

**TIMARU DISTRICT 2045 DRAFT GROWTH MANAGEMENT STRATEGY  
JOINT SUBMISSION LEVELS GOLFING LIFESTYLES LIMITED  
AND TIMARU GOLF CLUB**

**1 INTRODUCTION**

- 1.1 The purpose of this submission is to consider the Draft Growth Management Strategy with respect to land owned by Levels Golfing Lifestyles Limited being Lots 1, 2, 3, 5 of DP 397420 at 87 Lynch Road, Levels (refer to locality plan in Appendix 1). We seek an extension of the Rural Residential zone to include this area.

**2 EXISTING SITUATION**

- 2.1 The land sits adjacent to the Timaru Golf Club. Both the Timaru Golf Club and Levels Golfing Lifestyles Limited seek to create residences beside and attached to the golf club to secure some membership, and assist with volunteers required to help maintain the course and assist in sharing costs of internal roads, and plant replacement. The clubhouse is intended to be seen as a community facility, and the golf course is already used by some locals as a recreational walking area. The Club has recently spent in excess of \$500,000 improving its facilities.
- 2.2 The land is currently zoned rural but has had a number of recent subdivisions in the same block some down to 8000m<sup>2</sup>.
- 2.3 The planning Commission for Resource Consent 7159 Mr Payne a Rural/Residential Subdivision an application adjacent to the subject land, said:  
"The unique character of this block, in comparison to the surrounding rural land, was very evident from my site visit. Its appearance is essentially one of a reasonably well developed rural residential zone".  
"I agree with the proposition put to me by Mr Howell that rural residential development should be encouraged in this area so that most production rural lands within the district are protected for agricultural use".
- 2.4 Levels Golf Lifestyle Ltd proposed to service the development by:
- 2.4.1 An effluent disposal system to treat to a high quality all septic effluent in a private community scheme, with discharge to land.
- 2.4.2 The ground is flat, free draining and no stormwater network is envisaged.
- 2.4.3 Water from the Seadown supply which runs through the property.
- 2.4.4 Private roads with entrance through the Timaru Golf Club.





- 2.5 The site is close to an existing settlement of Acacia Drive, and amenities of golf course, raceway, gun club and short distance to river fishing.

### 3 TIMARU DISTRICT GROWTH STRATEGY 2017 – GROWTH ASSUMPTIONS

- 3.1 We refer to table 2 below from page 10 of Council's Growth Assumptions Report which forecasts a total of 2,211 household units for the period of 2013 to 2043 within the entire Timaru District.

Table 2: Statistics New Zealand Projections

Settlement Area Population - Stats NZ	2013	2018	2023	2028	2033	2038	2043
Pleasant Point Unit	1,320	1,400	1,470	1,560	1,640	1,720	1,800
Geraldine Area Unit	2,370	2,470	2,520	2,560	2,590	2,600	2,600
Temuka Area Unit	4,180	4,260	4,310	4,360	4,390	4,390	4,350
Timaru Urban Area Units	26,770	27,240	27,350	27,380	27,270	26,970	26,570
Timaru District	45,400	47,000	47,800	48,400	48,800	48,800	48,600
Timaru District - Households - Stats NZ	2013	2018	2023	2028	2033	2038	
High	19,300	20,600	21,600	22,500	23,300	24,000	
Medium	19,300	20,200	20,800	21,200	21,500	21,600	
Low	19,300	19,800	19,900	19,900	19,800	19,400	
Person per Dwelling Ratio - Stats NZ							
High	2.35	2.28	2.21	2.15	2.09	2.03	
Medium	2.35	2.33	2.30	2.28	2.27	2.26	2.26
Low	2.35	2.37	2.40	2.43	2.46	2.52	
Settlement Area Household Demand Changes	2013	2018	2023	2028	2033	2038	2043
Pleasant Point Unit	561	602	640	683	723	761	797
Geraldine Area Unit	1,008	1,062	1,097	1,121	1,141	1,151	1,151
Temuka Area Unit	1,777	1,831	1,875	1,910	1,934	1,943	1,925
Timaru Urban Area Units	11,380	11,707	11,901	11,993	12,014	11,938	11,760
Timaru District	19,300	20,200	20,800	21,200	21,500	21,600	21,511

- 3.2 This averages at just under 74 additional households per year, noting the peak household demand is forecast to be achieved in 2038 of 21,600 households.
- 3.3 With Council's capacity assessment of existing developable Residential land within the Timaru District comprising 62.4 hectares as at December 2016 (refer to page 12 of the Growth Assumptions Report), we foresee considerable demand for Rural Residential development within the Urban fringe of Timaru, bearing in mind the rural nature of our district.



- 3.4 Based on our experience of the local land development market (Milward Finlay Lobb Ltd is a locally owned and operated business that can trace it's origins back to 1877) we consider the capacity assessment of 62.4 hectares to be optimistic. The existing Urban Timaru Residential Zones were established since 1995 and the majority of land suitable for economic and feasible Residential development has previously been completed (excluding the balance of the Residential 6 zone in Gleniti).
- 3.5 Land development is complex by nature with a number of external factors at force which we consider will further reduce the 62.4 hectares of land identified by Council for developable Residential land including:
- 3.5.1 Land values, location and topography.
  - 3.5.2 Development costs, including the provision of vehicle access and essential services.
  - 3.5.3 Sale prices.
  - 3.5.4 Capital investment, taxation, GST and the initial land purchase.
  - 3.5.5 Borrowing costs.
  - 3.5.6 Council development contributions.
  - 3.5.7 Reliance on prior downstream development to provide access and/or the provision of essential services.
  - 3.5.8 Other concurrent residential development within the Timaru urban and also rural within Rural Residential areas.
  - 3.5.9 External factors beyond the Timaru District such as the Canterbury Earthquakes, Government Policy (such as Kiwisaver) or lending requirements from Banks.
- 3.6 Based on the foregoing and particularly bearing in mind the predicted 2033 peak, we disagree with Council's conclusion by the application of the NPS-UDC that, "there is sufficient vacant and large Residential Zoned allotments in Timaru to accommodate the predicted residential growth in the next 30 years" (refer to page 70 of the Growth Assumptions report).

#### **4 RURAL RESIDENTIAL GROWTH ASSUMPTIONS**

- 4.1 The land proposed to be rezoned has not previously been considered as an area for Rural Residential expansion. We have carried out an assessment based on the same criteria as other areas in The Strategy (See Appendix 8 and 9). **This area rates as the most favourable of all areas considered for rural residential development**, catering for up to 25, 5000m<sup>2</sup> Lots. We note that the rating for Elloughton Gardens has been incorrectly calculated and should only be 115, not 121.

- 4.2 As a consequence of paragraph 3.6 above, for what is considered to be insufficient land for residential growth, we foresee additional demand for larger areas of Rural Residential expansion beyond that currently proposed. **We believe this land eminently suitable, and satisfies a special purpose of having lifestyle adjacent to a recreational activity.**
- 4.3 A demand pattern analysis has been undertaken by Council for the period 2005 to 2015 which results in a predicted average of 18 new Rural Residential allotments being developed on Rural properties across the District, with allotment areas less than 2 hectares, per annum.
- 4.4 Whilst these figures are based on issued building consents, we believe these figures only tell part of the story with various relevant external factors at force including:
- 4.4.1 The Pilcher v Rawlings court case [2013 NZENV67] at 348 Gleniti Road Timaru, which declined a Discretionary Rural 1 subdivision consent in 2013.
  - 4.4.2 Subdivision within the Rural 1 zone within the Timaru District since 1995 and the drawn out nature of the Pilcher v Rawlings case, lower than average subdivision consents for smaller rural allotments preceded the 2013 court case by at least 2 years.
  - 4.4.3 The Global Financial Crisis of 2008 and 2009 had a significant impact on land development and bank lending, which in turn significantly impacted on the construction of new dwellings within the District.
  - 4.4.4 The age of the current District Plan Rules in relation to subdivision entitlements within the Rural 1 zone is also relevant, as those Rules date back to 27 August 1988. The majority of land owners that desired to achieve Rural Residential subdivision for allotments under 2 hectares in area in terms of those entitlement Rules, had generally completed subdivision prior to 2005.
  - 4.4.5 At the time there was a general expectation that the Timaru District Council would introduce new subdivision rules in October 2005 (being the 10th Anniversary of the District Plan notification date), however this did not eventuate and these same Rural 1 subdivision entitlement rules still apply today.
  - 4.4.6 This resulted in an increased number of subdivision entitlements being utilised for allotments with areas less than 2 hectares in the years leading up to 2005 and a corresponding lull in the subdivision of smaller rural living allotments after 2005.



4.4.7 Based on the foregoing, we believe that Council's conclusion that "18 dwellings per year will be required to service the Rural Residential needs of the District" (quoted from page 83) is substantially under estimated, particularly when this is considered in terms of Council's recommendation that only 11 (or 330 over 30 years) of those 18 dwellings per annum, should be constructed on the Timaru fringe.

4.5 We note the CRPS 5.3.1 which refers "limited rural residential households that must be attached to urban areas to achieve consolidated settlement patterns". This is under pinned, by a decision to strategically manage infrastructure, however the Timaru District Council has indicated there should be no expectation of public funded service provisions of water, wastewater or road infrastructure of a form and function as provided in urban areas. Without this service so long as private facilities provide the services which avoids or mitigates adverse effects on the environment and human health, there is no need to require rural residential development be attached to urban areas. In this instance only water supply will be sought from Timaru District Council via Seadown Supply.

4.6 We do note however that this proposal is in close proximity to an existing recognised settlement. We would argue that attaching Rural Residential to urban areas, and allowing development down to 5000m<sup>2</sup> on clay country e.g. Gleniti, will lead to a demand for more urban and public facilities as effluent treatment fails to dissipate and stormwater attenuation requires group action. This will not occur in this proposed zone.

## **5 TIMARU DISTRICT 2045 – DRAFT GROWTH MANAGEMENT STRATEGY**

5.1 Timaru District by definition is a rural community and this is reflected in Council's Building Consent Statistics for the period 2005–2015 where 63 percent of Building Consents were urban based and the remaining 37 percent in rural areas (refer to page 42).

5.2 We believe caution needs to be taken when reviewing Building Consents over the 2005–2015 period, given various relevant external factors which resulted in reduced building in Residential, Rural and Rural Residential areas and these have previously been addressed under paragraphs 4.4 and the associated subheadings.

5.3 "Household Projections to 2043 identify that an additional 907 new households will be required in the urban areas of Timaru, Temuka, Geraldine and Pleasant Point. By comparison 1304 additional households are predicted for the remainder of the District, including rural areas, rural residential development, and the smaller settlements such as Cave and Pareora" (refer to page 42).



- 5.4 Allowing for the projected 540 dwellings (i.e. 18/yr x 30) in the Districts Rural Residential Zones, this results in a nett figure of 764 dwellings forecast to be built within the districts rural zones.
- 5.5 These figures are based on NZ Statistics forecasts which predict a 3:4 household ratio in favour of Rural Residential and Rural household growth areas verses Urban household growth with the District for the 2013-2043 period.
- 5.6 The Draft Growth Management Strategy (refer to page 43) seeks to alter this 3:4 household ratio in the main settlements compared to that in the rural area and remaining settlements to a 3:1 ratio in favour of new household growth within the existing urban areas of Timaru, Geraldine, Temuka and Pleasant Point.
- 5.7 Whilst the NZ Statistics 2013-2043 forecasts clearly demonstrates the increased aged population within the Timaru District, we foresee significant demand for modern household units to be constructed on Greenfield Residential Rural and also Rural Residential areas utilising modern building materials, double glazing, efficient heating and insulation, solar power, and the like, close to amenities.
- 5.8 As a generalisation, retirees from Rural areas including the 'baby-boomer' generation (born in the period 1946-1964), we anticipate would be predominately debt free and would seek to build modern dwellings in Greenfield areas where they have some control over landscape, topography, outlook, solar advantage, urban amenity close to recreational interest.
- 5.9 Such Greenfield Rural Residential developments also need to be considered in the context of the proximity to the employment community facilities to Temuka or Timaru. In this case it is a relatively short one way trip of 5-10 kilometres, which is considerably less than travel between Rural Residential areas and CBD's for many other regions throughout New Zealand.

## **6 CONCLUSION AND DECISION SOUGHT FROM COUNCIL**

- 6.1 We consider that Council's desire to achieve a 75 percent Residential to 25 percent Rural and Rural Residential ratio for new household units through to 2043 fails to recognise the rural nature of the Timaru District, which is supported by the household projections which are a 60 percent to 40 percent split in favour of Rural and Rural Residential households.
- 6.2 We are competing with other districts for population and employment growth, which in turn generates and maintains a thriving and vibrant local economy.



- 6.3 Districts beyond South Canterbury offer extensive options for Greenfield Residential and Rural Residential development and also Greenfield Residential development, which may be more suited for a number of future retirees currently residing within the Timaru District and also new residents to the District, that do not wish to conform with the 75 percent of Residential household infill desired by Council's Growth Management Strategy for the 2013-2043 period.
- 6.4 We note and support the concerns raised by the South Canterbury Chamber of Commerce Chief Executive, Wendy Smith with respect to the Draft Growth Management Strategy which "did not appear to reflect wider development in South Canterbury and called on the Council to be more aggressive in its growth targets." (quoted from [www.stuff.co.nz](http://www.stuff.co.nz), refer to Appendix 5).
- 6.5 That same article also refers to Council's Mayor Damon Odey stating that "the Council was bound to using Statistics New Zealand Data and he was confident it (the Draft Growth Strategy) was a robust plan. My ambition and my vision, for this district is to exceed those numbers".
- 6.6 We strongly support the Mayors future and vision for the district, however we fail to see how Council will exceed the Statistics New Zealand projections without providing for larger areas of Greenfield Rural Residential development.
- 6.7 To provide some context, with reference to our northern neighbours the Ashburton District, we refer to the attached Ashburton District Plan, Ashburton Index and the associated Planning Map Legend with the approximate boundaries of Council's Residential D Zones highlighted.
- 6.8 Within the Residential D Zone, subdivisions can be achieved on the basis of 4,000 square metre minimum allotment areas. Significant further capacity also exists within the Lake Hood complex, which has capacity for a total of 500 household units.
- 6.9 Putting this into context, the Ashburton Township has a population of 19,850, with an additional 12,400 living in the wider district (refer to the Appendix 7 for weblink).
- 6.10 For a comparison, the Timaru District population statistics for 2013-2043 are copied from figure 13 of Council's Draft Growth Management Strategy on the following page.



Figure 13 Timaru District Population 2013-2043


Area	Current population*	Additional Population 2043	Total Population 2043
Timaru	26,770	-200	26,570
Temuka	4,180	170	4,350
Geraldine	2,370	230	2,600
Pleasant Point	1,320	480	1,800
Other (includes Rural Residential)	10,760	2,520	13,280
<b>Total</b>	<b>45,400</b>	<b>3,200</b>	<b>48,600</b>


Source: Statistics NZ (\*2013 Census Base Medium Projections)

- 6.11 Clearly there is a striking contrast between the Ashburton District and the Timaru District in relation to zone expansion, with significantly more Greenfield Rural Residential development enabled in Ashburton District (which is approximately 30% smaller than the Timaru District).
- 6.12 Many current or future Timaru District residents may consider Ashburton District (or in fact any other District in the Country) to be a more appealing alternative in the period through to 2043, given the extensive choice available for Greenfield Development.
- 6.13 Based on the foregoing assessment of the Councils Draft Growth Management Strategy, we would now seek a Rural Residential zone area to incorporate all of Lots 1, 2, 3,5 of DP 397420 because there is increase demand over that predicted, the assessment of this area rates so highly in comparison to other proposed, and it has been confirmed by a previous commissioner as suitable for such purposes.

Prepared on behalf of:

Levels Golfing Lifestyles Limited and Timaru Golf Club

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 President Timaru Golf Club

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 Director Levels Golfing Lifestyles Limited

By:

Brian Lobb

Director – Milward Finlay Lobb Limited

12 May 2017







**ATTACHMENTS**

- Appendix 1    Aerial photo of the land owned by Levels Golfing Lifestyles Limited.  
and neighbouring properties at a scale of 10,000.
- Appendix 2    Locality plan and proposed Rural Residential zone.
- Appendix 3    Timaru District Council Zone Existing Parcel Sizes.
- Appendix 4    www.stuff.co.nz – Timaru Herald article dated 31 March 2017.  
<http://www.stuff.co.nz/timaru-herald/news/91026003/growth-management-strategy-not-ambitious-enough-for-timaru-business-leader-says>
- Appendix 5    Ashburton District Plan – Planning Map Legend and Urban Ashburton zoning index.
- Appendix 6    <https://en.wikipedia.org/wiki/Ashburton>, weblink dated 3 May 2017.
- Appendix 7    Subdivision Consent 7159 – Mr G Payne.
- Appendix 8    Revised Table 5 – Rural Residential Growth Location Option S.
- Appendix 9    Revised Appendix A – Rural Residential Growth Location Options Scoring Explanation.



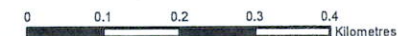


-  Regional Boundaries
-  Territorial Authority Boundaries
-  Land Parcels
-  State highways outside Canterbury

**Disclaimer:**  
Information in this map has been derived from various source including the Kaikoura District, Hurunui District, Waimakariri District, Christchurch District, Environment Canterbury Regional Council, Selwyn District, Ashburton District, Waimate District, Mackenzie District, Timaru District and Waitaki District's databases.

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Scale: 1:10,000 @A4

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Timaru Golf Club.

Levels Golfing Lifestyles Limited

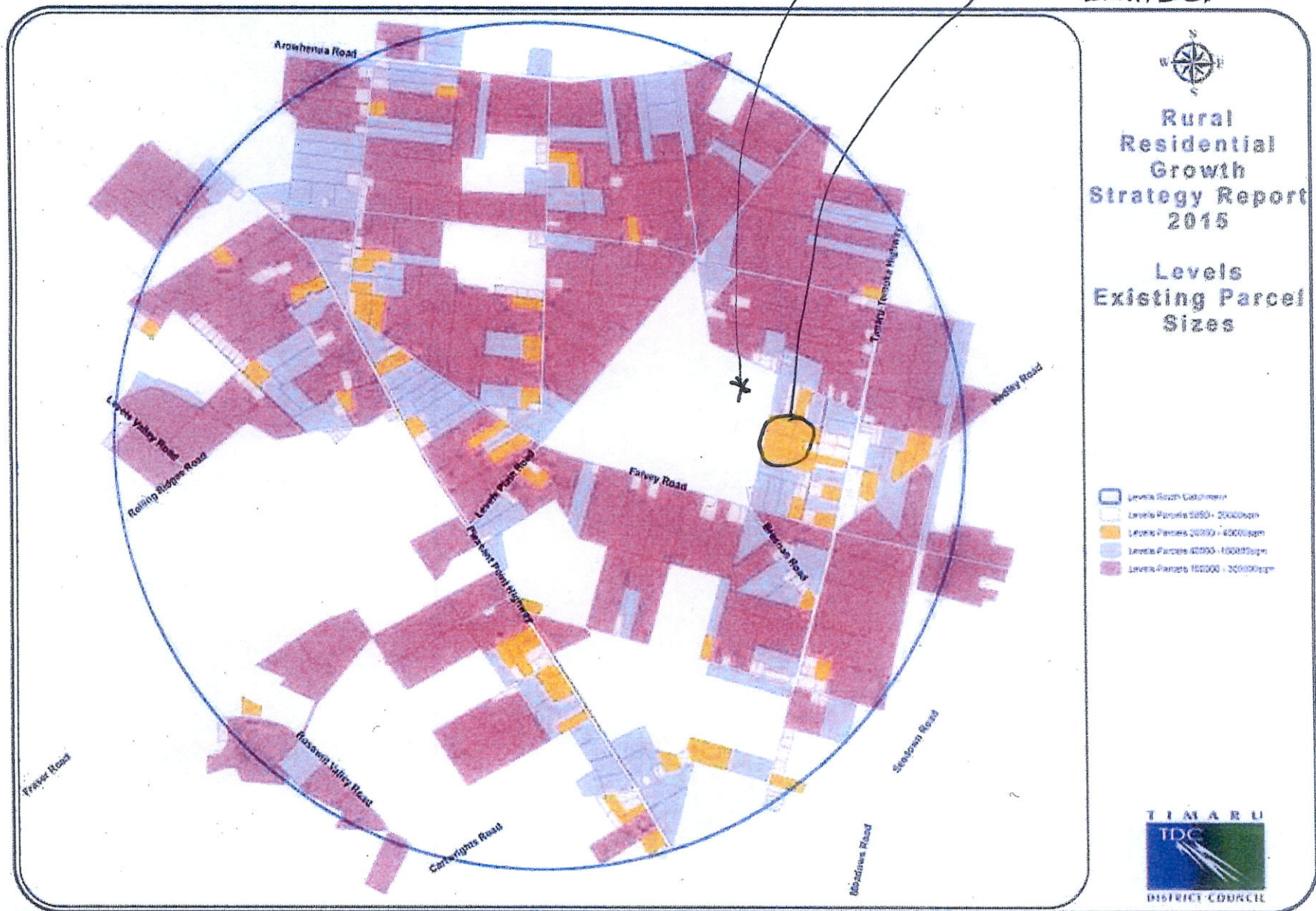


Figure 314- Levels Existing Parcel Sizes



Appendix 5

**stuff**

## Growth Management Strategy not 'ambitious' enough for Timaru, business leader says

LIAM CAVANAGH

Last updated 19:39, March 31 2017

TETSURO MITOMO/FAIRFAX NZ

The South Canterbury Chamber of Commerce chief executive says the Timaru District Council's Growth Management Strategy was not ambitious enough.

Divisions appear to be emerging between the South Canterbury Chamber of Commerce and the Timaru District Council following claims the council's draft Growth Management Strategy is not "ambitious" enough.

Chamber of Commerce chief executive Wendy Smith said the newly released strategy, which uses Statistics New Zealand data, did not appear to reflect wider development in South Canterbury, and called on the council to be more aggressive in its growth targets.

Meanwhile a senior economist says the council should be planning for a future where dairy intensification is not a key driver of the regional economy because of growing environmental concerns.

JOHN BISSET/FAIRFAX NZ

South Canterbury Chamber of Commerce chief executive Wendy Smith.

Timaru District mayor Damon Odey was disappointed by Smith's comments and said the chamber should be working with the council.

### READ MORE:

\* 2000 more homes needed to cope with growth

\* Long-term strategy required to address ad-hoc development in Timaru

"[The] Chamber is looking like a big wheel when they should be working alongside the council."

MYTCHALL BRANSGRÖVE/FAIRFAX NZ

Timaru District Mayor Damon Odey.

Suggestions about dairy intensification in the regional economy were generalist, and if done properly, dairy intensification would not further impact the environment, he said.

Their comments follow the release of the council's Growth Management Strategy on Thursday. The draft strategy is a 30-year blueprint which allows the district to respond to growth pressures and changing demographics.

The draft document indicates dairy intensification, alongside expansion of Washdyke and Timaru's port, local factories, forestry and the freight sectors, was expected to remain a major driver and contributor to the local economy over the next 30 years.

JOHN BISSET/FAIRFAX NZ

Council district planning manager Mark Geddes holds the draft Growth Management Strategy on Thursday.

Chamber chief executive Wendy Smith was pleased the council had carried out the work on the strategy.

However, she believed it was not as ambitious as it should be.

The extent of development taking place, with tourism development in the Mackenzie Country and associated growth, the impact of the Port of Tauranga investments, impact of irrigation now and further irrigation projects in the works, might not be accounted for in "typical Statistics New Zealand numbers", Smith said.

"We would suggest them to be more ambitious in its growth strategies."

The council should look to further growth, with a two-stage approach, ensuring an ambitious growth plan and a separate model for infrastructure and investment, she said.

A second, more conservative, model would protect the council from "unreasonable obligations".

Infometrics senior economist Benje Patterson said, while the district had seen "enormous" expansion in the dairy industry, dairy farm intensification was likely to "stop" because of

growing environmental concerns.

The district would eventually see a dairy "de-intensification", but when that would occur was "difficult and uncertain to predict", Patterson said.

In the year 2000, there were approximately 28,000 cows in the Timaru District. Now there were more than 130,000 cows, he said.

There was growing public awareness of the impact dairy intensification has on waterways, significant media coverage, and global concerns around environment.

He urged the council to start considering what the "downside" could be for Timaru.

"That's not to say the dairy sector couldn't continue to grow."

Diversifying into other higher value processing, such as Fonterra's new mozzarella plant, could drive the dairy industry in the district, he said.

Ad Feedback

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However, Odey said he was disappointed in Smith's comments and said the council consulted with the chamber, and other stakeholders, throughout the process.

The council had sought clarification about the stats being used in the process, "because we did challenge" them, Odey said.

"That's a pretty standard measure, to use Stats NZ data."

The council had very strict measures in place to ensure concerns around dairy intensification.

He said comments about the future of dairy intensification in Timaru were "generalist".

Dairy intensification, when done properly, and in conjunction with other work such restoring water ways, "won't cause further impact to the environment", he said.

Odey said the council was bound to using Stats NZ data, and he was confident it was a robust plan.

"My ambition, and my vision, for this district is to exceed those numbers."

The plan would be discussed at the council meeting on Tuesday during a publicly excluded session.

- Stuff

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








If You Still Have Any of These Old Toys, Today's Your Lucky Day Livingly










Recommended by



## Zones

-  Aquatic Park
-  Business A
-  Business B
-  Business C
-  Business D
-  Business E
-  Business F
-  Open Space A
-  Open Space B
-  Residential A
-  Residential B
-  Residential C
-  Residential D
-  Rural A
-  Rural B
-  Rural C

-  Transmission Line
-  Railway
-  District Council Boundary
-  Heritage Site (Refer to Appendix 12-1)
-  Protected Tree or Group of Trees (Refer to Appendix 12-4)
-  Designation (Refer to Appendix 14-1)
-  Irrigation Designation (Refer to Appendix 14-1)  
D84 Valetta Irrigation Co-Operative Society Ltd  
D85 Ashburton Lyndhurst Irrigation Limited  
D86 Mayfield Hinds Irrigation Limited
-  Scheduled Activity (Refer to Appendix 8-1)
-  Shelter Belt Areas
-  Outstanding Natural Landscape (ONL) Boundary  
ONL A - Front Ranges  
ONL B - Hakatere Basin  
ONL C - Inland Mountain  
ONL D - Major Rivers
-  Altitudinal Land Use

-  Geoconservation Site (Refer to Appendix 3-3)
-  Geoconservation Fault Line (Refer to Appendix 3-3)
-  Geoconservation Area (Refer to Appendix 3-3)  
Area of Significant Nature Conservation Value (ASCV)
-  ASCV Group 1 (Refer to Appendix 3-2)
-  ASCV Group 2 (Refer to Appendix 3-2)
-  Waterway
-  Lake
-  Mean High Water Springs (MHWS)
-  Stopbank Locations

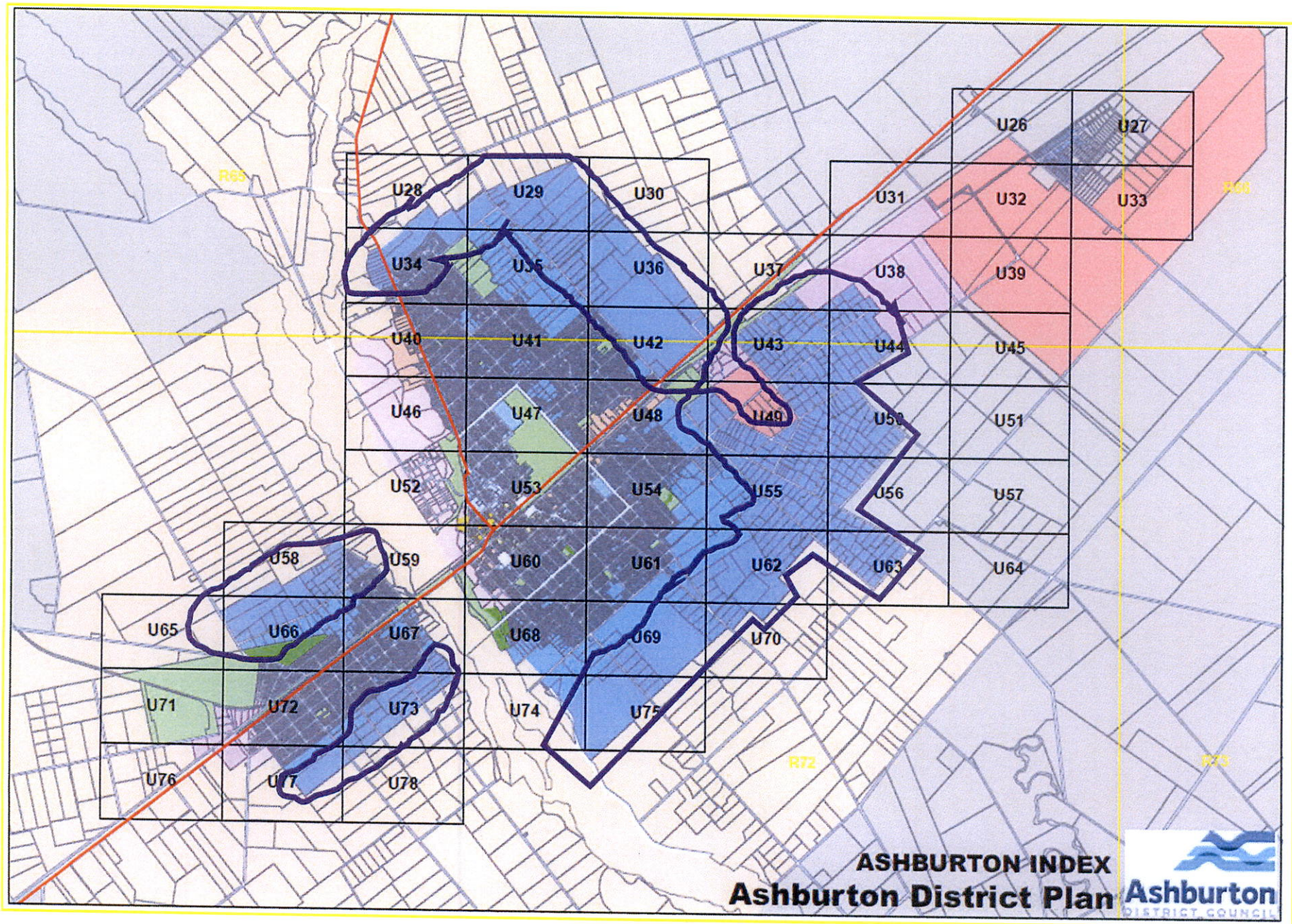
Ashburton District Council should be consulted before undertaking any activity in the vicinity of Mean High Water to establish the actual line of Mean High Water Springs

4-Sep-2012

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# Ashburton District Plan - Planning Map Legend







# Ashburton, New Zealand

From Wikipedia, the free encyclopedia

Coordinates: 43°54′20″S 171°44′44″E﻿ / ﻿43.90556°S 171.74556°E﻿ / -43.90556; 171.74556

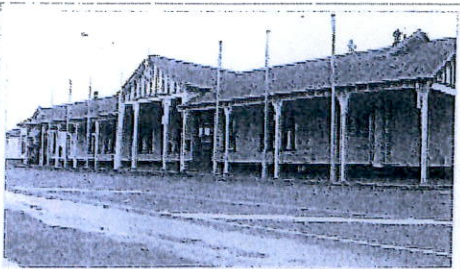
**Ashburton** (Māori: *Hakatere*) is a large town in the Canterbury Region, on the east coast of the South Island of New Zealand. The town is the seat of the **Ashburton District**, a territorial authority encompassing the town and the surrounding rural area, which is also known as Mid Canterbury. It is 85 kilometres (53 mi) south west of Christchurch and is sometimes regarded as a satellite town of Christchurch.<sup>[4]</sup>

Ashburton township has a population of 19,850, with an additional 12,400 living in the wider district. The town is the 23rd largest urban area in New Zealand and the third-largest urban area in the Canterbury Region, after Christchurch and Timaru.

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## Naming



Ashburton's historic train station before it was demolished in 2013<sup>[5]</sup>

Ashburton was named by the surveyor Captain Joseph Thomas of the New Zealand Land Association, after Francis

Baring, 3rd Baron Ashburton, who was a member of the Canterbury Association. The town is laid out around two central squares either side of the railway line and main highway, Baring Square East and Baring Square West.

"Ashvegas", Ashburton's common nickname, is an

### Ashburton Hakatere (Māori)

Secondary urban area



Aerial view of Ashburton, looking west. The Ashburton River or Hakatere is visible at left.

Nickname(s): Ashvegas



Ashburton

Coordinates: 43°54′20″S 171°44′44″E﻿ / ﻿43.90556°S 171.74556°E﻿ / -43.90556; 171.74556

<b>Country</b>	<span><span></span></span> New Zealand
<b>Region</b>	Canterbury
<b>Territorial authority</b>	Ashburton District

<b>Electorates</b>	Rangitata
	Te Tai Tonga (Maori electorate) <sup>[1]</sup>

<b>Government</b> <sup>[2]</sup>	
<span> </span> • <span> </span> Mayor	Donna Favel



 **FILE**

29 October 2010

Mr O Phaup  
469 Timaru - Temuka Highway  
Seadown  
RD 3  
Timaru 7973

Dear Sir

**Subdivision Consent Application No. 7159  
455 Timaru - Temuka Highway, Timaru**

I advise that subdivision consent application no. 7159 was granted consent subject to conditions on 20 October 2010 by Mr Allan Cubitt, who was commissioned under the delegated authority of Timaru District Council. 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

Nicole Dally  
**Planning Officer**

nd:lma



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**IN THE MATTER OF:**

**RESOURCE CONSENT APPLICATION  
7159 BY MR. G PAYNE**

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**TIMARU DISTRICT COUNCIL**

**DECISION OF COMMISSIONER  
20 October 2010**

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**CUBITT CONSULTING LIMITED  
PO BOX 5830  
18 Princes Street  
DUNEDIN 9058**

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## 1. Introduction

I was appointed Hearings Commissioner by the Timaru District Council to hear and determine resource consent application number 7159 lodged by Mr. G Payne in relation to the property at 455 Timaru-Temuka Highway, Timaru. The application site is legally described as Lot 15 DP 25715. Mr Payne has applied for a consent to subdivide this 6.9505 hectare property into four lifestyle blocks ranging from 1.46 to 1.817 hectares in area. Access to the site is to be provided via a shared right of way to State Highway 1. Lot 2 of the proposal (which comprises an area of 1.766 hectares) contains the property's existing dwelling.

The application was processed on a publicly notified basis. Two submissions were received on the application, one neutral and one in support subject to conditions. The submissions were summarised in the Section 42A Report prepared by Ms. Dally. Written approvals were also received from the New Zealand Transport Agency, and the owners of 35 Lynch Road; 431 Timaru-Temuka Highway; and 469 Timaru-Temuka Highway.

I heard the application at a public hearing in Timaru on the 13<sup>th</sup> of October 2010 and undertook a site visit at the completion of the hearing.

I advise that the consent has been **granted** subject to conditions imposed under section 108 of the Act. The full text of the decision commences at page 4 below

## 2. The Hearing and Appearances

### The Applicant:

The applicant was represented by:

- Mr. David Harford, a planning consultant with Urbis Ashburton Limited;
- Mr. Graham Payne, the applicant;
- Mr. Howell, General Manager of a number of rural companies including Southern Packers Ltd, Grain Store Ltd, Alpine Fresh Ltd and Seedlands Ltd.

### Timaru District Council Staff:

The following Timaru District Council staff were present:

- Ms. Nicole Dally (Planning Officer).

### Submitters:

The following submitter was present at the hearing and spoke in support of her submission:

- Mrs. Janya Lobb, of 33 Lynch Road.

No procedural matters were raised by any of the parties present.

## 3. Summary of Evidence Heard

### Council Staff



**Ms Dally's** report was taken as read and she had no further comment to make. Her report described the proposal and the site; set out the status of the activity; addressed the environmental effects of the proposal and the other statutory matters that required consideration. Ms Dally concluded that the environmental effects of the proposal would be minor, except in relation to visual and landscape effects on rural character. She also concluded that the proposal was not consistent with the objectives and policies of the Timaru District Plan that deal with rural character and amenity and expressed concern with the precedent that may be set if the application was granted. On that basis she recommended that the application be declined.

In answer to my questions, Ms Dally set out the permitted baseline relating to built development and the establishment of shelterbelts and plantations within the Rural 1 zone. She also advised me that the site did not contain high class or versatile soils.

#### The Applicant

**Mr Harford** presented planning evidence on behalf of the applicant. After providing a brief description of the proposal, he offered an alternative option for the subdivision which involved a three lot proposal, where Lots 1 and 2 of the original scheme plan were amalgamated into one allotment of 3.426 hectares. He also advised that the air noise contour of Timaru Airport was wrongly shown as bisecting the western part of the site. Mr Harford then addressed the permitted baseline and noted that both workers accommodation and a dependant relative unit could be established as of right on the site. He did not believe such development on this site was fanciful and gave the example of an equestrian breeding facility as an activity that could well lead to such development. Mr Harford then addressed the environmental effects of the proposal, including effects on rural amenity and character; cumulative effects; traffic and access; loss of productive soils; servicing effects; reverse sensitivity; and natural hazards. He concluded that allowing the proposal will have no more than minor adverse effects on the environment. In relation to rural character and amenity, he felt the locality has an existing site pattern and density that has resulted in a pleasant and attractive rural environment but which has different amenity values from those experienced in a typical Rural 1 area.

Mr Harford then went on to address the relevant objectives and policies of the Timaru District Plan. He suggested that because the activity was a discretionary activity there is no requirement under section 104B to assess these provisions. However upon questioning he conceded that such an assessment was required under section 104(1)(b)(iv) of the Act. In any event he was of the opinion that the proposal was not inconsistent with the relevant objectives and policies. His view was based on reasoning similar to that which he advanced in relation to the effects of the activity. In answer to my questions, Mr Harford gave his opinion on how the rural section of the Timaru District Plan was structured, advising that high class/versatile soils were generally contained in the Rural 2 zone while there is no specific rural residential zone. His view was that if rural-residential living was to be provided for, then it is most appropriately located within the Rural 1 zone.

Mr Harford then addressed the issue of precedent and consistent administration of the District Plan. He noted that the applicant was merely seeking a site density that exists in the immediate vicinity now. In his opinion the granting of this application will uphold the consistent administration of the Rural 1 zone rules for subdivision in this locality.



Mr Harford finished by addressing the relevant Part 2 matters, concluding the proposal was consistent with the purpose of the Act and should be granted accordingly.

**Mr Howell** then spoke in support of the proposal. He largely agreed with the opinions of Mr Harford. Given his role as the manager of a number of large agriculture companies, he did not want to see large areas of Rural 2 land lost to rural-residential development. He felt this was the appropriate location for such development given there was no specific rural residential zone and that this area was already fragmented and does not contain quality soil. No existing sites within this location meet the 40-hectare minimum and it lends itself to lifestyle development accordingly. X

#### The Submitters

**Mrs Lobb** produced an aerial photograph of the locality on which she had highlighted a number of recent subdivisions that had occurred within the same block. She then spoke to her written submission which was in support of the application subject to a number of conditions. She believes that the application must be considered in the context of the wider reality and history of the block. In her view the block does not exhibit "open character" with quite a large number of the existing sites, including at least 7 from recent subdivisions, being smaller than the minimum site area proposed in this case. However she would not want to see sites drop below 1-hectare in area. Mrs Lobb reiterated the conditions she would like to see imposed on any consent granted.

#### Staff Review

At the conclusion of the submitter presentation, I then asked **Ms Dally** to review her position in light of what she had heard from the parties. She agreed with Mr Harford and Mrs Lobb that the location was in fact unique particularly given the plan presented by Mrs Lobb. She did still consider that the State Highway frontage in the vicinity of the subject site retained an open character and was concerned with the cumulative effects of additional residential units (such as workers accommodation and dependant relative units) being permitted as of right in association with each new dwelling.

#### The Applicants Reply

**Mr Harford** noted that Mrs Lobb's submission had highlighted the inconsistencies on how subdivision had been handled within this block. In his view Mrs Lobb's submission also put the issue of precedent to rest given the previous subdivision within the block and the existing character of the area. He advised that his client had no issue with the conditions proposed by Mrs Lobb but would be concerned if a restriction was placed on dependant relative units.

#### 4. **Decision**

That pursuant to Sections 34A and 104B of the Resource Management Act 1991 I hereby grant consent to the subdivision application at the site legally described as Lot 15 DP 25715 as a discretionary activity subject to the following conditions:

1. The plans submitted to Timaru District Council for certification under Section 223 of the RMA shall generally be in accordance with the application made and modified where appropriate by the attached conditions.



2. That provision shall be made for the reservation of:
  - (i) The "right of way and all services" easements shown hereon.
  - (ii) Any other easements found to be necessary during the course of survey.

All such easements shall be duly granted and reserved.

3. That a Maintenance Agreement shall be prepared and approved by Council, covering the maintenance responsibilities of the Rights of Way. This Agreement shall be included in Consent Notices to be registered on each of the relevant titles pursuant to section 221 of the Act.
4. That prior to Section 224(c) certification, access to the subdivision shall be formed to the New Zealand Transport Agency's Diagram D (old) access standard.
5. That prior to Section 224(c) certification, the existing crossing place to the site shall be permanently and physically closed by continuing the fence line and reinstating the water channel
6. The consent holder shall obtain an agreement to work on the State Highway from the New Zealand Transport Agency's network management consultant (Opus International Consultants of Timaru) at least three weeks before work commencing within the State Highway 1 road reserve.
7. That prior to Section 224(c) certification, the consent holder shall supply the consent authority with written confirmation from the New Zealand Transport Agency's network management consultant (Opus International Consultants of Timaru) that the works required under conditions 4 and 5 above have been completed to meet the New Zealand Transport Agency's requirements.
8. That prior to Section 224(c) certification, the consent holder shall supply the consent authority with a letter signed by the Minister of Transport pursuant to Section 93, Government Roading Powers Act 1989 confirming that the State Highway is road for the purposes of this subdivision.
9. That the following restrictions shall apply to building development within the new allotments:
  - (i) No residential buildings shall be constructed within 40-metres of the State Highway road reserve;
  - (ii) New residential buildings located within 40 to 100 metres of the State Highway road reserve shall be designed and constructed to meet noise performance standards for noise from traffic on State Highway 95 that will not exceed 35 dBA  $L_{eq}$  (24 hr) in bedrooms and 40 dBA  $L_{eq}$  (24 hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.
  - (iii) No buildings shall be located within 6-metres of any other legal boundary.



Conditions 8(i) to (iii) shall be included in a consent notice prepared in accordance with Section 221 of the Resource Management Act and registered against the new Certificates of Title for Lots 1 and 4.

Condition 8 (iii) shall be included in a consent notice prepared in accordance with Section 221 of the Resource Management Act and registered against the new Certificates of Title for Lots 1 to 4.

10. That a vegetative screen shall be maintained at the current external boundaries of the subject property. With the exception of the State highway frontage of Lot 1, this screen shall be maintained at a height of approximately 8 metres and a width of approximately 2 metres. The vegetative screen at the State highway frontage of Lot 1 shall be maintained at a height of approximately 3 metres and a width of approximately 1.5 to 2 metres. The owners of the respective allotments shall be responsible for the maintenance of the vegetative screen, including the replacement of diseased or lost specimens, and removal of weed species.

This condition shall be included in a consent notice prepared in accordance with Section 221 of the Resource Management Act and registered against the new Certificates of Title for Lots 1 to 4.

11. That pursuant to Rule 6.5.2.2(1) of the Timaru District Plan, the consent holder shall pay to Council a reserves contribution of \$1500 being based on the creation of three new allotments available for rural residential development. This payment shall be made prior to Section 224(c) certification.
12. That Lots 1, 3 and 4 hereon shall be provided with an effluent disposal system that meets the requirements of both the Timaru District Council and Environment Canterbury. The design of this system shall be submitted with any Building Consent application made, for approval by Council.

This condition shall be included in a consent notice prepared in accordance with Section 221 of the Resource Management Act and registered against the new Certificates of Title for Lots 1,3 and 4.

13. That with respect to the Seadown Water Supply, the following conditions shall apply:

(i) Water shall be allocated as follows:

- Lot 1 - 1.0 unit.
- Lot 2 remain at 1.0 unit.
- Lot 3 - 1.0 unit.
- Lot 4 - 1.0 unit.

*Note: An application to connect and/or draw water from the public water supply is required to be submitted and approved for all connections prior to commencement of physical work.*

*Note: All work undertaken within the road corridor (i.e. carriageway, berm or footpath) will also require a Road Opening Notice (RON) from the Road Controlling Authority (RCA)*

*Note: The siting and installation of the water supply tank may be deferred at time of 224(c) Certification providing:*

- The land is vacant.



- *The required pipework to the property boundary is installed.*
- *The pipework is to be capped and sealed at the property boundary.*
- *Tank and water service charges will apply from the date of 224(c) Certification.*

- (ii) That if the siting and installation of the water supply tank is deferred, and a cash bond agreement for uncompleted works has not been entered into, that a consent notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the Certificates of Title to be issued for Lots, 1, 3 and 4 hereon. The notice shall be registered at the consent holders expense and shall read as follows:

*That the installation of the water supply tank and associated pipework to Council standards is the responsibility of the landowner.*

- (iii) That if the siting and installation of the water supply tank is deferred, that a consent notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the Certificates of Title to be issued for Lots 1, 3 and 4 hereon. The notice shall be registered at the consent holders expense and shall read as follows:

*That no internal pipework is to be connected to the boundary water connection without the prior installation of the water supply tank. This will require Council approval of the siting of the tank.*

*Note: A new service application may be required should the original approval have expired.*

- (iv) That any existing private piped water services crossing boundaries of the respective allotments be disconnected, any boundary troughs be relocated, and certification provided to Council from a suitably qualified person stating that this has been completed. This does not apply to any troughs which are fed directly off the Seadown mains.
- (v) That there is to be no cross connection between the private well/bore and the public water supply on the proposed Lot 2.

*Note: A consent notice in accordance with Section 221 of the Resource Management Act 1991 will be issued at the time of 224(c) Certification.*

14. That the floor height of any new habitable building or an extension to a habitable building is to be such that the risk of flood waters reaching that height shall not exceed .5% in any one year, except as otherwise provided for in Council's Operative District Plan Rules. This height is to be determined by the Canterbury Regional Council.

This condition shall be included in a consent notice prepared in accordance with Section 221 of the Resource Management Act and registered against the new Certificates of Title for Lots 1 to 4 hereon.

#### **Advice Notes**

- (a) An application form to connect to Council services (water, sewer, stormwater, vehicle access) is attached. This form (and its accompanying Information Sheet) is periodically reviewed and updated. Please refer to the Council's



website [www.timaru.govt.nz](http://www.timaru.govt.nz) or contact Customer Services for current versions of the above documents including application fees.

- (b) An information sheet on the Seadown Water Supply is attached. This information sheet is periodically reviewed and updated. Please refer to the Council's website [www.timaru.govt.nz](http://www.timaru.govt.nz) or contact Customer Services for a current version.

## 5. Reasons for this Decision

The Act requires me to set down the reasons for my decision. It also requires that I record a number of other matters, being a summary of the evidence heard, the relevant statutory and plan provisions considered, the principle issues in contention and the main findings of fact. These matters clearly form part of any assessment of a proposal and consequently inform the outcome. They cannot be dealt with separately from the reasons for arriving at a particular outcome. While a summary of what was said is included above, the other matters are dealt with in the body of this decision.

The status of the activity was fully traversed in Ms Dally's report and was not disputed by the applicant or any of the submitters. To briefly summarise, the subject site is zoned Rural 1 in the Timaru District Plan. By virtue of the subdivision not complying with two performance standards relating to minimum allotment size, Rule 6.3.5(5) classifies the proposal as a discretionary activity. Section 104 of the Act sets out the matters that must be considered when deciding an application while Section 104B provides that once those matters have been considered, I can grant or refuse the application. If the application is granted, conditions may be imposed under Sections 108 and 220 of the Act. These matters have all been considered in arriving at this decision.

Before I set out my assessment, it is appropriate to note that it is commonly accepted by the Courts (see LRG Investments v Christchurch City Council CO64/98) that discretionary activities are contemplated by the Plan and are therefore considered an efficient use of resources. They are considered to be suitable for the zone in a general sense but not necessarily on every site.

Furthermore discretionary activities do not need to meet the Section 104D test that adverse effects must be no more than minor. The Act in fact anticipates that consent can and will be granted for activities that generate adverse effects. This is reflected in Section 5, the purpose of the Act, which requires people and communities to avoid, remedy or mitigate adverse effects on the environment when providing for their social, economic and cultural wellbeing. This does not require total avoidance of adverse effects or reduction of the effect to "minor". This must be borne in mind when considering whether this proposal promotes sustainable management.

In determining the suitability of the proposed subdivision for this location, the key matter to determine is whether the proposal is consistent with the objectives and policies of the District Plan. Both planners agreed that while no specific rural-residential zone is provided, the objectives and policies of the Rural zone do make provision for rural-residential living. They also agreed that it is the Rural 2 zone that contains the Districts versatile soils, not the Rural 1 zone.

Turning to the objectives and policies relating to the productive capacity of the soil, Ms Dally considered the proposal to be contrary with these plan provisions while Mr. Harford did not see any conflict. I tend to agree with Mr. Harford's position on this



matter. The District Plan seeks to protect versatile land by including Class I and II land in a separate zone, being the Rural 2 zone (see Method 2 within Part B1 of the District Plan.) Such land is not impacted upon by this proposal. Both Mr. Howell and Mr. Payne confirmed that the soil on this site is not of a high quality. (However I should note that even the development of versatile land is not completely disqualified by the District Plan, as the principal reason for this method clearly states that development of versatile land shall be examined on its merits i.e. through the resource consent process.)

Given versatile soil is not being affected by this proposal, the key matter becomes the impact of the proposal on rural character and amenity. Again the Planners differed on this issue. Ms Dally considers that central to the objectives and policies is a theme of strong rural character and amenity, with the protection, maintenance and enhancement of these characteristics being of primary importance. In her view this proposal would significantly reduce those characteristics.

Mr Harford agreed with Ms Dally's summation of the policy direction (as do I) but highlighted the existing character of what he called "the block" – the land between Falvey Road, Lynch Road, the State highway and the golf course on Brosnan Road. He considered this block to be unique in comparison to other areas of land zoned Rural 1. In particular he noted that there are 33 allotments between 0.8 and 4.5 hectares within the block, with the subject site being only one of two in excess of 6 hectares. He also noted that over 20 lots have dwellings on them. Mrs Lobb's evidence, particularly the aerial photograph of the block, provided strong support for Mr Harford's description of the locality.

The unique character of this block, in comparison to the surrounding rural land, was very evident from my site visit. Its appearance is essentially one of a reasonably well developed rural-residential zone. While there are some open views from the State highway into parts of the block, it generally does not retain the open space values of the rural land surrounding it. The only area that slightly resembles this block is that triangular area of land bordered by Acacia Drive, Hedley Road and to where Lynch road would come if extended across the State highway to the railway line. With the exception of the airfield, all other surrounding land is open, productive farmland.

Consequently I agree with Mr. Harford's view that this "proposal does not represent a departure from the character of the area, it is rather a continuation of the character". On that basis it cannot be said to be in conflict with the amenity related objectives and policies of the Rural 1 zone. Given that the Rural 1 zone provides for both lifestyle development and productive activities, I agree with the proposition put to me by Mr Howell that rural-residential development should be encouraged in this area so that the most productive rural lands within the district are protected for agricultural use.

Mr Harford was of the opinion that the original four lot proposal better reflected the existing character and settlement pattern than the alternative three lot subdivision submitted at the hearing. I have granted consent to the four lot proposal as it is reasonably consistent with previous applications granted in the block and will maintain the rural-residential feel of the area. However any further reduction in allotment sizes will begin to erode the rural-residential character and amenity values of the block.

Turning to the other relevant objectives and policies (relating to such matters as hazards, traffic and services), there was general agreement between Ms Dally and Mr Harford that the proposal was not in conflict with these provisions. The one exception related to the cumulative effects issue, which I will deal with later in this decision.



Having determined that the location is appropriate for such development, the next matter to determine is whether the specific effects of the proposal are appropriate for the location. Again there was general agreement in relation to access, infrastructure, hazards and reverse sensitivity issues. Subject to appropriate conditions addressing these issues, I agree with both Planners that the proposal presents no difficulties in relation to these matters.

The principal area of contention again revolved around cumulative effects and the impact on amenity values. Both submitters requested conditions relating to amenity issues, in particular that existing shelter belts are retained. Ms Dally raised concern with the proposed planting mitigation on the basis that it was not permanent. However because the applicant has offered up the planting condition, it can be attached to the subdivision consent despite relating to the effects of the resultant land use as opposed to the subdivision itself. The 6 metre building set back requested by Mrs Lobb was also accepted by the applicant and has been imposed. These conditions will ensure the visual impact of any buildings constructed on the sites will be adequately mitigated. They will also ensure that the existing rural-residential character of the location is maintained. On that basis I do not consider any adverse effects of the proposal on the character and amenity values of the location to be significant.

Mrs Lobb also requested a number of other conditions relating to maintaining rural-residential amenity. However these conditions are not necessary because they are already addressed by the rules of the Rural 1 zone. Intensive livestock farming requires consent under one of the following rules: 2.1, 3.1, or 3.3. Rule 3.2 requires consent for the spreading effluent on a site (from intensive farming operations or from industrial and urban sources) for more than 6 days a year. Industrial activities also require consent under rule 3.6.

Ms Dally expressed concern with the potential for the proposal to give rise to cumulative effects. Mr Harford outlined the relevant case law on this issue, citing the Court of Appeals decision Dye v Auckland Regional Council, CA86/01. In the context of this proposal, cumulative effects could arise from the development of both a workers accommodation unit and a dependant relative's accommodation unit in association with each of the new dwellings. However if one accepts that the rural zone provides for rural residential development, then this is the anticipated consequence of providing for such development anywhere within the zone. I have already determined that this area is suited for rural-residential development on the basis of its existing character and it has the capacity to absorb all the effects of such development. The surrounding rural areas would not have that capacity.

However given the nature and size of the allotments in the block, along with the potential servicing constraints, I would consider it highly unlikely that many of these sites will ever be developed to this level. Certainly the existing allotments have not been developed in such a way. If such development does occur on this site, then the planting proposed will adequately mitigate any visual effects. Taking these factors into account, I conclude that cumulative effects are unlikely to be significant.

Turning now to the matter of precedent (a relevant "other matter" under section 104(1)(c) of the Act), again Ms Dally and Mr Harford differed on this point. The Dye decision is again the authority on precedent effects, stating that the granting of a resource consent has no precedent effect in the strict sense. However it goes on to say that it is obviously necessary to have consistency in the application of legal principles and all resource consent applications must be decided in accordance with



a correct understanding of those principles. However in factual terms, no two applications are ever likely to be the same, albeit one may be similar to the other. The most that can be said is that the granting of a consent may well have an influence on how other applications should be dealt with. The extent of that influence will depend on the extent of the similarities.

As far as Ms Dally was concerned, that is the crux of the issue – how will Council be able to turn down similar applications within this block? However the purpose of the various precedent tests developed in case law over time has been to protect against “undesirable precedents” that may undermine the integrity of the District Plan. Precedent is not generally an issue that arises with discretionary activities for the reasons I previously mentioned - they are contemplated by the Plan and are considered to be suitable for the zone in a general sense but not necessarily on every site. I have already determined that this proposal is not in conflict with the relevant objectives and policies of the District Plan or put another way, it does not sit outside the generality of the provisions of the Plan and the zone. Consequently precedent should not been an issue.

While Ms Dally's concern may be realised and further applications for similar developments in this block may be forthcoming, the question that has to be asked is whether this is undesirable in this location? In my view the answer to that is no. In fact Mrs. Lobb's evidence illustrated that Council has already granted similar applications in this block. It does not, however, establish any precedent for similar subdivision outside of this particular block. As I have previously noted, the character of this block is relatively unique in the wider context of the Rural zone.

Turning now to the relevant Part 2 matters of the Act, set out the evidence of both planners, I agree with Mr Harford's opinion that the proposal does not offend them. The key provision to consider when assessing an application is the Act's single purpose as set out in Section 5. That purpose is *to promote the sustainable management of natural and physical resources*. Section 5 defines sustainable management as:

*managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while -*

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Section 5 involves an overall broad judgement of whether or not a proposal promotes the sustainable management of natural and physical resources. Such a judgement allows for a comparison of conflicting considerations and the scale or degree of those conflicting considerations and their relative significance in the final outcome.

In my view this proposal achieves the purpose of the Act. It will provide for the communities social, economic and cultural wellbeing by providing for rural-residential living without compromising the life-supporting capacity of the versatile soils found within the Timaru district. Adverse environmental effects can be adequately mitigated



to the point that they will be no more than minor. Consequently I have concluded that the proposal is an appropriate development in this location and have granted consent accordingly.

**6. Right of Appeal**

In accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar  
Environment Court  
PO Box 2069  
CHRISTCHURCH

Any appeal must be served on the following persons and organisations:

- The Timaru District Council;
- The Applicant;
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

**DATED** at Dunedin this 20th day of October 2010



**Allan Cubitt  
Commissioner**



APPENDIX 8  
TABLE 5 - RURAL RESIDENTIAL GROWTH OPTIONS - TIMARU

RURAL RESIDENTIAL GROWTH OPTIONS: TIMARU AREA		CRITERIA AND WEIGHTING																												Criteria Results				
		Infrastructure										Natural Environment				Hazards and Contamination					Cultural		Other											
		Roading- Regional Network	Roading- Local Network	Rail Network	Accessibility	Sewer	Water	Stormwater	Electricity- National Grid	Electricity- Local Network	Topographical Limitations	Biodiversity Values	Landscape Values	Productive Soils	Coastal Erosion	Coastal Inundation	River Inundation	Liquefaction	Contaminated Land	Archaeological Sites	Heritage	Community Facilities/Services	Recreation/Open Space	Size of Area	Consolidation	Adjacent Land Uses	Proximity to Employment	Land Ownership						
OPTIONS	Weighting	3	3	3	3	2	3	3	3	3	3	2	2	2	3	3	3	3	3	3	3	2	2	3	3	2	2	2	114	Infrastructure	Nat. Envt	Hazards	Cultural	Other
	Score	3	6	6		6	3	6	6	6	4	4	4	6	6	3	6	6	6	6	6	2	4	6	3	4	2	0						
	Weighted Score	1	2	2	0	0	2	1	2	2	2	2	2	2	2	1	2	2	2	2	2	1	2	2	1	2	1	0	119	37	18	27	12	25
	Score	1	2	2	0	2	2	2	2	2	2	2	2	2	2	1	2	2	2	2	2	1	2	2	1	2	1	2						
	Weighted Score	3	6	6	0	4	6	6	6	6	6	4	4	4	6	6	3	6	6	6	6	2	4	6	3	4	2	4	115	42	10	27	12	30
	Score	2	1	2	2	0	2	0	1	2	0	2	1	2	2	2	1	2	2	2	2	2	2	2	2	1	2	2						
	Weighted Score	6	6	6	6	0	6	0	6	6	0	4	2	4	6	6	3	6	6	6	6	4	4	6	6	2	4	4	Kellands Height Total Score	36	15	27	12	23
	Score	2	2	2	2	0	2	0	1	1	1	2	2	2	2	2	1	2	2	2	2	2	2	2	1	1	2	0						
	Weighted score	6	3	6	6	0	6	0	6	3	3	4	4	4	6	6	3	6	6	6	6	4	4	6	3	2	4	0	Gleniti North Total Score	33	13	27	12	20
	Score	2	1	2	2	0	2	0	1	1	1	2	1	2	2	2	1	2	2	2	2	1	2	2	1	1	2	2						
	Weighted Score	6	3	6	6	0	6	0	3	3	3	4	2	4	6	6	3	6	6	6	6	2	4	6	6	2	4	4	Otipua Total Score	39	13	27	12	20
	Score	2	2	2	2	0	2	0	1	2	1	2	1	2	2	1	1	2	2	2	2	1	2	1	1	1	1	2						
	Weighted score	6	6	6	6	0	6	0	3	6	3	4	2	4	6	3	3	6	6	6	6	2	4	3	3	2	2	4	Claremont Heights Total Score	39	13	27	12	8
	Score	2	2	2	1	0	2	0	2	2	1	2	1	2	2	2	1	2	2	2	2	1	1	0	0	1	1	0						
	Weighted Score	6	6	6	3	0	6	0	6	6	3	4	2	4	6	6	3	6	6	6	6	2	2	0	0	2	2	0	Hadlow Total Score	36	15	27	9	11
	Score	2	2	2	0	0	2	0	2	2	1	2	2	2	2	2	1	2	2	2	1	1	1	0	1	1	0	Spur Road Total Score						
	Weighted score	6	6	6	0	0	6	0	6	6	3	4	0	4	6	6	3	6	6	6	6	0	0	0	0	2	0		0					



RURAL RESIDENTIAL GROWTH OPTIONS: TIMARU										RURAL RESIDENTIAL GROWTH OPTIONS: TIMARU									
OPTIONS										OPTIONS									
ASSESSMENT CRITERIA		East Levels	Levels Golfing Lifestyle	Gleniti North	Gleniti South	Otipua	Brookfield	Kellands Heights		ASSESSMENT CRITERIA		Hadlow	Spur Road	Rosebrook	Claremont Heights	Elloughton			
Infrastructure	Roading- Regional Network	Score	1	1	2	2	2	2		Roading- Regional Network	Score	2	2	2	2	2			
		Comment	minor	Minor	No effect on regional network	No effect on regional network	No effect on regional network	No effect on regional network			Comment	No effect on regional network	No effect on regional network	No effect on regional network	No effect on regional network	No effect on regional network			
	Roading- Local Network	Score	2	2	1	1	1	2		Roading- Local Network	Score	0	0	0	0	1			
		Comment	Good access of Lynch and Falveys Road	Good access Lynch Road then prt	Good access from Gleniti Rd. Remainder would require new network	Claremont Road is Collector Rd. Would require additional local roads	Claremont Road is Collector Rd. Would require additional local roads and linkages to the east	would require upgrade to existing brookfield road and an extension through to Claremont. Would also require additional local roads			Comment	Width issues along spine road	Rosewill Valley Rd intersection requires upgrade. Spur rd narrow and at capacity	Width issues along spine road	Width issues along spine road. Elevate requirements to improve connoor/fairview/landsborough intersection	Poor access from Kellands Hill. Good access from Old North Road			
	Rail Network	Score	2	2	2	2	2	2		Rail Network	Score	2	2	2	2	2			
		Comment	No impact	No impact	No impact	No impact	No impact	No impact			Comment	No impact	No impact	No impact	No impact	No impact			
	Accessibility	Score	0	0	2	2	2	2		Accessibility	Score	0	0	0	0	2			
		Comment	No links	No links	Close to shared pathways and enables links and extensions	Close to shared pathways and enables links and extensions	Close to shared pathways and enables links and extensions	Close to shared pathways and enables links and extensions			Comment	No walking/cycling network or public transport.	No walking/cycling network or public transport.	No walking/cycling network or public transport.	No walking/cycling network or public transport.	Close to shared pathways and enables links and extensions			
	Sewer	Score	0	2	0	0	0	0		Sewer	Score	0	0	0	0	0			
		Comment	Private treatment	Pvt - treatment	No sewer network, owner deal on site	No sewer network, owner deal on site	No sewer network, owner deal on site	No sewer network, owner deal on site			Comment	No sewer network, owner deal on site	No sewer network, owner deal on site	No sewer network, owner deal on site	No sewer network, owner deal on site	No sewer network, owner deal on site			
Water	Score	2	2	2	2	2	2		Water	Score	2	2	2	2	2				
	Comment	Seadown water	Seadown or prt	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.			Comment	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.	Downland scheme design is catering for growth, water should be available in most areas in 5-15 years.				
Stormwater	Score	1	1	0	0	0	0		Stormwater	Score	0	0	0	0	0				
	Comment	Free draining, gravel	Free draining, flat, not required	No stormwater network, owner deal on site	No stormwater network, owner deal on site	No stormwater network, owner deal on site	No stormwater network, owner deal on site			Comment	No stormwater network, owner deal on site	No stormwater network, owner deal on site	No stormwater network, owner deal on site	No stormwater network, owner deal on site	No stormwater network, owner deal on site				
Electricity - National Grid	Score	2	2	1	1	1	1		Electricity - National Grid	Score	1	1	1	1	1				
	Comment	Fine	Fine	Timaru 110 kV bus needs capacity upgrade	Timaru 110 kV bus needs capacity upgrade	Timaru 110 kV bus needs capacity upgrade	Timaru 110 kV bus needs capacity upgrade			Comment	Timaru 110 kV bus needs capacity upgrade	Timaru 110 kV bus needs capacity upgrade	Timaru 110 kV bus needs capacity upgrade	Timaru 110 kV bus needs capacity upgrade	Timaru 110 kV bus needs capacity upgrade				
Electricity - Local Network	Score	2	2	2	1	1	1		Electricity - Local Network	Score	2	2	2	2	2				
	Comment	Fine	Fine	Fine	11 kV distribution upgrade likely	11 kV distribution upgrade likely	11 kV distribution upgrade likely			Comment	Fine	Fine	Fine	Fine	Fine				
Natural Environment	Topographical Limitations	Score	2	2	1	1	1		Topographical Limitations	Score	1	1	1	1	0				
		Comment	Flat	Flat	Undulating	Undulating	Undulating	Undulating			Comment	Undulating	Undulating	Undulating	Undulating	Significantly undulating to steep in parts			
	Biodiversity Values	Score	2	2	2	2	2	2		Biodiversity Values	Score	2	2	2	2	2			
		Comment	None present	None present	None present	None present	None present	None present			Comment	None present	None present	None present	None present	None present			
Landscape Values	Score	2	2	2	1	1	1		Landscape Values	Score	2	0	1	1	1				
	Comment	100%		97%	76%	79%	70%			Comment	81%	53%	65%	65%	71%				
Productive Soils	Score	2	2	2	2	2	2		Productive Soils	Score	2	2	2	2	2				
	Comment	Refer Cubitt	Refer Cubitt	LUC: 3e 8+4e 4	LUC: 3e 8+4e 4	LUC: 3e 8+4e 4	LUC: 3e 8+4e 4			Comment	LUC: 3e 8+4e 4	LUC: 3e 8+4e 4	LUC: 3e 8+4e 4	LUC: 3e 8+4e 4	LUC: 3e 8+4e 4				
Hazards and Contamination	Coastal Erosion	Score	2	2	2	2	2		Coastal Erosion	Score	2	2	2	2	2				
		Comment	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk			Comment	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk			
	Coastal Inundation	Score	2	2	2	2	2	2		Coastal Inundation	Score	2	2	2	2	2			
		Comment	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk			Comment	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk			
River Inundation	Score	1	1	1	1	1	1		River Inundation	Score	1	1	1	1	1				
	Comment	Possible in parts in significant event	Possible in significant events.	Rolling downs/hilly land. Depressions will carry runoff but majority of area will be clear of any flooding.	Rolling downs land. Depressions will carry runoff and lower flats areas may be wet from time to time. Otipua Creek tributary passes along north and east boundaries of the area, any low ground adjacent to this will be floodable. Most of property will be above any flooding.	Almost all of the property is on higher ground above any flooding. Small areas of low lying ground/depressions will carry runoff particularly right at south and east boundaries (potentially) which are adjacent to Otipua Creek tributaries.	Almost entirely high ground clear of any flooding. Any small depressions or gullies may carry local runoff			Comment	No known flood risk. Depressions will likely carry runoff following heavy or prolonged rainfall.	Rolling downs/hilly land. Depressions will carry runoff but majority of area will be clear of any flooding.	No known flood risk. Depressions will likely carry runoff following heavy or prolonged rainfall.	Rolling downs type land. Depressions will carry runoff and overflow from the small stream catchments in the area. Majority of the property is on higher ground.	Site on rolling downs type land. Large area of high ground clear of any flood risk. Gullies/ depressions will collect local runoff. Low areas adjacent to Taitarakahi Creek floodable from that source. Out of creek channel flooding may begin in 5-10 year floods and larger, initially contained to marginal land but will become more extensive as flood size increases.				
Liquefaction	Score	2	2	2	2	2	2		Liquefaction	Score	2	2	2	2	2				
	Comment	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk			Comment	Nil risk	Nil risk	Nil risk	Nil risk	Nil risk				
Contaminated Land	Score	2	2	2	2	2	2		Contaminated Land	Score	2	2	2	2	2				
	Comment	None present	Nil risk	None present	None present	None present	None present			Comment	None present	None present	None present	None present	None present				
Cultural	Archaeological Sites	Score	2	2	2	2	2		Archaeological Sites	Score	2	2	2	2	2				
		Comment	None present	None present	None present	None present	None present	None present			Comment	None present	None present	None present	None present	None present			
Heritage Buildings, Structures, and Sites	Score	2	2	2	2	2	2		Heritage Buildings, Structures, and Sites	Score	1	2	2	2	2				
	Comment	None present	None present	None present	None present	None present	None present			Comment	Heritage Buildings	None present	None present	None present	None present				
Other	Location to Community Facilities and Services	Score	1	1	1	1	1		Location to Community Facilities and Services	Score	1	1	1	1	2				
		Comment	Gun club, airport, golf course, raceway	Amenity adjacent	Some distance to existing community facilities and services	Some distance to existing community facilities and services	Some distance to existing community facilities and services	Some distance to existing community facilities and services			Comment	Some distance to existing community facilities and services	Some distance to existing community facilities and services	Some distance to existing community facilities and services	Some distance to existing community facilities and services	Close to existing community facilities and services			
	Location to Recreation and Open Space	Score	2	2	1	1	2	1		Location to Recreation and Open Space	Score	1	1	1	1	2			
		Comment	Close gun club, airport, golf club	Close to recreation	Some distance to recreation and open space	Some distance to recreation and open space	Close to existing open space and recreation	Close to existing open space and recreation			Comment	Some distance to recreation and open space	Some distance to recreation and open space	Some distance to recreation and open space	Some distance to recreation and open space	Close to existing community facilities and services			
	Size of Area	Score	2	2	2	2	1	2		Size of Area	Score	1	0	1	0	2			
		Comment	96ha	14ha	47ha	37ha	38ha	55ha			Comment	75ha	77ha	28ha	76ha	106ha			
	Consolidated Pattern of Development	Score	1	1	1	1	1	1		Consolidated Pattern of Development	Score	0	0	1	0	2			
		Comment	Some distance to service centres, community facilities and transport networks so only partly achieves consolidation	Some distance to service centres, community facilities and transport networks so only partly achieves consolidation	Some distance to service centres, community facilities and transport networks so only partly achieves consolidation	Some distance to service centres, community facilities and transport networks so only partly achieves consolidation	Some distance to service centres, community facilities and transport networks so only partly achieves consolidation	Some distance to service centres, community facilities and transport networks so only partly achieves consolidation			Comment	Large distance to service centres, community facilities and transport networks so only partly achieves consolidation	Large distance to service centres, community facilities and transport networks so only partly achieves consolidation	Some distance to service centres, community facilities and transport networks so only partly achieves consolidation	Large distance to service centres, community facilities and transport networks so only partly achieves consolidation	Located close to service centres, community facilities and transport networks and achieves consolidated pattern of development			
	Adjacent Land Uses	Score	1	2	1	1	1	1		Adjacent Land Uses	Score	1	1	1	1	1			
		Comment	Recreation and rural	Recreation or similar use	Existing rural land use to the south.	Existing rural land use to the south.	Existing rural land use to the south	Existing rural land use to the south			Comment	Existing rural land use bounding this area.	Existing rural land use bounding this area.	Existing rural land use bounding this area.	Existing rural land use bounding this area.	Existing rural land use to the north and existing power sub-station in southeast corner of this site.			
Proximity to Employment	Score	1	1	2	2	2	1		Proximity to Employment	Score	1	1	1	1	2				
	Comment	Service Temuka and Washdyke easily	Service Temuka or Washdyke easily	Close to town centre and other major employers	Close to town centre and other major employers	Close to town centre and other major employers	Some distance from town centre and other major employers			Comment	Some distance from town centre and other major employers	Some distance from town centre and other major employers	Some distance from town centre and other major employers	Some distance from town centre and other major employers	Close to town centre and other major employers				
Land Ownership Intergration	Score	0	2	1	2	2	2		Land Ownership Intergration	Score	0	0	0	0	2				
	Comment	Approximately 32 but already many in small lots	Landowner	18 Landowners	5 Landowners	2 Landowners	1 Landowner			Comment	35 Landowners	25 Landowners	18 Landowners	27 Landowners	1 Landowner				