

FORM 6

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON NOTIFIED PROPOSED POLICY STATEMENT
OR PLAN, CHANGE OR VARIATION**

Clause 8 of Schedule 1, Resource Management Act 1991

To Timaru District Council
PO Box 552
TIMARU 7910

Name Alliance Group Limited
Level 3, 51 Don Street
Invercargill 9810
New Zealand

1. **Further submitter details**

Name of further submitter: Alliance Group Limited (**'Alliance'**).

Alliance made submissions on the Proposed Timaru District Plan (**'PTDP'**), being submission no. 173.

2. **Only certain people can make a further submission.**

Alliance has an interest in the PTDP that is greater than the interest that the general public has on the following grounds:

- a. As outlined in its original submission, Alliance has significant assets and operational interests at its meat processing plant on 52 Bridge Road, Smithfield, Timaru. The meat processing plant is part of Alliance's 32 hectare landholding at Smithfield (the **'site'**).
- b. As highlighted in Alliance's submission, the site is an important economic asset to the Timaru District. Alliance holds long-term regional resource consents associated with the site's operation. The site also holds a trade waste permit to discharge wastewater into the Timaru District Council (**'TDC'**) trade waste network. Potable water is supplied to the site from TDC. Consequently, Alliance wishes to ensure that the PTDP recognises and provides for the site's continued operation and its associated effects.
- c. Alliance's further submission is set out in the table attached.

3. **Hearing options**

Alliance **does** wish to be heard in support of its further submission. If others are making a similar submission, Alliance would consider presenting a joint case with them at the Hearing.

4. **Service on Submitters**

Alliance undertakes to serve a copy of its further submission to the original submitters as required under the Resource Management Act 1991 Schedule 1, s8A(2) within five working days of the date of this further submission.

Signature:

ALLIANCE GROUP LIMITED

by its authorised agents Mitchell Daysh Ltd



Date:

4 August 2023

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Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
Foreword or Mihi						
Fonterra Ltd	165.9	General	<p>Amend - The submitter notes the District Plan is not intended to manage activities '<i>so they do not affect the environment</i>'. The District Plan should manage adverse effects on the environment, as follows:</p> <p>"...It provides a framework that enables expected activities and manages the <u>potential adverse effects of other activities</u> so <u>they do not affect on</u> the environment."</p>	Support	The RMA is not a no-effects statute. As such, the amendment proposed by Fonterra is appropriate.	Allow
Descriptions						
Silver Fern Farms Ltd	172.7	Light Sensitive Area	<p>Oppose in part - The definition simply lists land affected by the Light Sensitive Area Overlay but does not explain the meaning for the term, which would aid understanding of the reasons for the application of the Light Sensitive Area Overlay.</p> <p>Amendments are sought to ensure the meaning of the term is expressed clearly.</p>	Support	Alliance agrees that the definition does not clearly explain the meaning of the term which would assist in understanding the reasons for the Light Sensitive Area.	Allow
Fonterra Ltd	165.10	Description of the District - Settlement Patterns, Growth and Development	<p>Support - Supports recognition of the adverse reverse sensitivity effects that rural lifestyle development can have on the rural environment.</p>	Support	It is appropriate to recognise reverse sensitivity effects in the higher order provisions.	Allow
Definitions						
Penny Nelson, Director General of Conservation Tumuaki Ahurei	166.13	New - Coastal Environment	<p>Add a new definition of 'Coastal Environment' consistent with the definition of 'coastal environment' in the CRPS.</p>	Support	The proposed definition of the Coastal Environment is consistent with the higher order document of the New Zealand Coastal Policy Statement.	Allow

Table 1: Alliance Group Ltd - Further Submission on Proposed Timaru District Plan

Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
Penny Nelson, Director General of Conservation Tumuaki Ahurei	166.17	New - Risk	Add a new definition of 'Risk' consistent with the definition of 'coastal environment' in the CRPS.	Support	There are a number of references to "risk" throughout the PTDP. It is appropriate to define the meaning of this.	Allow
UFD - Urban Form and Development						
Royal Forest and Bird Protection Society	156.48	New – Objective	Also considers adverse effects that remain after they are reduced through a consolidated and integrated settlement pattern should also apply the mitigation hierarchy in accordance with other provisions of the plan. Add a new objective to the UFD - Urban Form and Development Chapter as follows: <u>UFD-OX</u> <u>Avoids, remedies, or mitigates adverse effects consistent with the provisions of the plan.</u>	Oppose	Alliance questions the value of this proposed objective in light of the topic-specific objectives and policies provided throughout the proposed plan and the general duty to manage effects under RMA s17.	Disallow
Stormwater Management						
Waka Kotahi NZ Transport Agency	143.32	SW-P2 Water quality	Considers it is not always possible to "enhance" the quality of stormwater. Recommends the policy be amended to state "maintain or enhance". Amend SW-P2 as follows: SW-P2 Water quality Maintain <u>or</u> and enhance stormwater quality by requiring: [...]	Support	The "enhancement" of stormwater quality is neither feasible nor necessary in all cases.	Allow

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Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
Fonterra Ltd	165.36	Introduction	Considers that appropriate recognition is included in the Introduction to exclude activities that hold regional consent for the discharge of stormwater. Retain as notified.	Support	Alliance agrees that exemptions be included in the Stormwater Management chapter for stormwater discharges that are already consented by the Canterbury Regional Council.	Allow
Fonterra Ltd	165.37	SW-R4 All developments, other than a road, that result in an increase in impervious surfaces of greater than 30m ² , excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan	Supports the recognition that the rule does not apply to those activities that hold regional consent(s) relating to stormwater.	Support	Alliance agrees that exemptions be included in the Stormwater Management chapter for stormwater discharges that are already consented by the Canterbury Regional Council.	Allow
Contaminated Land						
BP Oil, Mobil Oil New Zealand Limited, Z Energy	196.47	CL-P3 Remediation and management works	Considers policy appropriately recognises that human health risks do not increase from remediation or management of contaminated land and encourages reduction of such risks.	Support	Agree that CL-P3 is appropriately drafted to require risk management and encourage risk reduction.	Allow
Royal Forest and Bird Protection Society	156.84	New – Rule	Considers the chapter requires another rule or standard in addition to the NES-CL to ensure surrounding environmental health / indigenous biodiversity is protected. Either add a new standard or a new rule to protect environmental health / indigenous biodiversity.	Oppose	In the absence of specific policy wording to consider, Alliance is concerned that a new rule to this effect may have inadvertent outcomes.	Disallow

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Natural Hazards						
Royal Forest and Bird Protection Society	156.87	NH-P3 Role of natural features and vegetation	<p>Considers healthy, expansive, functioning natural ecosystems provide greater resilience to natural hazards for people as well as native species. Expand policy to include native vegetation and habitat for native species. "Remove where appropriate". This would give better effect to the RMA s 6a.</p> <p>Amend NH-P3 Role of natural features and vegetation in hazard mitigation as follows:</p> <p>Protect, maintain and restore, where appropriate, natural topographic features and vegetation <u>including native habitat</u> that assists with avoiding or mitigating the risk to people <u>and native species</u> and significant risk to property from natural hazards.</p>	Oppose	Deleting the words "where appropriate" from this policy places an unqualified obligation on landowners to undertake protection, maintenance "and" restoration actions - regardless of the degree of natural hazard mitigation that would be achieved.	Disallow
Ecosystems and Indigenous Biodiversity						
Royal Forest and Bird Protection Society	156.104	New – Policy	<p>Supports ECO-P4 in addressing Bat Protection Areas, however, consider another policy is required to address other fauna that requires protection.</p> <p>Add a new policy to the ECO - Ecosystems and Indigenous Biodiversity Chapter, as follows:</p> <p><u>ECO-PX</u></p> <p><u>Protect threatened and at-risk species and their habitats by avoiding significant adverse effects and managing other adverse effects of activities on those species and their habitats.</u></p>	Oppose	This policy appears unnecessary considering the recent introduction of the National Policy Statement for Indigenous Biodiversity 2023 (NPSIB). The NPSIB provides specific, mandatory directions about managing effects on threatened and at-risk species and their habitats.	Disallow

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Royal Forest and Bird Protection Society	156.116	New – Rule	<p>Supports the identification and mapping of SNAs. Although considers this is an ongoing exercise and triggers are to be required through resource consents for further identification of SNAs.</p> <p>Add a new rule/s to the ECO - Ecosystems and Indigenous Biodiversity Chapter, regarding general indigenous vegetation clearance that maintains indigenous biodiversity outside of sensitive areas and SNAs.</p> <p>The development of this rule should:</p> <ul style="list-style-type: none"> - Utilise and include maps of improved pasture / fully converted farmland in the plan. - Permit vegetation clearance in those areas and everywhere else have some sort of controls on indigenous vegetation clearance. <p>As these maps are ground-trothed they should be implemented into the plan either through this plan review process or through a variation and then brought up to align with the process.</p>	Oppose	Policy 3.16 of the recently introduced National Policy Statement for Indigenous Biodiversity 2023 addresses biodiversity management outside of SNAs.	Disallow
Natural Character						
Royal Forest and Bird Protection Society	156.119	New – Objective	<p>Add a new objective seeking restoration of natural character where it has been degraded.</p> <p>Add a new objective to NATC - Natural Character chapter as follows:</p>	Oppose	The National Policy Statement – Freshwater Management effects management hierarchy is the appropriate management tool to apply to natural character in freshwater environments.	Disallow

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			<u>NATC-OX</u> <u>Restoration of the natural character of wetlands, rivers, lakes, and their margins where degradation has occurred.</u>		The open ended “restoration” requirement proposed by Royal Forest and Bird Protection Society conflicts with that national-level effects management hierarchy.	
Natural Features and Landscapes						
Canterbury Regional Council (Environment Canterbury)	183.90	NFL-R2 Earthworks not listed in NFL-R1, NFL-R3 or NFL-R4	The submitter is seeking an amendment to the existing rule or a new rule be developed that provides for all earthworks and vegetation clearance associated with existing public flood and erosion protection works operation, maintenance, repair, replacement and upgrading.	Amend	Alliance agree that an existing rule could be amended or a new rule developed to enable the maintenance and repair of existing natural hazard mitigation works as requested.	Allow
Hermann Frank	90.15	NFL-P4 Protecting Outstanding Natural Features and Outstanding Natural Landscapes	Considers the wording ‘Avoid’ is too weak and should be replaced by ‘Prohibit’. Considers that when the conditions are not met, this should not be permitted. Amend NFL-P4 Protecting Outstanding Natural Features and Landscapes as follows: Avoid Prohibit subdivision, use and development within outstanding natural features and outstanding natural landscapes that area not provided in NFL-P2, unless it: [...]	Oppose	Alliance opposes the wording “prohibit”. The wording ‘avoid’ provides a high level of restriction that will prevent and protect from subdivision, use and development that is consistent with the higher order document CRPS.	Disallow
Subdivision						
Federated Farmers	182.143	General	Amend the SUB - Subdivision overview to: a) acknowledge the need for growth of rural communities; and b) address in detail the issue of reverse sensitivity in the rural environment and	Support	Alliance agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow

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			clearly sets out why the issue needs to be acknowledged and addressed.			
Spark New Zealand Trading Limited	208.78	New – Objective	<p>Considers that reverse sensitivity should be a consideration for all subdivisions. Considers an objective providing direction on this matter is warranted and supports SUB-P5 as notified.</p> <p>Amend SUB - Subdivision Chapter to add a new objective, as follows:</p> <p><u>SUB-O[X] Reverse sensitivity.</u></p> <p><u>Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable or mitigated where avoidance is not practicable.</u></p>	Support	Alliance agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow
Fonterra Limited	165.82	SUB-O1 General subdivision design	<p>Considers that the objective should be more explicit in relation to reverse sensitivity effects.</p> <p>Amend SUB-O1 General subdivision design as follows:</p> <p>New subdivisions will:</p> <p>[...]</p> <p>10. not intentionally prevent, hinder or limit the <u>use or</u> development of adjoining or adjacent land, <u>including by way of reverse sensitivity effects.</u></p>	Support	Alliance agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow

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Fonterra Limited	165.84	SUB-P3 Disruptive Subdivision	<p>Considers that the policy should be more explicit in relation to reverse sensitivity effects.</p> <p>Amend SUB-P3 Disruptive Subdivision as follows:</p> <p>Avoid subdivisions that are intended to prevent, hinder or limit the <u>use or</u> development of adjoining or adjacent land, unless it is done to comply with a Council approved Development Area Plan, including by way of reverse sensitivity effects.</p>	Support	Alliance agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow
CE – Coastal Environment						
Canterbury Regional Council (Environment Canterbury)	183.106	General	<p>Considers the definition of high hazard in the CRPS is wider than just freshwater flooding and includes areas subject to coastal flooding and coastal erosion. These matters need to be addressed in a consistent manner across the PDP, and the definition updated.</p>	Oppose	<p>Alliance acknowledges the requirements for district plans to give effect to regional policy statements.</p> <p>However, in the absence of proposed draft provisions, it is unclear how the relief sought would be operationalised and the implications it may have for established activities affected by natural hazard planning layers.</p>	Disallow
Royal Forest and Bird Protection Society	156.145	CE-O4 Coastal hazards	<p>1. Delete CE-O4 Coastal hazards;</p> <p>OR</p> <p>1. Amend CE-O4 Coastal hazards as follows:</p> <p>People, buildings and structures are protected from unacceptable risks arising from coastal hazards, <u>whilst taking account of climate change, through location and design</u></p>	Oppose	The protection of certain development (such as Major Hazard Facilities) from unacceptable coastal hazard risks is a legitimate resource management consideration and the objective should not disregard this.	Disallow

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			<u>of buildings and infrastructure, considering responses such as managed retreat for existing development.</u>			
Lineage Logistics NZ Limited	107.8	CE-P12 Coastal Hazard Areas (excluding Regional Significant Infrastructure)	<p>Opposes CE-P12(2) as inconsistent with RMA s6(h). CE-P12 requires the avoidance of any increased risk, even <i>de minimus</i> or temporary. In comparison, RMA s6(h) refers to the management of <i>significant</i> risks.</p> <ol style="list-style-type: none"> 1. Delete Policy CE-P12(2) and replace with wording that focuses on unacceptable risk. 2. Such other alternative or additional relief as may be appropriate to give effect to the intent of this submission including, but not limited to, amendments to implementing rules in CE-R4 - CER14 and associated standards. 	Support	The requirement to “avoid” all risk is unfeasible in coastal areas where a level of residual risk is often present. It would be more appropriate to apply policy directions regarding the management measures to be employed in relation to different levels/categories of risk.	Allow
Royal Forest and Bird Protection Society	156.166	CE-R6 Land disturbance	<p>Considers difficult to ascertain what this sort of activity permits.</p> <p>Delete CE-R6 Land disturbance.</p>	Oppose	This rule relies on the defined meaning of “land disturbance”. In that context, the permitted activity status provided is appropriate.	Disallow
Light						
Peter Bonifacio	36.12	General	Considers there is no clear evidence of how Light Sensitive Areas have been determined and what considerations have been taken into account.	Oppose	Alliance agrees that greater clarification on the considerations for Light Sensitive Area’s will be beneficial.	Allow
Fenlea Farms Limited	171.7	LIGHT-P1 Appropriate artificial outdoor lighting	Opposes LIGHT-P1 as it should exempt artificial lighting required for health and safety reasons, ancillary activities to permanent activities.	Oppose	Alliance agrees that artificial lighting for health and safety should be provided for.	Allow

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			<ol style="list-style-type: none"> 1. Amend LIGHT-P1 to ensure that artificial outdoor lighting is not restricted when it is necessary for health and safety. 2. Any alternative relief that would address concerns 			
Fonterra Limited	165.100	LIGHT-P3 Health and safety	Fonterra supports the exemption of lighting to meet the health and safety needs of people.	Support	It is appropriate to permit outdoor artificial lighting that is necessary for health and safety purposes.	Allow
Noise						
Fonterra Limited	165.105	Introduction	<p>It is important that key industry and employment generators are recognised as being constrained by reverse sensitivity effects arising from inappropriately located sensitive activities.</p> <p>Amend the Introduction to the NOISE-Noise Chapter as follows:</p> <p>[...] This is a particular concern for <u>key industry and employment generators</u>, important services and community facilities, including the Airport, Raceway, State Highway, Railway Corridor and the Port, which could be constrained if reverse sensitivity effects arise [...]</p>	Support	It is appropriate to recognise the vulnerability of key industry and employment generators to reverse sensitivity effects deriving from noise emissions.	Allow

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