rainfall event.



**OFFICERS REPORT ON A RESOURCE CONSENT APPLICATION  
(s104 and 104B)  
OF THE RESOURCE MANAGEMENT ACT 1991**

<b>Consent No:</b>	101/102.2021.79.1
<b>Applicant:</b>	Timaru Developments Limited
<b>Activity:</b>	Subdivide to achieve 13 allotments and develop commercial land for residential use on 12 allotments based on the Residential 2 Zone standards, and one allotment for commercial use
<b>Location:</b>	18, 18A, and 20 Hobbs Street, Timaru
<b>Zoning:</b>	Commercial 2 Zone
<b>Legal Description:</b>	Lot 1 DP19458, Lot 2 DP19458, Lot 1 DP 45192
<b>Activity Status:</b>	Non-complying Activity

### Introduction

This report has been prepared under section 42A of the Resource Management Act 1991 to document the assessment of the subject resource consent application. This report also constitutes the decision and reasons for the decision as required under section 113 of the RMA.

The applicant has provided a description of the proposal, the site and locality in the report entitled "Assessment of Environmental Effects", prepared by Crystal Sun of Timaru Developments Limited, and submitted as part of the application. A response to a request for further information was provided by the applicant on 20 January 2022.

The applicant proposes to subdivide land within the Commercial 2 Zone into 13 allotments and develop 12 of these allotments for residential use in accordance with the provisions of the Residential 2 Zone, and one allotment for commercial use. Resource consent is required for the proposed subdivision as well as for residential land use within a commercial zone.

### Description of the Environment

The subject site is located at 18, 18a, and 20 Hobbs Street, Timaru, on land legally described as Lot 1 DP19458, Lot 2 DP19458, Lot 1 DP 45192, as held within three separate records of title as follows:

Street Address	Title reference	Legal description	Land area
20 Hobbs Street	CB3A/1234	Lot 1 DP19458	708m <sup>2</sup>
18 Hobbs Street	CBA1/1034	Lot 2 DP19458	680m <sup>2</sup>
18A Hobbs Street	CB24B/802	Lot 1 DP 45192	7,172m <sup>2</sup>
<b>Total land area</b>	<b>8,560m<sup>2</sup></b>		

18A Hobbs Street was previously occupied by the Northtown Tavern, however this was demolished in 2020. The site is currently vacant with disused hardstand areas now used for informal car parking. 18 Hobbs Street is currently a vacant allotment, and 20 Hobbs Street contains a single residential dwelling.

All three sections have separate vehicle access onto Hobbs Street. There is no access south to Ranui Avenue from the site.

The subject site is shown in Figure 1 below.



Figure 1. Aerial photograph of subject site with site outlined in red (Source: Canterbury Maps).

The site is surrounded on three sides by low density residential land use. The average residential allotment size of the seven adjoining residential properties is 821m<sup>2</sup>.

The eastern boundary of the site adjoins the Northtown Mall and Pak’N Save at 1 Ranui Avenue (title reference: CB40A/7). The service lane for the adjoining commercial complex at 1 Ranui Avenue runs parallel to the eastern boundary of the site with vehicle entrances onto both Hobbs Street and Ranui Avenue. The main vehicle entrances used by the public to the commercial complex are further eastwards towards State Highway 1 on both Hobbs Street and Ranui Avenue. The buildings on 1 Ranui Avenue are setback approximately 4 to 5m from the eastern boundary of the subject site.

The subject site, as well as the adjoining properties to the east, are within the Commercial 2 Zone under the operative Timaru District Plan, while land to the north, west, and south of the site is zoned Residential 2. No other planning notations apply to the site. The subject site and District Plan zoning are shown in Figure 2.



*Figure 2. Subject site (outlined in red) showing Commercial 2 Zoning.*

Waimataitai Stream, which drains stormwater from a large catchment, crosses either through the site or the site immediately to the south, with groundwater flow presumably from west to east towards the coast. The stream is piped from Selwyn Street onwards but there is a recognised overland flow path for times when the carrying capacity of the pipe is exceeded. However, this stream appears to be underground as indicated in Figure 3.



*Figure 3. Subject site showing Waimataitai Stream (blue line) (Source: Canterbury Maps).*

The site is not listed on Environment Canterbury's Listed Land Use Register and the applicant is not aware of any historical hazardous activities that may have occurred on the site. However, Timaru District Council's natural hazards register notes that the site has previously been subject to fill as shown in Figure 4.



*Figure 4. Subject site showing area in which fill has previously occurred (Source: Timaru GIS).*

<b>Description of the Activity</b>
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The application proposes to subdivide the property located at 18, 18a and 20 Hobbs Street, Timaru, into one commercial allotment, twelve residential allotments, along with four right of ways to facilitate residential development of the site. The applicant proposes that these resultant allotments are then developed for residential purposes in accordance with Residential 2 Zone requirements of the Plan.

The subdivision is proposed to occur in two stages as follows:

Stage one

- Lot 1 – 1,153m<sup>2</sup> (to remain for commercial use that is to be purchased by the adjoining landowner of 1 Ranui Avenue; Foodstuffs South Island Ltd)

Stage two

- Lot 2 – 525m<sup>2</sup>
- Lot 3 – 525m<sup>2</sup>
- Lot 4 – 609m<sup>2</sup>
- Lot 5 – 613m<sup>2</sup>
- Lot 6 – 600m<sup>2</sup>
- Lot 7 – 614m<sup>2</sup>
- Lot 8 – 671m<sup>2</sup>
- Lot 9 – 675m<sup>2</sup>
- Lot 10 – 746m<sup>2</sup>
- Lot 11 – 693m<sup>2</sup>
- Lot 12 – 686m<sup>2</sup>
- Lot 13 – 442m<sup>2</sup>
- Four right of ways (ROW)

The applicant intends for the resultant allotments to discharge stormwater to the existing Council reticulated system via the existing or new connections to the stormwater chamber in the southeast corner of the site. Lot 13 (which contains the existing dwelling) will retain its existing stormwater connection. The applicant anticipates that no on-site attenuation is required as post-development flows will be no greater than pre-development flows.

Lots 3 and 13 will retain the existing water connections to Council's reticulated water supply, while the other resultant allotments will be provided with new water supply connections.

Lot 13 will retain the existing wastewater connection to the Hobbs Street sewer main, while all other allotments will discharge wastewater to a proposed manhole on Lot 10.

The applicant intends to provide all resultant allotments with connections to power and telecommunications services.

The application does not include the provision of physical services or access to proposed Lot 1, as this allotment is to be sold to the adjoining landowner.

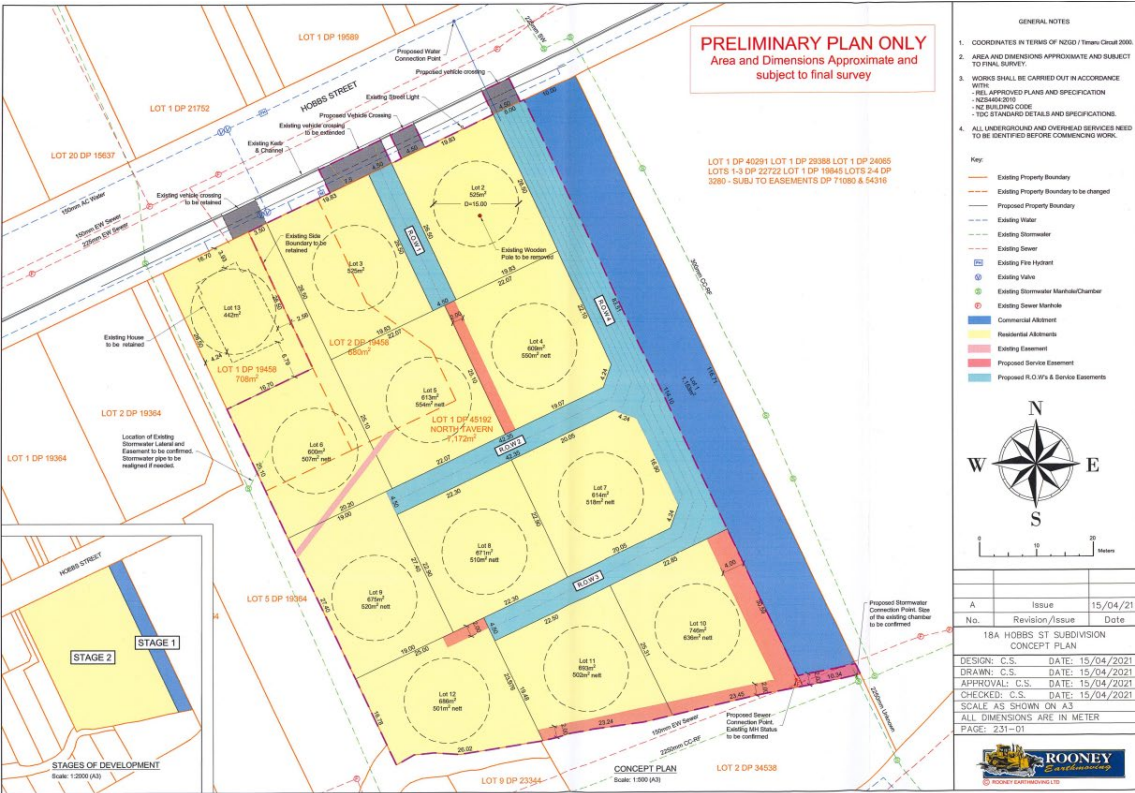


Figure 5. Proposed subdivision scheme plan.

A more detailed description of the proposal is contained within the resource consent application.

## Planning Framework

### Operative Timaru District Plan

The subject site is zoned Commercial 2 by the Timaru District Plan and the proposed activity requires resource consent for the following reasons:

#### Subdivision

Rule 6.3.7(1) requires:

“All performance standards applicable within the zone shall be complied with or consent to a discretionary or non-complying activity shall be obtained.”

Rule 6.3.7(2) requires:

“Sites shall be of a regular shape so as to facilitate the efficient use of the land except where an alternative would better satisfy the objectives or policies of the Plan and where recognition is given to natural features on the site.”

There are no minimum subdivision requirements in Commercial Zones under the District Plan (Rule 6.3.9(i)) provided that the proposed activity complies with the relevant Performance Standards of the Commercial Zone.

Proposed Lot 1 (1,153m<sup>2</sup>) is to be for commercial use and its width varies from 10m to 10.35m along its 116.71m length. The applicant has indicated that Lot 1 would be sold to the adjoining lot owner to the east, Foodstuffs South Island Ltd. While there is no minimum width for lots in the Commercial Zones there are requirements for access and car parking, and Waimataitai Stream in a drain along the rear of the site has not been taken into account. A commercial lot 116m in length without a rear service lane or access to ROW4 is unlikely to be a suitable shape in this location for development as a standalone lot, and amalgamation with adjoining commercial land to the east that is held together in a single Record of Title (CB40A/7) is necessary. It could then benefit from the existing services and service access along the length of that adjoining site without requiring new service connections or a vehicle crossing as a standalone lot.

In this instance, the site is also subject to an Outline Development Plan as per Part D, Rule 5.16. This Outline Development Plan includes specific requirements regarding building setbacks from the Residential 2 Zone boundary, as well as landscaping and car parking requirements. Performance Standards 5.5 and 5.6 regarding visual amenity also specifically relate to this site.

It is considered that the proposed subdivision development does not comply with the above-mentioned Performance Standards of the Commercial 2 Zone. Based on the above the subdivision consent application is a discretionary activity under Part D, Rule 6.3.5(i) of the Timaru District Plan.

#### Land use

Residential activities are not provided for in the Commercial 2 Zone as a permitted, controlled or discretionary activity. Therefore, the proposed residential land use activity is a non-complying activity as per Part D, Rule 3.5.6(4) of the Commercial 2 Zone rules for any other activity in the zone which is not provided for by a General Rule. It is also noted that the proposal does not comply with performance standards 5.5 and 5.16 of the Commercial 2 Zone.

#### **Activity Status Determination**

Since the proposed subdivision and land use are linked they are bundled together. Overall, the applications are to be assessed as a non-complying activity.

#### **Notification consideration under Sections 95A of the Resource Management Act**

A recommendation was made to Council pursuant to section 95A and 95B of the Act to determine the notification pathway for this application. Council accepted the notification recommendation on 23<sup>rd</sup> February 2022 and agreed to process this application on a **non-notified** basis. The notification decision has since been issued to the applicant and is included separately to this report.

#### **Section 104 Requirements**

This section of the report details the provision of the RMA that are relevant to the consideration and determination of the application. The remainder of this report has been set out to address these provisions.

## Consideration of Applications

When considering a resource consent application and any submissions, section 104 of the RMA provides that the consent authority, must, subject to Part 2, have regard to the following:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of:
  - a national environmental standard:
  - other regulations:
  - a national policy statement:
  - a New Zealand coastal policy statement:
  - a regional policy statement or proposed regional policy statement:
  - a plan or proposed plan;
- any positive effects;
- any other matter it considers relevant and reasonably necessary to determine the application.

When forming an opinion for the purposes of actual and potential effects on the environment of allowing the activity, subsection 104(2) RMA states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

Subsection 104(3) RMA states that a consent authority must not when considering an application have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

Subsection 104(3) RMA also provides that a consent authority must not grant a resource consent:

- To do something that will, or is likely to, have a significant adverse effect on a recognised customary activity, unless written approval is given to conduct the activity from the holder of the customer rights order.
- If the application should have been notified and was not.

Subsection 104(6) RMA states that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

## Determination of Application

### Section 104B

*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

## Assessment for the purpose of making a decision on the application

### Adequacy of information

It is considered that the information provided by the application is adequate to determine the application in terms of section 104(6) of the RMA.

### Assessment Environmental Effects

An assessment adverse effects on the environment was undertaken (for the purposes of making a notification decision), which concluded that the activity will have or is likely to have adverse effects that are no more than minor. That assessment was limited to actual or reasonably likely adverse effects (which will not be repeated here) and did not include potential effects (including cumulative effects and precedent effects).

In the case of the application, it is considered that any potential effect may be mitigated by way of condition. For example, the effects of the infringements to rules are well understood, and options exist by way of condition to mitigate effects, as discussed below:

#### Subdivision design and amenity

Lots 2 to 13 are proposed to be developed in accordance with the performance standards of the Residential 2 Zone. Given the adjoining residential areas are currently zoned Residential 2, the proposal would generally be consistent with the residential form and character of the local area. However, the proposal is for residential allotments of between approximately 442m<sup>2</sup> to 746m<sup>2</sup> with an average size of 616m<sup>2</sup>, which is smaller than the seven adjoining residential sections (which are an average of 820m<sup>2</sup> in size), however still compliant with the Residential 2 Zone minimum allotment requirements.

Proposed Lot 10 has a net area greater than 600m<sup>2</sup>, so it could support two household units as a permitted activity under the Residential 2 Zone rules. Therefore, up to 13 household units could be established on Lots 2 to 13 (and there is an existing dwelling on Lot 13 that is to be retained). The proposed residential development could therefore accommodate up to 14 residential units.

The applicant has demonstrated that a circle with a diameter of 15 metres can be accommodated on each of Proposed Lots 2 to 13, as is required for lots created in the Residential 2 Zone. That demonstrates that each is likely to be of a regular shape suitable for residential use. The applicant has not provided any additional detail such as in relation to the proposed building platforms for future dwellings or their open space.

While the proposed subdivision design will ensure that the site is then suitable for residential development to the density proposed of one residential unit per allotment, it is likely to preclude future development for commercial use unless allotments were developed together to provide direct frontage to Hobbs Street or to meet demand from staff and visitors for on-site car parking.

It is recommended that a consent notice is registered on Lots 2 to 13 specifying which rules under the Timaru District Plan will apply to these allotments, i.e. that any residential dwelling and associated accessory buildings related to residential use of the lot be developed in accordance with Residential 2 zone rules. However, as the draft District Plan has indicated that the subject site may be rezoned from Commercial 2 to Medium Density Residential, there is the risk that imposing a consent notice restricting development to Residential 2 Zone rules will

create long-term issues where the proposed allotments are subject to different rules than the surrounding residential area. Therefore, the consent notice should include a clause specifying that if the underlying zone of the site changes as a result of the District Plan review, then the consent notice will expire.

The Plan currently requires the subject site to be developed in accordance with an Outline Development Plan, with requirements as listed in Rule 5.16 of the Commercial 2 zone rules including a 5-metre building setback along the Residential 2 Zone boundaries, and the provision of a 2-metre-wide landscaping strip along the Residential 2 Zone boundaries.

Rules that apply in the Commercial 2 Zone reference a neighbouring residential zone and require a 5-metre building setback. The intention of these rules is to reduce the potential conflict between commercial activities and the adjoining residential land use but they will not apply in this instance for future residential use on Lots 1 to 12 since they will only apply the Residential 2 Zone rules and the actual zoning of the land will not change as a consequence of a resource consent. Given Lot 1 is to be retained as commercial land and will continue to be subject to the requirements of the Commercial 2 Zone, it is considered appropriate to continue to apply the requirements of the Outline Development Plan to Lot 1. In particular, the following should be registered as a Consent Notice on Lot 1:

- No buildings may be located within 5 metres of the western boundary of Lot 1.

This, along with the recommended acoustic fencing and the 5-metre building setback will address possible amenity issues between the commercial and residential activities, including noise issues, so that the adverse effects of the proposal on amenity are no more than minor.

As no new vehicle access or services are being installed for Lot 1, it is also considered appropriate to impose a condition requiring that along the road frontage of Lot 1 a 2-m wide landscaping strip be established prior to section 244(c) certification. This condition could include an exemption for parts of the road frontage of Lot 1 which are required for road access. This would allow for flexibility should future landowner wish to install independent road access to Lot 1. The landscaping along the frontage of Lot 1 would help to partially screen the commercial activity and service lane as viewed from the public road and from adjoining residential properties, and also improve the surrounding streetscape.

The existing Outline Development Plan for the site requires that four of the existing trees, three along the road frontage of Hobbs Street and one in the south-eastern corner of the site, be retained upon development of the site. The existing trees on site do not directly correspond with those identified on the ODP; there are approximately 6 trees along the south and western boundaries and another two along the road boundary). These trees are well established, over 3m in height, and contribute to the existing amenity of the site and streetscape. Although not identified on the proposed scheme plan, one of the existing trees along the road frontage appears to be located within or on the boundary of ROW4. It is therefore noted that it may not be practical to retain all of the existing trees as part of the proposal.

#### Water supply

The application proposes for Lots 3 and 13 to retain the existing connections to Council's reticulated water supply in Hobbs Street, and to install new connections for Lots 2, and 4 to 12. The applicant has also stated that a new fire hydrant will be installed. Council's Subdivision and Compliance Officer has recommended the following conditions be imposed in regard to water supply and fire fighting provisions:

- *That Lots 2 to 12 shall have an independent connection to the Timaru District Council's water supply network. The new connections shall extend to at least 1m inside the boundary of each lot and be designed and constructed to meet the requirements of the Timaru District Council.*
- *That the sub-main shall be constructed in accordance with Engineering Plans first approved by Council and will make provision for at least two Fire Hydrants. A Schedule 1B & 1C certificate is to be provided at the time that a 224c certificate is applied for. This sub-main shall vest to council at the time that a 224c certificate is approved.*

No water connection is proposed for Lot 1, which provided it is either amalgamated with the adjoining land, in which case no connection is necessary, or has a consent notice imposed stating that no water connection has been provided, the adverse effects in this regard will be less than minor.

Provided the recommended conditions above are imposed on the consent, it is considered that the proposed allotments can be adequately provided with connections to a water supply and the adverse effects in this regard are less than minor.

#### Wastewater

Lot 13 is to retain the existing connection to Council's wastewater infrastructure in Hobbs Street, while new connections are installed for Lots 2 to 12 to Council's sewerage reticulation network via the existing manhole (marked DWG231-01 on the proposed plan). The application states that the status of this manhole needs to be confirmed and a new manhole installed if required. The ability for discharge to this manhole has yet to be assessed. Council's Subdivision and Compliance Officer has recommended the following conditions be imposed on this consent in regard to wastewater disposal:

- *That lots 2 to 12 shall be connected to the Timaru District Council's wastewater disposal network and be designed and constructed to meet the requirements of the Timaru District Council. The connections shall extend to at least 1m inside the boundary of each lot.*

Council's Subdivision and Compliance Officer has also advised that all connections will need to be in accordance with Council Service Consents and prior agreement of Engineering Plans, supervision and certification.

No sewer connection is proposed for Lot 1, which provided it is either amalgamated with the adjoining land, in which case no connection is necessary, or has a consent notice imposed stating that no sewer connection has been provided, the adverse effects in this regard will be less than minor.

Provided the recommended conditions above are imposed on the consent, it is considered that the proposed allotments can be adequately provided with connections to Council's sewerage reticulation network and the adverse effects in this regard are less than minor.

#### Electricity and telecommunications

The application states that all allotments can be served with connections to electricity and telecommunications infrastructure but has not specified that these connections will be provided at the time of subdivision.

Given the location of the site, connections to electricity infrastructure are assumed to be readily available. A search of Broadband Map NZ has also confirmed that fibre, VDSL, ADSL, and Wireless telecommunication connections are available.

Objective 9.1(b) of the Plan seeks to ensure that an adequate level of infrastructure is provided to enable efficient use and development of natural and physical resources by the costs of providing that infrastructure directly from developers. The site is also within a central, well-established residential area in which landowners would expect electricity and telecommunications connections to be installed at the time of subdivision. It is therefore recommended that a condition be imposed requiring the consent holder to demonstrate that telecommunication and electricity connections have been provided to each of Lots 2 to 12 prior to section 224(c) certification.

No electricity and telecommunication connections are proposed for Lot 1, which provided it is either amalgamated with the adjoining land, in which case no connections are necessary, or has a consent notice imposed stating that no connections have been provided, the adverse effects in this regard will be less than minor.

#### Stormwater

The application proposes for Lots 2 to 12, as well as the four ROWs, to discharge stormwater via an existing stormwater chamber to the south of the site at 59 Ranui Avenue (Lot 2 DP 34538). Lot 3 will retain the existing stormwater connection with the service pipe to be inspected and realigned if necessary. The existing dwelling on Lot 13 does not appear to have a connection to the kerb and channel on Hobbs Street, it is assumed that it has a connection to Council's infrastructure elsewhere. The application has not stated whether there is an existing whether a stormwater connection or onsite attenuation will be provided to Lot 1. Council's Infrastructure Engineer has recommended a condition be imposed requiring the applicant to provide information of any existing stormwater infrastructure that will continue to service Lot 1 prior to section 224(c) certification.

The applicant has applied the stormwater requirements for the Residential 2 Zone to the site, given that the proposed residential allotments will be developed according to Residential 2 zone standards, this being a C value of 0.6. These calculations presume a 40% building coverage on each allotment. The applicant has calculated that pre-development flows are approximately 55.7L/s (C value of 0.56) and post-development flows will be 47.8L/s (C value of 0.48). Based on this, the applicant considers that onsite attenuation is not necessary, but a consent notice could be imposed on the resultant residential allotments to require that where the area of impermeable surface exceeds 40% on Lots 2 to 12, or where an increase of impermeable surfaces occurred on Lot 13, would be suitable to ensure that the post-development stormwater runoff does not exceed the pre-development rate.

Council's Subdivision and Compliance Officer has confirmed that the site has a gravity connection to Council's reticulated stormwater system in the area. The existing hard stand area on site has many existing sumps and kerb and channel to manage stormwater. The following conditions have been recommended by Council's Subdivision and Compliance Officer:

- *Lots 2--12 shall be shaped to a grade that directs stormwater and surface runoff toward Right of Ways 1, 2, 3 and 4 or to the service easement at the southern boundary of Lots 10, 11 and 12 prior to being collected by the private drainage and discharged to Council's network.*
- *Prior to on-site excavation and earthworks, a topographical contour survey shall be*

*provided to the Subdivision and Compliance Officer of Timaru District Council, for approval, identifying the overland flow paths and finished contours of the development.*

- *That Lots 1 to 12 shall be served with a connection to the Timaru District Council's stormwater network in accordance with Engineering Plans first approved by Council. The connection shall involve laterals that will extend to at least 1m inside the boundary of each Lot and be designed and constructed to meet the requirements of the Timaru District Council.*

Advice note:

All connections will be in accordance with Council Service Consents and prior agreement of Engineering Plans, supervision and certification.

- *That a section 221 consent notice be attached to the certificate of title of Lots 2-12 with the following condition:*

*"Any future development of the allotment must maintain an impervious surface (including dwelling, parking and manoeuvring area, right of way access, etc.) of no greater than 283m<sup>2</sup>. If the allotments impervious surface is greater than 283m<sup>2</sup>, stormwater attenuation for the difference, sized to a 1 in 5 year, 10 minute rain event, is required."*

- *That a section 221 consent notice be attached to the certificate of title of Lot 13 with the following condition:*

*"Any future development of the allotment generating additional impervious surface will require the installation of stormwater attenuation for the additional surface, sized to a 1 in 5 year, 10 minute rain event."*

It is considered appropriate to adopt these recommended conditions, except for references within the suggested consent notice requiring on-site attenuation where impervious surfaces are greater than 283m<sup>2</sup>. To apply this standard limit to each of Lots 2 to 12 does not take into account the variation in allotment sizes. Proposed Lots 4 and 5, for instance, are 525m<sup>2</sup> in area whereas Lot 11 is 693m<sup>2</sup> and Lot 10 is 746m<sup>2</sup>. It would be more appropriate to impose this consent notice with reference to attenuation being required where greater than 40% of the site is to be covered by impervious surfaces. This would allow for stormwater to be assessed on a site specific basis and allow for greater flexibility.

It is also noted that any easements required to provide stormwater connections to the proposed allotments have not been provided as part of the application but will need to be provided in a memorandum of easements at the time of section 223 certification.

Traffic and access

The applicant intends to provide vehicle access for all residential allotments, with the exception of proposed Lot 1. The applicant does not propose to install vehicle access to Lot 1, instead relying on the existing access for 1 Ranui Avenue.

The existing vehicle crossing which currently serves Lot 13 will also provide access for Lot 6. A new vehicle crossing be installed for the exclusive access of Lot 2 directly to Hobbs Street, while the existing access to the site will be widened to services ROW 1 which will provide access to Lots 3 to 5. A further new vehicle crossing will be installed at the north-eastern extent of the

road boundary with Hobbs Street to services ROW 4, which, via ROW 2 and 3, will service Lots 7 to 12.

Council's Subdivision and Compliance Officer has reviewed the proposal and requires that all lots are provided with a compliant vehicle crossing as per the following condition.

- *That all lots shall be served by a vehicle crossing that complies with Council's standards, in particular NZS4404:2010, section 3.3.17 and as required by the Timaru District Plan rule, Part D6.7 – 6.7.3.(8) and comply with the standard drop crossing design G103.*

As the applicant has not proposed to install vehicle access to Lot 1, and provided Lot 1 is amalgamated with the adjoining land, it is not considered necessary to impose the above suggested condition in relation to Lot 1.

In regard to formation of the proposed ROWs, Council's Subdivision and Compliance Officer has recommended the following conditions be imposed on the consent:

- *That Rights of Way 1, 2, 3 & 4 shall be formed, sealed and drained in accordance with Council requirements, in particular NZS4404:2010 and as required by the Timaru District Plan rule, Part D6.6 Table 6.6.2 (5) Table of private access. Construction will proceed in accordance with Engineering Plans first approved by Council. A Schedule 1B certificate is to be provided at the time that a 224c certificate is applied for.*
- *Right of Way 1 shall be formed with a legal width of 6m for the first 9m from the road boundary and minimum constructed width of 5m over the first 9m.*

The proposed residential use of the Lots 2 to 13 will result in different traffic movements (in terms of frequency and volume) when compared to the anticipated commercial use of the site under the Plan. It is likely that the development will result in lower traffic volumes to and from the site than if the site were to be developed for commercial use.

Provided these conditions are imposed in relation to provision of vehicle crossings and formation of the ROWs, the adverse effects in regard to roading and access are considered to be less than minor.

There are approximately four on-street car parks available along the road frontage of the site on Hobbs Street. Due to the proposed vehicle crossings, this would reduce to two available on-street car parks. Given the size of the proposed allotments, it is likely that onsite parking will be available if desired by future landowners; noting that there are no minimum car parking requirements in the district plan (removed as a consequence of the National Policy Statement on Urban Development 2020). Council's Land Transport Unit have not raised this as a particular issue, therefore the effects on parking are considered to be less than minor.

#### Amalgamation and easements

Given proposed Lot 1 has a maximum width of 10m, it is unlikely, if the recommended 5-metre building setback is imposed, that it could be developed for commercial use independently from the commercial activities at 1 Ranui Avenue. The applicant is also not proposing to provide Lot 1 with separate access or service connections (water, power, telecommunications etc.). It is noted that the applicant has already entered into a Sale and Purchase Agreement with Foodstuffs South Island Ltd in regard to Lot 1. For these reasons, it is recommended that Lot 1 is required to be amalgamated with land at 1 Ranui Avenue and held within record of title CB40A/7 pursuant to section 220(i)(b)(ii) of the Act. The following amalgamation condition has been approved by Land Information New Zealand:

- *That Lot 1 hereon be held together with Lot 1 Deposited Plan 19845, Lot 1 Deposited Plan 40291, Lot 1 Deposited Plan 24065, Lot 1-3 Deposited Plan 22722, Lot 1 Deposited Plan 29388 and Lot 2-4 Deposited Plan 3280 (CB40A/7) in one Record of Title.*

The applicant has also indicated various service easements on the proposed subdivision plan, but without providing a memorandum or schedule of easements (existing or proposed), and also intends for the allotments to share reciprocal rights of way over the four proposed ROWs as follows.

Lots 7 to 12 will have reciprocal rights of way over ROW4, with Lots 8 and 9 also having reciprocal rights of way over ROW2, and Lots 10 to 12 having reciprocal rights of way over ROW3. Lots 4 and 5 will share reciprocal rights of way over ROW1.

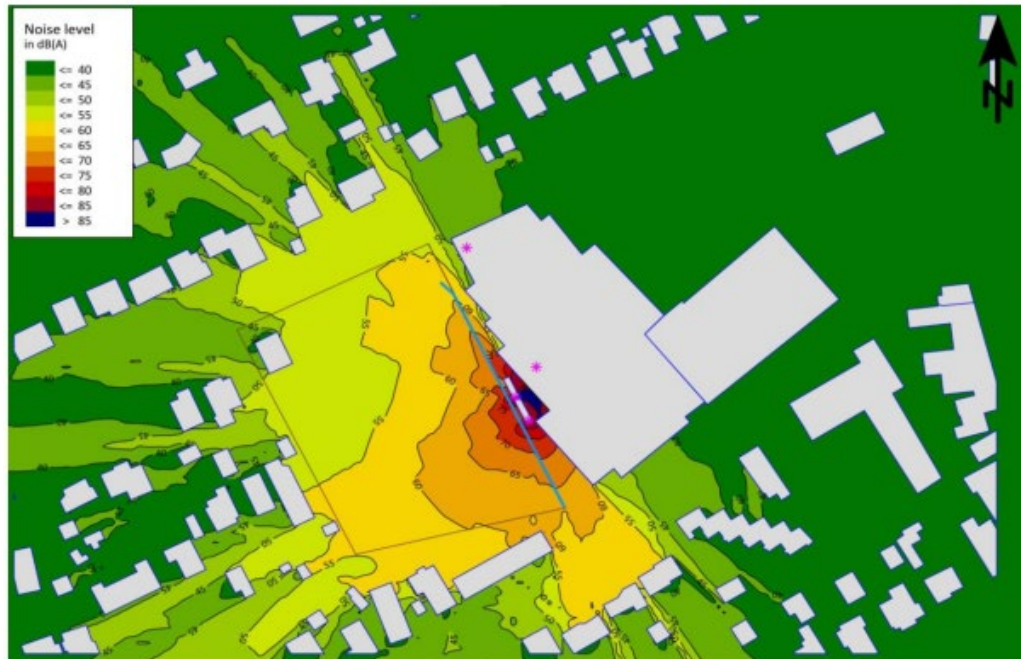
These, and any other required easements, will need to be shown on the land transfer plan at the time of section 223 certification. This will be imposed as a condition of consent.

#### Noise

While noise effects could not be considered as a matter for notification of this application, due to the noise not being generated by the proposed activity, it can be considered for the purposes of section 104 in determining whether the site is suitable for the proposed residential development.

In the Commercial 2 Zone, the Plan requires that, at the nearest Residential 2 Zone boundary, the noise levels from any activity shall not exceed 55dBA L10 between 7.00am and 10.00pm on any day, and 45 dBA L10 and 75 dBA Lmax at all other times (Rule 5.13). General rule 6.21.2.1 requires that all noise is measured in accordance with the provisions of New Zealand Standard 6801:1991 Measurement of sound and assessed in accordance with the provisions of New Zealand Standard 6802:1991 Assessment of environmental sound.

The Noise Investigation report commissioned by Council and prepared by Acoustic Engineering Services in relation to the draft Timaru District Plan, indicates that current noise levels generated from the commercial activity at 1 Ranui Avenue exceed the noise standards specified in the Plan within the Residential 2 Zone. The PAK'nSAVE rooftop mechanical plant runs 24 hours a day, and the noise investigation notes that in periods where only the rooftop mechanical plant was operational, measured noise levels exceeded the 45dBA LAeq (15 min) night-time limit set out in the Plan across the majority of the subject site. Noise emissions from 1 Ranui Avenue are most extreme during unloading of refrigerated food and goods delivery trucks as shown in Figure 6.

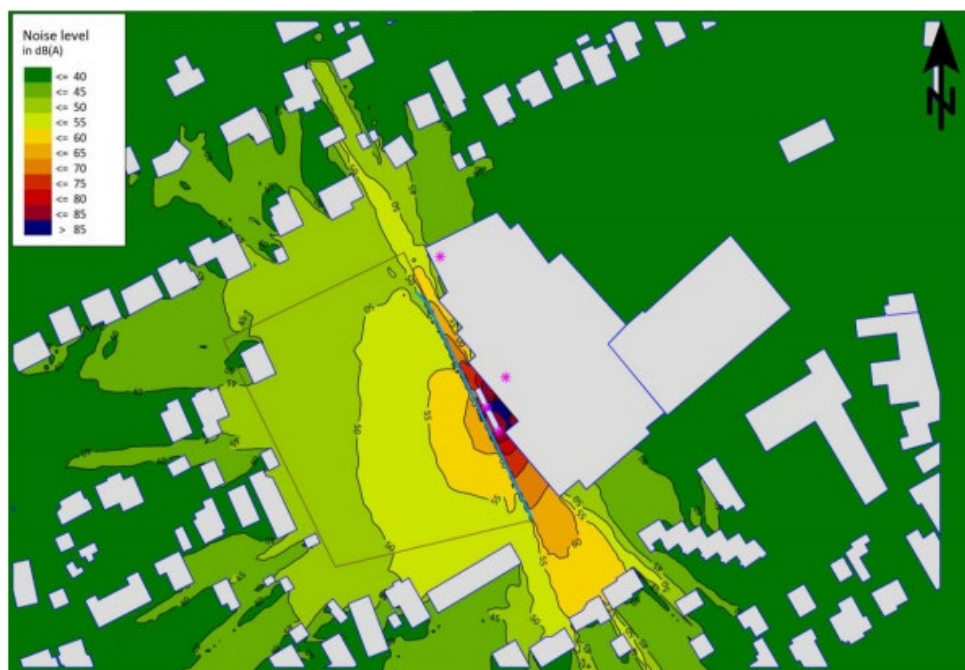


**Figure 1.3 – Unloading of a refrigerated full trailer food and goods delivery truck noise contours**

*Figure 6. Worst case noise scenario from noise generated at 1 Ranui Avenue (Source: Acoustic Engineering Services - Noise Investigation).*

Overall, the noise investigation found that PAK’nSAVE supermarket currently exceeds the Plan’s specified 55dBA LAeq (15 min) daytime and 45dBA LAeq (15 min) night time noise limits across the majority of the subject site. The investigation concluded that the exceedance of both night time and day time noise limits from the PAK’nSAVE site by up to 10 dB or more, would likely decrease amenity of any future residential developments and result in annoyance and sleep disruption for any future residents living on the subject site.

Reducing noise emissions from the PAK’nSAVE site would likely require major changes on the PAK’nSAVE site, for example the construction of a large, fully enclosed, loading area. The investigation notes that if an extra strip of land is to be made available to PAK’nSAVE, such as proposed Lot 1, this may be able to be used for some noise mitigation purpose. The investigation modelled the effect of fence along the boundary of the subject site and the PAK’nSAVE site, which, as shown in Figure 7, reduces the noise levels on the subject site by around 5 dB during the worst-case scenario, meaning that noise levels across the majority of the site are 55 dBA LAeq (15 min) or less. However, the fence does not provide any mitigation to the noise produced by the rooftop and internal mechanical plant.



**Figure 2.1 – 4 m barrier all sources**

*Figure 7. Likely noise contours if a barrier wall is erected along the boundary (Source: Acoustic Engineering Services - Noise Investigation).*

The Noise Investigation recommends the following mitigation measures be adopted to reduce the impact of noise on the subject site:

- A high barrier on the common boundary with PAK'nSAVE, similar to that shown in Figure 7; and,
- Any outdoor living areas of for residential use on the site being screened from the PAK'nSAVE either by locating the outdoor living areas on the western side of the dwelling, or by 2.0 metre high acoustic fences on the boundary of the residential property, to achieve noise levels of 55 dB LAeq or less in the outdoor area; and,
- Any habitable spaces of the dwellings which are exposed to PAK'nSAVE daytime noise levels exceeding 55 dBA LAeq or night time levels exceeding 45 dBA LAeq being reviewed by an acoustic engineer and upgraded as necessary (or mechanical ventilation provided as necessary) to ensure internal noise levels do not exceed the values recommended in NZS2107.

Following discussions of these recommendations, the applicant has offered the following conditions to address the noise impacts on the proposed residential development:

- Any new residential unit shall be designed and constructed so that internal sound levels from external noise do not exceed 35 dB LAeq (24 hour) in bedrooms and 40 dB LAeq (24 hour) in other habitable rooms.

*This condition shall be registered as a consent notice in accordance with section 221 on Lots 2 – 13 to be complied with on an ongoing basis.*

- The primary outdoor space and outdoor living areas shall be located generally within the north-west area of the allotment.

*This condition shall be registered as a consent notice in accordance with section 221 on Lots 2 – 12 to be complied with on an ongoing basis.*

Council's Building Control Officer has confirmed that acoustic insulation of new residential units could possibly reduce internal noise by around 25dB LAeq (24 hour), although this would be subject to compliance with ventilation requirements under the Building Code. Based on the worst-case noise scenario shown in Figure 6, acoustic insulation could theoretically result in the following interior noise levels shown in Table 1.

Table 1. Assessment of proposed noise mitigation against worst case scenario noise levels.

<b>Allotment</b>	<b>Current noise level (based on worst case noise scenario)</b>	<b>Interior noise levels as a result of acoustic insulation (25 dB reduction)</b>	<b>Target (35 dB)</b>
<i>Lot 7 &amp; 10</i>	<i>60 to 65 dB</i>	<i>40 dB</i>	<i>Not met</i>
<i>Lot 2, 4, 5, 8-9 &amp; 11-12</i>	<i>55dB to 60dB</i>	<i>35dB</i>	<i>Achieved</i>
<i>Lot 3, 6, 13</i>	<i>45dB to 55dB</i>	<i>30dB</i>	<i>Achieved</i>

With the exception of Lots 7 and 10, acoustic insulation of new residential dwellings would likely ensure that interior noise levels are within acceptable residential standards. However, further mitigation would likely be necessary to achieve compliance for Lots 7 and 10.

Interior acoustic insulation also does not address exterior noise levels and the ability of future residents to enjoy onsite outdoor living space. The effect on exterior noise in outdoor living areas is partially mitigated by the applicant's proposed condition, relating to locating outdoor living space to the north-west of each residential allotment, however, in the absence of technical assessments it is not possible to be certain of the resultant noise levels in the outdoor living space areas. A possible way to further mitigate the effect of noise on outdoor living areas, particularly on Lots 7 and 10, as per the recommendations of the Noise Investigation, would be to install an acoustic fence on the boundary of Lot 1 and ROW 4 to achieve noise levels of 55dB LAeq or less in the outdoor area.

If, in addition to the proposed acoustic insulation, a 4m high fence was installed along the western boundary of Lot 1, as recommended by the Noise Investigation, the following interior noise levels could theoretically be achieved as shown in Table 2.

Table 2. Assessment of proposed noise mitigation against worst case scenario noise levels.

<b>Allotment</b>	<b>Noise level (with barrier along boundary)</b>	<b>Interior noise levels as a result of acoustic insulation (25 dB reduction)</b>	<b>Target (35 dB)</b>
<i>Lot 7 &amp; 10</i>	<i>50dB to 55dB</i>	<i>30 dB</i>	<i>Achieved</i>
<i>Lot 2, 4, 5, 8-9 &amp; 11-12</i>	<i>45dB to 55dB</i>	<i>30dB</i>	<i>Achieved</i>

Lot 3, 6, 13	45dB to 50dB	25dB	Achieved
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As shown in Table 2 and Figure 7, the effect of a 4m high fence along the western boundary of Lot 1 as well as acoustic insulation of new dwellings would likely ensure that interior and exterior noise levels on Lots 2 to 13 are well within acceptable residential standards. However, it is recognised that a 4m high fence along the boundary of Lot 1, whilst ensuring that noise levels experienced on each allotment are appropriate for residential use, may itself create adverse impacts on residential amenity.

Based on the above it is considered that acoustic insulation designed at the time of building consent for new residential dwellings, is suitable to ensure interior noise levels are within compliant standards. As it aligns with the recommendations of the Noise Investigation it is also considered appropriate to specify the location of outdoor living space on each residential allotment as a condition of consent. The opening of doors and windows, particularly on the eastern side of future residential dwellings, would also likely increase interior noise levels and mechanical ventilation may therefore be required. It is recommended that a consent notice is imposed on Lots 2 to 12 including these requirements as follows:

6. *That any residential unit constructed and / or altered on Lots 2 to 13 shall achieve a level of acoustic insulation such that airborne and impact sound on the site is reduced to no greater than:*
  - c) *35 dBA LAeq (15 min) in the interior of habitable rooms 2200 to 0700 hours;*
  - d) *40 dBA LAeq (15 min) in the interior of habitable rooms 0700 to 2200 hours;*
7. *If windows are required to be closed to achieve the indoor design sound levels in 1 (a) and (b) above, then an alternative means of ventilation shall be required to service all habitable rooms, and those ventilation systems shall not generate sound levels (when measured 1 metre from the vent) that exceed:*
  - c) *35 dBA LAeq (30s) in bedrooms;*
  - d) *40 dBA LAeq (30s) in the interior of other habitable rooms;*
8. *At the time of application for a Building Consent for a new dwelling, the landowner shall provide certification from a suitably qualified and experienced person to Timaru District Council to confirm that the specified noise levels will be met with the acoustic design of the residential unit and the ventilation system(s) (if any) to be installed; and*
9. *Upon completion and application for a Code of Compliance for a residential unit, certification from a suitably qualified and experienced person shall be provided to the Council to confirm that the specified noise levels have been met with the acoustic design and construction of the residential unit and the ventilation system(s) (if any).*
10. *Where the specified noise levels have not been achieved, additional measures shall be adopted and implemented in accordance with recommendations from a qualified acoustic engineer until certification under 4 can be provided.*
11. *The primary outdoor space and outdoor living areas shall be located within the northern and / or western areas of Lots 2 to 13.*

It is also recommended that a condition be imposed as follows:

30. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall install a acoustic fence along the boundary between Lot 1 and Right of Way 4 to a minimum height of 2 metres.

If no fencing is installed along the boundary of ROW4 and Lot 1 then it is considered that the adverse effects of noise, particularly on the outdoor living environment on Lots 2 to 13, will be more than minor. However, if appropriate acoustic fencing is installed along this boundary, it would, as demonstrated by the Noise Investigation, significantly reduce the impact of noise on the both the internal and external environments of the proposed residential allotments. Fencing along the boundary would have multiple benefits, including that it will make it easier for future landowners to comply with the 35dB requirement of the recommended consent notice, thus potentially reducing building costs which would fall to future landowners rather than the consent holder. Fencing would also address amenity issues between the interface of the Commercial 2 Zone and the proposed residential activity.

Therefore, it is recommended that acoustic fencing is required to be installed along the boundary of Lot 1 and ROW4 prior to certification pursuant to section 224(c) of the Act to ensure that the adverse effect of noise generated offsite on the proposed residential allotments is no more than minor.

#### Construction and earthworks

As previously noted, the Waimataitai Stream overland flow path passes south of the site. The application has noted various mitigation measures which will be carried out during construction works associated with the proposed activity. This includes managing on-site stockpiles, checking daily weather forecasts, dust suppression, limiting the speed of heavy vehicles on site and so on. These mitigation measures, and the application in general, do not specifically address the risk to Waimataitai Stream during the construction phase. It is recommended that conditions be imposed to ensure that any earthworks and construction activities ensure that the stream is not affected.

Council's Subdivision and Compliance Officer has identified a potential risk to Foodstuffs operations at 1 Ranui Avenue during construction works associated with the proposed development. This includes dust from wind born particulates contaminating the adjoining supermarket activities' food and food preparation areas during times of dry ground conditions. The applications notes that a water cart will be onsite when there is a risk of dust discharge from the site. Council's Subdivision and Compliance Officer has recommended that conditions be imposed specifying the extent to which the water cart is actually used to suppress dust as follows:

- That a water cart shall be used to ensure that a dust nuisance does not occur for neighbouring sites and their occupants. The operation of the water cart shall not be limited to the hours of operation in the application.

Given the potential risk of dust and sediment runoff to both the adjoining supermarket activity and Waimataitai Stream, it is considered appropriate to require a construction erosion and sediment control plan to be prepared and approved by Council prior to the commencement of any on-site works as a condition of consent.

#### Natural hazards

Timaru District Council's natural hazards register currently notes that the site has previously been subject to fill. Information available through the draft District Plan also identifies that the site is within a liquefaction area and flood depression area as shown in Figure 8. The site's proximity to Waimataitai Stream is also highlighted in Figure 9.



*Figure 8. Liquefaction area (pink) and flood depression area (blue). (Source: Draft Timaru District Plan GIS).*



*Figure 9. Waimataitai Stream overland flow path (Source: Draft Timaru District Plan GIS).*

Council's Subdivision and Compliance Officer has indicated that the lower part of the site is at risk of flooding and surface water during high rainfall events. They have recommended that the proposed residential allotments be subject to a Consent Notice requiring the need to assess floor heights for new dwellings within this hazard area. The following conditions have been recommended in this regard:

- That a section 221 consent notice be attached to the certificate of title for Lots 4, 5, 6, 7, 8, 9, 10, 11, & 12 with the following text:

*"Any future habitable dwelling on this site shall be constructed with a finished floor height that has been determined by an Environment Canterbury Natural Hazard Assessment"*

- That a section 221 consent notice be attached to the certificate of title for Lots 2 to 12 with the following text:

*"At the time of application for a Building Consent for a new dwelling the landowner shall provide certification from a suitably qualified person to confirm that the foundation design for the proposed dwelling will withstand natural hazards that could likely occur on the site, in particular an earthquake and resultant liquefaction event."*

As shown in Figure 8, the identified hazard area applies to the entirety of the subject site. While it is considered appropriate to impose the first of the recommended consent notices, it is considered that the foundation design for new dwellings on the resultant allotments will be assessed at the time of building consent regardless of whether or not this consent notice is imposed. Provided future dwellings on the resultant allotments are designed with a suitable finished floor height as determined by Environment Canterbury, the adverse effects of the proposal in relation to natural hazards is considered to be no more than minor.

#### Plan integrity and precedence effects

The scale of the proposed out of zone activity is an adverse effect on the environment above simply removing the potential for business use of the site, since it also removes the ability to develop the site in accordance with the Outline Development Plan for additional landscaping, buffer distances, and other mitigation measures at the interface between the Commercial 2 Zone and residential areas.

As previously discussed, the applicant has provided conditions which if imposed as appropriate along with the recommended conditions of this assessment, an appropriate buffer zone can be achieved between the existing commercial activity at 1 Ranui Avenue and the proposed residential development. The intention of the Outline Development Plan, in terms of lessening adverse effects from commercial use on neighbouring land use, has been incorporated into the recommended conditions where appropriate. The remaining issue is whether the proposal will have an adverse effect on commercial activity in Timaru as a consequence of removing the extent of land available for business.

The proposal will mean that the site, with the exception of proposed Lot 1, will no longer be available for commercial development and the subdivision layout is likely to preclude its future development for commercial uses. The 'Timaru District Business Land Economic Assessment' prepared on behalf of Council identifies 124 hectares of commercial land in the Timaru District, 18.2ha of which is currently vacant. The report indicates that by 2048 an additional 23.2ha of commercial land will be required in the district. However, until 2028 only an additional 6.4ha is projected to be required.

The subject site (0.9ha) has largely been vacant since demolition of the former tavern, and there has been a high rate of vacancy for the small retail tenancies in the Northtown Mall nearby. This indicates that while the proposed conversion of commercial land to residential use may impact the long-term availability of commercial land within the District, it is unlikely to have a more than a minor effect on the short-term availability of commercial land.

There are no comparable situations within the Timaru District where vacant commercial land has been developed for residential use. If other commercial land was to be developed for residential use it would be subject to resource consent process as in this case, to ensure that a site-specific decision is achieved in regard to the appropriateness of an out of zone activity. As such, it is not considered that allowing the proposed residential development would set a precedent for Council to allow further residential development of other commercial land.

#### Cultural and heritage values

There are no known cultural or heritage values associated with the subject site, the adverse effects of the subdivision are therefore considered to be less than minor in this regard.

#### Open Space & Recreation Contribution

Rule 6.5.2.2 stipulates the rules for open space and recreation contributions in all zones. For subdivisions resulting in additional allotments for residential purposes, a fee of \$500.00 shall be payable for each additional allotment, except where any additional allotment has an existing household unit.

In this instance the existing site is zoned for commercial land use. However, it is acknowledged that one allotment (proposed Lot 13) is currently used for residential purposes and has therefore been discounted from this financial calculation. Lot 1 has similarly been disregarded from this calculation as it will be retained for commercial use. Therefore, the proposal will result in eleven additional residential allotments being created. A financial contribution towards open space and recreation totalling \$5,500.00 is therefore payable to Council and will be imposed as a condition of consent.

#### Conclusion

Subject to conditions, it is considered that the proposed development is acceptable in terms of the District Plan and will result in adverse effects on the environment which are no more than minor.

<p><b>How do any relevant objectives, policies, rules or other provisions of the District Plan relate to the proposal?</b></p>
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For the purposes of this assessment, only the objectives and policies of the Timaru District Plan are considered of relevance. Where applicable these objectives and policies are discussed in the following table, followed by further discussion of particular objectives and policies as necessary.

<i>Timaru District Plan</i>		
Clause	Objective / Policy	Assessment
3.1.1.1 Objective	Minimise the situations where there is conflict between commercial activities and other land uses.	Discussed below.

<b>Timaru District Plan</b>		
<b>Clause</b>	<b>Objective / Policy</b>	<b>Assessment</b>
3.1.1.2 Objective	Mitigate the adverse effects of activities in the Commercial Zones and on adjoining Residential Zones.	Discussed below.
3.1.2.2 Policy	To concentrate commercial activities where they will have limited adverse effects on nearby more sensitive activities unless the adverse effects of commercial activities can be mitigated.	Discussed below.
3.1.2.3 Policy	To allow for more permissive noise and light levels in commercial areas than provided for in Residential Zones of the District while acknowledging that some restriction on noise levels is required where sensitive land uses share a boundary with a commercial activity. Lmax limits will apply at night time.	Discussed below.
3.4.2.3 Policy	To ensure road access is available to new commercial allotments subject to compliance with Performance Standards.	No new access is being installed for Lot 1 as it is to be amalgamated with the adjoining land. Should independent access be required, this will be at the discretion of future landowners. Access is readily available to Lot 1 if desired. The proposal is therefore consistent with this policy.
3.4.2.4 Policy	To set more permissive minimum standards of environmental effects such as noise and hazardous substances for commercial areas than for residential or natural areas of the District.	Discussed below.
3.4.2.5 Policy	To promote the efficient use of existing services and the efficient servicing of future commercial development.	New connections to Council's existing reticulated network will be installed for all allotments, with the exception of Lot 1 which is to be amalgamated with the adjoining land. It is not considered necessary to require Lot 1 to be serviced at this time, provided it is amalgamated with the adjoining land. Were Lot 1 to not be amalgamated, then physical services

<b>Timaru District Plan</b>		
<b>Clause</b>	<b>Objective / Policy</b>	<b>Assessment</b>
		should be provided. The proposal is therefore consistent with this policy.
12.1 Objective	Minimise the situations where there is conflict between noise emissions from land use activities and other more sensitive land uses.	Discussed below.
12.1 Policy	To avoid or mitigate effects of noise on residential uses and other sensitive areas, by limiting noise emissions within residential, rural and natural areas, and by discouraging residential and other sensitive uses from locating close to land zoned or used for noisy activities	Discussed below.
9.1(b) Objective	Ensure that an adequate level of infrastructure is provided to enable the efficient use and development of natural and physical resources by the recovery of the costs of providing that infrastructure directly from developers and, where appropriate, by apportioning costs between the developer and the community in accordance with the relative benefits of providing that infrastructure.	With the exception of Lot 1, which is to be amalgamated with the adjoining land, each allotment will be provided with compliant water, stormwater, wastewater, electricity, and telecommunication connections to relevant infrastructure at the time of subdivision, with the costs of these physical services being met by the developer. This has been ensured by way of conditions imposed on the consent. The proposal is therefore consistent with this objective.
9.1 Policy	To ensure that the means of providing water to a site is established at the time of subdivision.	Lots 2 to 13 will all be provided with compliant connections to Council's public water infrastructure, with conditions imposed to ensure this. The proposal is therefore consistent with this policy.
8.1 Objective	A safe and efficient roading network which recognises and provides for different users.	Compliant access to Lots 2 to 13 will be provided, with conditions imposed to ensure this. This will ensure that the effect on the roading network is less than minor. The proposal is therefore consistent with this objective.
8.2 Objective	Avoid, reduce, or mitigate any adverse effects on the environment	As above, compliant access will be provided in accordance with Council

<b>Timaru District Plan</b>		
<b>Clause</b>	<b>Objective / Policy</b>	<b>Assessment</b>
	occurring in association with the roading network.	standards. The proposal is therefore consistent with this objective.
8.3 Objective	Minimise conflicts between land use and the roading network, while still providing for mobility, and safe and efficient ingress and egress to roads.	Access will be provided to all proposed allotments and will be installed and formed to Council standards, with conditions imposed to ensure this. The proposal is therefore consistent with this objective.
8.4 Objective	Ensure that the parking impact of activities on the capacity and safety of the roading system is adequately catered for so as to avoid adverse effects on the environment.	Although the NPS-UD removes the requirement of minimum car parking requirements, the effect of the proposal on available parking can be considered. All allotments, in this case, will have adequate on-site space for parking and the adverse effects in this regard are less than minor. The proposal is therefore consistent with this policy.
8.18 Policy	To require land use activities to provide adequate parking and loading facilities on site.	As discussed above, the proposed allotments are of sufficient size to accommodate on site parking if desired, however, the NPS-UD has removed the requirement for minimum car parking requirements. The proposal is therefore consistent with this policy.
11(a)(1) Objective	Improved visual quality of commercial and industrial sites.	Discussed below.
11(a)(1) policy	Improved visual quality of commercial and industrial sites.	Discussed below.

### **Part D3 – Commercial Zones**

**Objective 3.1.1.1:** Minimise the situations where there is conflict between commercial activities and other land uses.

**Objective 3.1.12:** Mitigate the adverse effects of activities in the Commercial Zones and on adjoining Residential Zones.

**Policy 3.1.2.2:** To concentrate commercial activities where they will have limited adverse effects on nearby more sensitive activities unless the adverse effects of commercial activities can be mitigated.

**Policy 3.1.2.3:** To allow for more permissive noise and light levels in commercial areas than provided for in Residential Zones of the District while acknowledging that some restriction on noise levels is required where sensitive land uses share a boundary with a commercial activity. Lmax limits will apply at night time.

**Policy 3.4.2.4:** To set more permissive minimum standards of environmental effects such as noise and hazardous substances for commercial areas than for residential or natural areas of the District.

Comment:

It is noted that objective 3.1.12 seeks to address effects between activities in Commercial Zones on adjoining Residential Zones. The underlying zone of the subject site is not changing as a result of this resource consent, the land will remain zoned Commercial 2, although conditions have been imposed requiring all residential activities to be developed in accordance with Residential 2 Zone rules. Given the proposal is for residential activity on the subject site and the adjoining land, to the north, west, and south, is zoned Residential 2, there is unlikely to be a more than minor adverse effect on the existing residential properties or Residential 2 Zone. The proposal is therefore consistent with this particular objective.

However, objective 3.1.1.1 seeks to minimise conflict between commercial *activities* and other land uses. This objective does not refer to specific zones. In this instance, the commercial activity is the existing supermarket activity at 1 Ranui Avenue and the 'other land use' is the proposed residential activity. Were the subject site to be developed for commercial use as intended by the Plan, no conflict would be created with the adjoining supermarket activity, as commercial use would be in accordance with the existing ODP which incorporates measures to address any potential conflict between land uses. However, the proposal will essentially remove these buffer measures which may generate conflict between the supermarket activity and the residential environment, particularly in regards to reverse sensitivity as residents of the new residential properties object to the existing commercial operations and associated noise, vehicle movements and so on. Although Foodstuffs South Island Ltd have provided their written approval, in which case the effects on them can be disregarded, this does not reduce or remove the effects of the existing environment on the future land use and landowners from consideration. Without appropriate mitigation as recommended in this report, including landscaping, acoustic fencing, acoustic insulation and so on, the proposal would be contrary to this particular objective and therefore not meet the test under section 104D(1)(a – b) of the Act and therefore should be declined. However, if the recommended conditions are imposed and complied with it is considered that the potential for conflict between the existing commercial activity on the adjoining land and the proposed residential land use can be appropriately mitigated and be developed in accordance with this objective.

Policies 3.1.2.3 and 3.4.2.4 allow for more permissive noise levels in commercial zones, however they also acknowledge that noise restrictions may be appropriate where sensitive land uses (residential) adjoin a commercial activity. Although the underlying zone of the site, Commercial 2, allows for a more permissive noise level on site, it is prudent, as acknowledged by these policies, to tailor this to the specific land use activities involved. In this case, it would result in significant adverse effects on the proposed residential land use and future residents to maintain the existing Commercial 2 Zone noise standards. However, if residential noise standards are applied to the site instead, then mitigation measures must be in place. Given the noise is generated off-site, it is not considered appropriate for this resource consent to restrict noise levels at the source of the noise. Therefore, all mitigation measures must occur on the subject site and be preferably addressed at the time of subdivision. It is considered that the recommended mitigation measures outlined in this report would achieve a suitable noise level across the proposed residential allotments that would mitigate the conflict between commercial and residential activities. However, if these conditions are not imposed or complied with then it is considered that these policies would not be met, and the proposal would result in more than minor adverse effects.

## **Part B11 - Amenity**

Objective 11(a)(1): Improved visual quality of commercial and industrial sites.

Policy 11(a)(1): Improved visual quality of commercial and industrial sites.

### Comment:

This objective and policy seek to improve the visual quality of commercial sites. In this instance, the subject site will no longer be a commercial site as it will be used primarily for residential land use (with the exception of Lot 1). There is the opportunity through this proposed development to improve the existing streetscape of the adjoining commercial land at 1 Ranui Avenue. As Lot 1 is to be held together with the adjoining land, and given the current Outline Development Plan requires landscaping to be provided on the subject site, it is considered appropriate to require a building setback along Lot 1. This will strengthen the buffer area between the existing commercial activity and the proposed residential development. For this reason, the proposal and recommended conditions are considered to be consistent with this objective and policy.

## **Part B12 - Noise**

Objective 12.1: Minimise the situations where there is conflict between noise emissions from land use activities and other more sensitive land uses.

Policy 12.1: To avoid or mitigate effects of noise on residential uses and other sensitive areas, by limiting noise emissions within residential, rural and natural areas, and by discouraging residential and other sensitive uses from locating close to land zoned or used for noisy activities.

### Comment:

This objective and policy seek to minimise the effect of noise on more sensitive land uses (such as residential), including preventing residential development in areas close to noisy activities. In this case, the existing noise environment created by the adjoining supermarket activity, results in noise levels that would adversely affect the amenity of future landowners on the subject site. As demonstrated in this assessment, mitigation measures are possible to achieve an appropriate level of noise on the subject site, including fencing, acoustic insulation of dwellings, and creating an effective buffer zone between the commercial and residential land use areas. In the absence of these mitigation measures, the site would not be suitable for residential development due to its proximity to an existing noisy activity within a commercial zone and would not be in accordance with this objective and policy. However, if the conditions recommended by this assessment are imposed and complied with, then it is considered that the proposal would be in accordance with this objective and policy.

## **Conclusion**

Based on the above assessment, it is considered that the proposal is consistent and not contrary to Objectives and Policies of the relevant Plan, provided that recommended conditions in regard to acoustic insulation, acoustic fencing, and landscaping are imposed to address potential conflicts between commercial activities and other land uses. Accordingly, it is considered that the proposal passes the second test provided by section 104D(1)(b) of the Act.

## **Section 104D**

(1)	<i>Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—</i>
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(a)	<i>the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or</i>
(b)	<i>the application is for an activity that will not be contrary to the objectives and policies of—</i>
(i)	<i>the relevant plan, if there is a plan but no proposed plan in respect of the activity; or</i>
(ii)	<i>the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or</i>
(iii)	<i>both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.</i>
(2)	<i>To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.</i>

**Is the application consistent with Part II of the Act, and are there any other matters which are relevant and reasonably necessary to determine the application? [Section 104]**

Part II sets out the purpose and principles of the Resource Management Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The various principals listed in Part II support this purpose.

The proposal is not contrary to and will not affect any of the matters of national importance listed in Section 6 of the Act, with the exception of the risk of natural hazards. The site is subject to known risk of liquefaction and flooding, and this has been addressed by way of conditions to be imposed on the consent.

The proposal is not contrary to the other matters listed in Section 7 of the Act, and, in particular, if developed in accordance with the conditions of this consent, will improve the amenity of the site and surrounding area.

In summary, it is considered that grant of consent is consistent with Part II of the Act.

**Are there any matters that have arisen in the assessment of this application that would indicate the application should have been publicly notified [Section 104(3)(d)]**

No

**Reasons for Decision**

With the above matters in mind and subject to conditions being imposed on the consent, it is considered the proposed development is acceptable in terms of the matters listed under section 104 and section 104D of the Act. The specific reasons for granting consent are as follows:

1. The potential for conflict between commercial and residential activities will be mitigated by the recommended conditions of consent to a degree such that the effects are minor, and not likely to be more than minor. The activity therefore passes the first test of section 104D(1)(a) of the Act and may be granted.
2. A suite of conditions to reduce the noise impact, improve amenity, undertake technical assessments, and sufficiently service the subdivision, are agreed to by the applicant.

3. The set of agreed measures is consistent with provisions in the Timaru District Plan, and therefore the proposal is not contrary to the objectives and policies of the relevant Plans. The activity therefore passes the first test of section 104D(1)(b) of the Act.
4. The proposal will promote the sustainable management of natural and physical resources.

<b>Recommendation</b>
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- A. That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95G of the Resource Management Act 1991.
- B. That for the above reasons the application for subdivision consent **be granted** pursuant to Sections 104, 104A, 108, 220, and 221 of the Resource Management Act 1991, subject to conditions.

The conditions are listed at the start of this report.

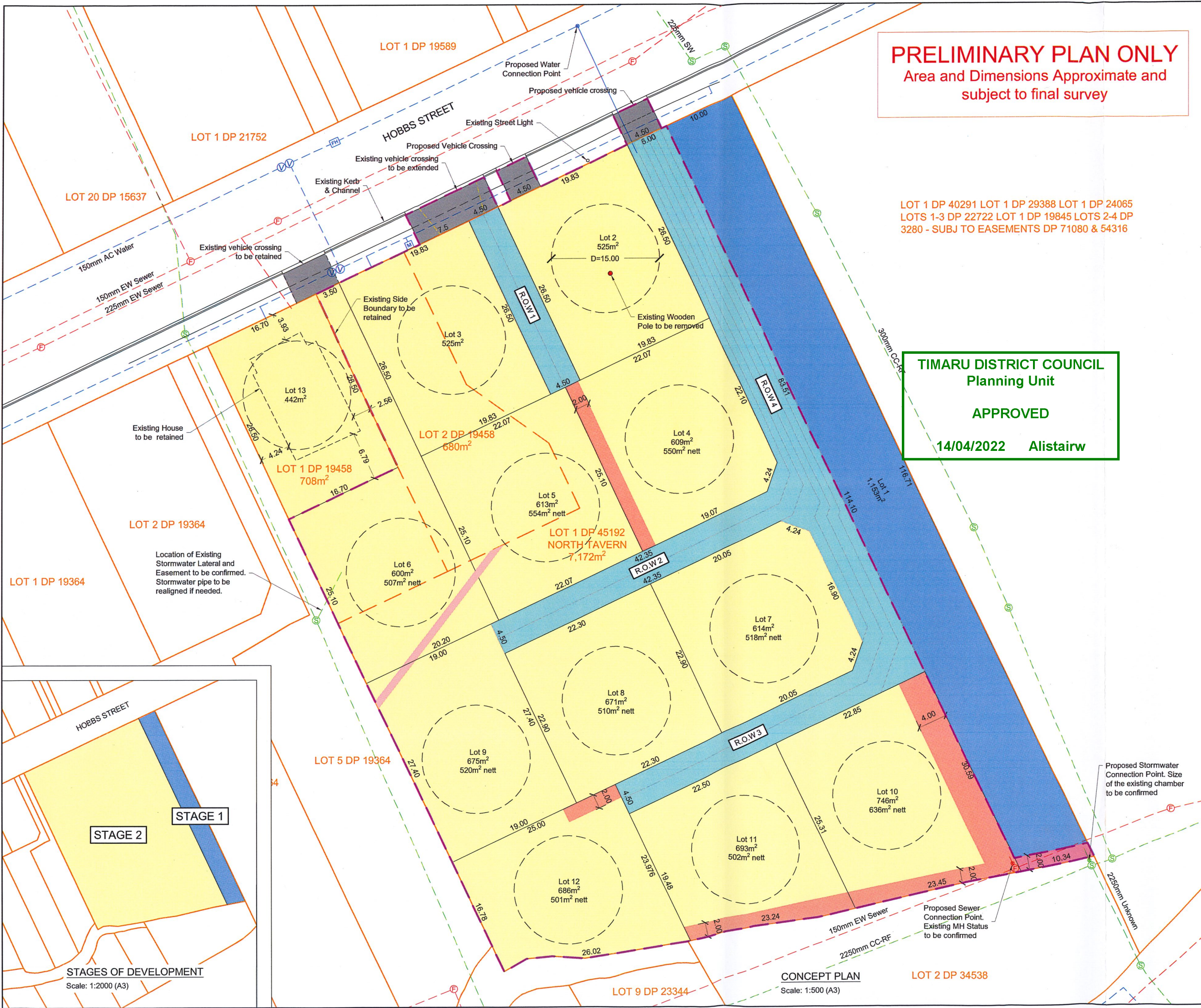


**Reported and recommended by:**

*Emily Somerfield*

*Planning Consultant*

**Date:** 14 April 2022

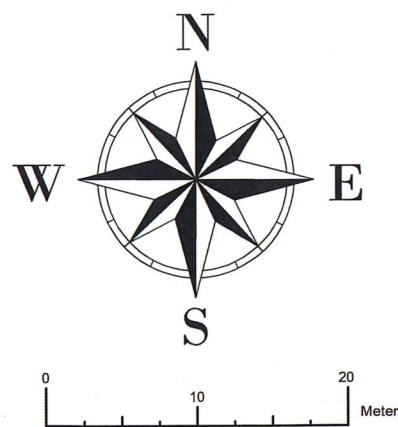


**PRELIMINARY PLAN ONLY**  
Area and Dimensions Approximate and  
subject to final survey

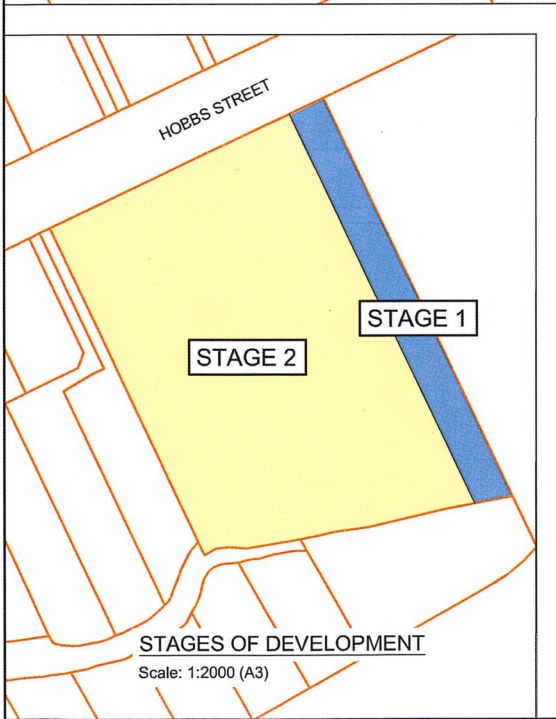
**TIMARU DISTRICT COUNCIL**  
Planning Unit  
**APPROVED**  
14/04/2022 Alistairw

- GENERAL NOTES
- COORDINATES IN TERMS OF NZGD / Timaru Circuit 2000.
  - AREA AND DIMENSIONS APPROXIMATE AND SUBJECT TO FINAL SURVEY.
  - WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH:  
- REL APPROVED PLANS AND SPECIFICATION  
- NZS4404:2010  
- NZ BUILDING CODE  
- TDC STANDARD DETAILS AND SPECIFICATIONS.
  - ALL UNDERGROUND AND OVERHEAD SERVICES NEED TO BE IDENTIFIED BEFORE COMMENCING WORK.

- Key:
- Existing Property Boundary
  - Existing Property Boundary to be changed
  - Proposed Property Boundary
  - Existing Water
  - Existing Stormwater
  - Existing Sewer
  - Existing Fire Hydrant
  - Existing Valve
  - Existing Stormwater Manhole/Chamber
  - Existing Sewer Manhole
  - Commercial Allotment
  - Residential Allotments
  - Existing Easement
  - Proposed Service Easement
  - Proposed R.O.W's & Service Easements



18A HOBBS ST SUBDIVISION CONCEPT PLAN		
DESIGN: C.S.	DATE: 15/04/2021	
DRAWN: C.S.	DATE: 15/04/2021	
APPROVAL: C.S.	DATE: 15/04/2021	
CHECKED: C.S.	DATE: 15/04/2021	
SCALE AS SHOWN ON A3		
ALL DIMENSIONS ARE IN METER		
PAGE: 231-01		



CONCEPT PLAN  
Scale: 1:500 (A3)

LOT 2 DP 34538

LOT 9 DP 23344

STAGES OF DEVELOPMENT  
Scale: 1:2000 (A3)

**ATTACHMENT 3:****Comparison of Carpark Consent Conditions v PDTP Provisions**

Matter	Resource Consent Condition	Proposed Timaru District Plan Provision												
Noise	<p>4. Operational activities in the car park extension at 11 Chalmers Street shall be conducted such that noise generated does not exceed the following limits:</p> <p>At any point within any Residential Zone, excluding the site itself:</p> <ul style="list-style-type: none"><li>0700-2200 hours: 50 dB LAeq (15 min)</li><li>2200 – 0700 hours: 40 dB LAeq (15 min) and 70 dB L<sub>Amax</sub></li></ul> <p>5. Noise from activities in the car park extension shall be measured and assessed in accordance with New Zealand Standards NZS 6801:2008 “Acoustics Measurement of environmental sound” and NZS 6802:2008 “Acoustics – Environmental noise”, respectively.</p> <p>6. Noise from construction activities shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 “Acoustics – Construction Noise”.</p>	<p><b>NOISE-S2 Noise limits</b></p> <p>Any activity must comply with the noise limits set out in Table 24 – Noise Performance Standards, at any site in separate ownership.</p> <p>Table 23 – Noise performance standards</p> <p>Receiving zone and assessment location</p> <table><tr><td colspan="2"><b>2.</b></td></tr><tr><td colspan="2"><b>Within any part of a site in the Medium Density Residential Zone,...</b></td></tr><tr><td>Time period</td><td>Noise limit</td></tr><tr><td>7.00am – 7.00pm</td><td>55 dB L<sub>Aeq</sub> (15 min)</td></tr><tr><td>7.00pm – 10.00pm</td><td>50 dB L<sub>Aeq</sub> (15 min)</td></tr><tr><td>10.00pm – 7.00am</td><td>45 dB L<sub>Aeq</sub> (15 min) 75 dB L<sub>AFmax</sub></td></tr></table> <p><b>NOISE-S1 Noise measurement</b></p> <p>Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise, unless otherwise specified by this District Plan.</p>	<b>2.</b>		<b>Within any part of a site in the Medium Density Residential Zone,...</b>		Time period	Noise limit	7.00am – 7.00pm	55 dB L <sub>Aeq</sub> (15 min)	7.00pm – 10.00pm	50 dB L <sub>Aeq</sub> (15 min)	10.00pm – 7.00am	45 dB L <sub>Aeq</sub> (15 min) 75 dB L <sub>AFmax</sub>
<b>2.</b>														
<b>Within any part of a site in the Medium Density Residential Zone,...</b>														
Time period	Noise limit													
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7.00pm – 10.00pm	50 dB L <sub>Aeq</sub> (15 min)													
10.00pm – 7.00am	45 dB L <sub>Aeq</sub> (15 min) 75 dB L <sub>AFmax</sub>													
<p><b>Comment: The PTDP noise limits are less restrictive than the RC (by 5 dB) in the periods 7am-7pm and 10pm-7am. Noise measurement / assessment standards are the same.</b></p>														

Lighting	<div><div><div>7. All exterior lighting shall be directed away from neighbouring sites and roads.</div><div>8. Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane, at the boundary of any other residential zoned sites between the hours of 10.00pm and 7.00am and 20 lux at all other times.</div></div><div><div><div>LIGHT-S1 General light standards</div><div><div>1. All exterior lighting must be oriented so that light is emitted away from any adjoining and adjacent properties; and</div><div>2. all artificial outdoor lighting must comply with:<div><div>a. the horizontal and vertical illuminance levels for the relevant Zone or Area set out in Table 22 – Horizontal and vertical illuminance levels; and...</div></div></div></div><div>Table 22 – Horizontal and vertical illuminance levels</div><table><tr><td></td><td>Local Centre Zone</td></tr><tr><td>Vertical illuminance at a window of an adjoining property in a residential zone Times: 7am – 10pm</td><td>15 lux</td></tr><tr><td>Vertical illuminance at a window of an adjoining property in a residential zone Times: 10pm – 7pm</td><td>3 lux</td></tr></table><div><div>LIGHT-S2 Traffic safety on roads</div><div>1. All exterior lighting must be oriented so that light is emitted away from any state highway or arterial or principal roads, or any oncoming traffic.</div></div></div></div></div>		Local Centre Zone	Vertical illuminance at a window of an adjoining property in a residential zone Times: 7am – 10pm	15 lux	Vertical illuminance at a window of an adjoining property in a residential zone Times: 10pm – 7pm	3 lux
	Local Centre Zone						
Vertical illuminance at a window of an adjoining property in a residential zone Times: 7am – 10pm	15 lux						
Vertical illuminance at a window of an adjoining property in a residential zone Times: 10pm – 7pm	3 lux						
Comment: The PTDP vertical illuminance levels are more restrictive than the RC at the residential interface, i.e. 15 lux v 20 lux (7am-10pm) and 3 lux v 10 lux (10pm-7am)							

<p><b>Landscaping</b></p>	<p>9. <i>The proposed landscaping shall be established on site within the first planting season (extending from 1 April to 30 September) following the completion of the extended car park.</i></p> <p>NB. the consented landscaping comprises:</p> <ul style="list-style-type: none"> <li>• 1.89m-wide landscape strip along the road frontage of 11 Chalmers Street</li> <li>• 0.43m-wide landscape strip along the common boundary with 11A Chalmers Street.</li> <li>• 2m-high close-boarded acoustic fence along the common boundary with 11A Chalmers Street and 12B Sealy Street.</li> </ul>	<p><b>TRAN-S1 Landscaping where five or more at grade car parking spaces are provided for non-residential activities on a site</b></p> <ol style="list-style-type: none"> <li>1. <i>Where more than five at grade car parking spaces are provided for non-residential activities on a site, landscaping must be provided within a landscaping strip/s or within a planting protection area/s with a minimum dimension or diameter of 1.5 metres within, or immediately adjacent to, the parking area on the site.</i></li> <li>2. <i>Landscaping must consist of a combination of trees, shrubs and ground cover species.</i></li> <li>3. <i>Planting must be limited to indigenous vegetation sourced from within the ecological district to enhance local or regional indigenous biodiversity...</i></li> <li>5. <i>Trees must:</i> <ol style="list-style-type: none"> <li>a. <i>be spaced one tree every 10 metres of road frontage (excluding access ways and any other means of access to the building) on the side of a road boundary or within a parking area;</i></li> <li>b. <i>have a minimum stem diameter of 40mm at the time of planting and be capable of reaching a height of at least three metres at maturity;</i></li> <li>c. <i>be planted no closer than 2m from an underground service or 1m from a footpath or kerb.</i></li> </ol> </li> <li>6. <i>Landscaping strips or planting protection areas adjacent to a road boundary, or within a parking area, must be protected from damage by vehicles through the use of wheel stop barriers. Such wheel stop barriers must be located at least 1m from any tree.</i></li> </ol> <p><b>LCZ-S4 Outdoor storage</b></p> <p><i>Any outdoor storage area, except for the display of goods for retail sale, must be fully screened by a fence of not less than 2m in height so that it is not visible from adjoining sites and roads.</i></p>
<p><b>Comment: The PTDP landscaping requirements for car parking areas are more restrictive than the RC Condition 9 along the road boundary and residential interface. It is assumed the existing 2m-high acoustic fence would need to be retained for any TCZ-enabled activity to comply with NOISE-S2. Similarly, the fence would be needed to comply with outdoor storage area screening requirements.</b></p>		

<b>Building height</b>	N/A	<p><b>LCZ-S1 Height of buildings and structures</b></p> <p><i>Buildings and structures, including additions and alterations to buildings and structures, must not exceed a maximum height of 10m measured from ground level.</i></p>
	<p><b>Comment: By comparison, the maximum permitted height for buildings in the MRZ is 12m (MRZ-S1). To this end, TCZ could be said to at least maintain amenity protection for adjoining MRZ properties.</b></p>	
<b>Building envelope</b>	N/A	<p><b>LCZ-S2 Height in relation to boundary</b></p> <p><i>Buildings and structures must be contained within a building envelope defined by recession planes from points 2.5m above ground level at the boundaries of the site when the site boundary adjoins any of the Residential Zones.... The method for determining recession planes and any permitted projection is described in APP8 - Recession Planes.</i></p>
	<p><b>Comment: By comparison, the Recession Plane applicable to the MRZ originates 3.5m agl (MRZ-S2), i.e., less restrictive on building bulk. To this end, TCZ could be said to at least maintain amenity protection for adjoining MRZ properties.</b></p>	
<b>Building setback</b>	N/A	<p><b>LCZ-S3 Setback of buildings</b></p> <p><i>Must be setback a minimum of 5m from the boundary of any site in a Residential Zone.</i></p>
	<p><b>Comment: By comparison, the MRZ does not specify a minimum building setback from boundaries, instead relying on MRZ-S1 and S2 to control bulk and location. To this end, TCZ could be said to at least maintain amenity protection for adjoining MRZ properties.</b></p>	