

SUBMISSION ON PUBLICLY NOTIFIED PROPOSED TIMARU DISTRICT PLAN

To: Timaru District Council
By email: pdp@timdc.govt.nz
Submitter: Lineage Logistics New Zealand Ltd (Lineage NZ)

This is a submission on the following proposed plan:

- The Proposed Timaru District Plan

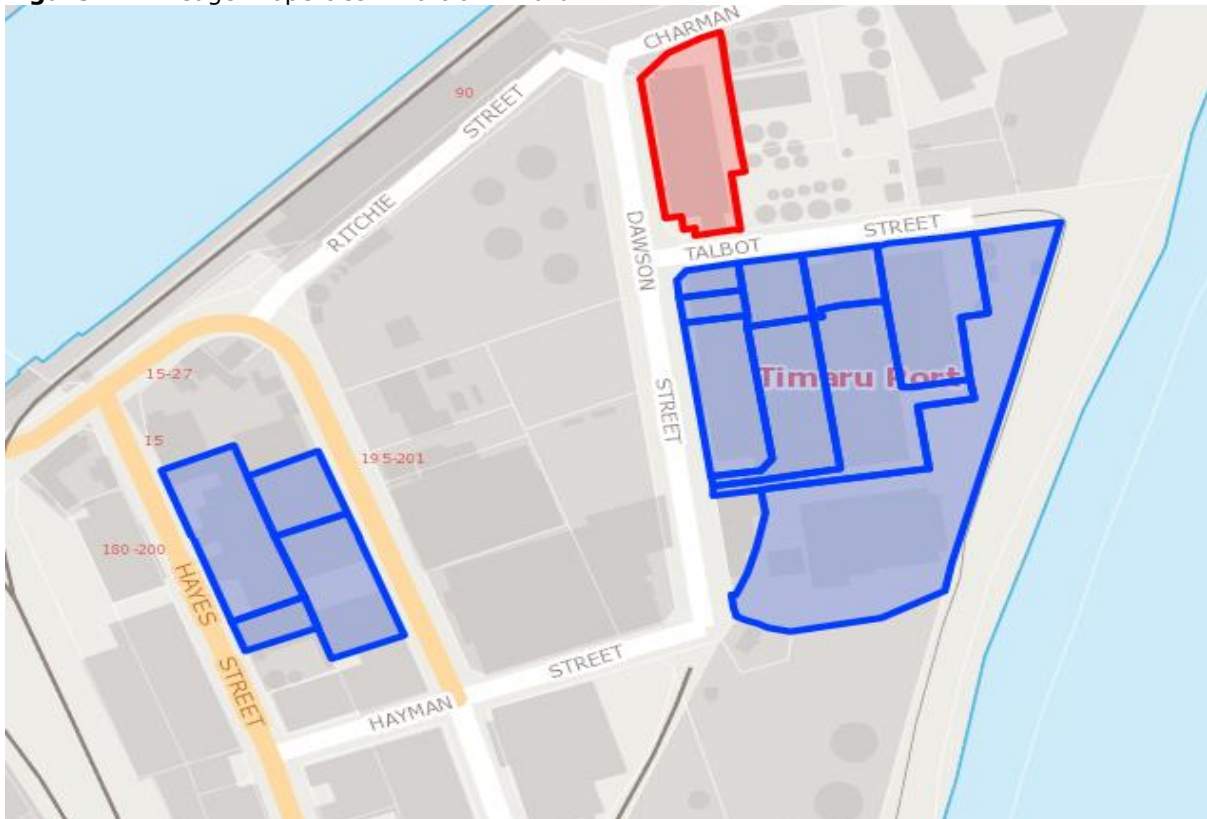
The submitter could not gain a trade competition advantage through this submission.

Overview of Submission

Lineage Logistics is the world's largest provider of temperature controlled logistic solutions. Lineage NZ owns and operates cool stores throughout New Zealand, including within the Timaru District. Lineage NZ's facilities in the District are in close proximity to the Port of Timaru, a location which Lineage NZ considers essential to the efficient operation of its business.

Properties owned or leased by Lineage in the District are illustrated in Figure 1 below:

Figure 1 : Lineage Properties – Port of Timaru:



Under the Proposed District Plan, the Lineage Properties are zoned Special Purpose Zone - Port Zone. Lineage generally supports the approach in the Proposed Plan of providing

specific recognition for the importance of the Port of Timaru, industrial areas and activities established in close proximity to the Port.

Lineage NZ's particular concern with the Proposed District Plan relates to the identification and approach towards the management of coastal hazards including, but not limited to, the Sea Water Inundation Overlay and supporting provisions. Lineage NZ considers the proposed approach should be re-evaluated and replaced with provisions that more accurately address coastal hazard risks.

The specific parts of the Proposed Timaru District Plan that the submission relates to are:

- See Appendix A for details of the Plan provisions which the submitter either supports or opposes, reasons for its position and relief sought.

Lineage NZ wishes to be heard in support of its submission.

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



Signature of submitter
(or person authorised to sign
on behalf of submitter)

15 December 2022

Date

Address for service of submitters:

Lineage Logistics New Zealand Limited C/- Anthony Harper Lawyers
PO Box 2646
Christchurch
Phone: 03 364 3809 Mob: 021 2275500
Contact person: Gerard Cleary Gerard.cleary@ah.co.nz

APPENDIX A TO SUBMISISION ON BEHALF OF LINEAGE LOGISTICS NZ LTD

PLAN PROVISION	SUPPORT/ OPPOSE	COMMENT	RELIEF SOUGHT
Definitions			
Definition of "Industrial Activity"	Support	Lineage NZ supports the proposed definition of industrial activities as being appropriately broad to cover the range of storage and logistics activities undertaken by Lineage NZ.	Retain the definition of Industrial Activity as notified.
Definition of "Regionally Significant Infrastructure"	Support	Lineage NZ supports the inclusion of the Port of Timaru in the definition.	Retain the Port of Timaru within the definition of Regionally Significant Infrastructure.
Definition of "Natural Hazard Sensitive Activity"	Oppose the inclusion of buildings which: <i>contain two or more employees on a full time basis</i> in the definition of Natural Hazard Sensitive Activity.	<p>As notified, the proposed definition would include all of Lineage's buildings within the Port Zone. The inclusion of such a low limit on employees would mean that anything other than a very minor extension to Lineage NZ's existing buildings would require a resource consent.</p> <p>Insufficient justification in either the supporting s 32 Report or elsewhere has been provided in the Proposed Plan and supporting documents as to the rationale behind the Definition. In particular, the inclusion of the reference to buildings that contain two or more employees does not correspond with a proper risk-</p>	<p>Lineage's NZ's preferred relief sought is that the reference to buildings containing two or more employees be deleted from the definition of Natural Hazard Sensitive Activity.</p> <p>In the alternative, if the Definition is to incorporate a reference to a number of employees, the number to be included should accurately reflect the risk associated with a natural hazard that is incremental over time.</p>

		based approach to managing development within areas identified as potentially subject to coastal hazards.	
Planning Maps			
Planning Maps	Support	Lineage NZ supports the delineation of its Properties within the Port Zone.	Retain the proposed Port Zone in accordance with the boundaries identified on the Planning Maps.
Strategic Directions			
SD-04 Natural Hazards	Oppose in Part	<p>Lineage NZ considers that areas subject to existing and potential future natural hazards should be appropriately identified and that risks associated within identified areas are managed.</p> <p>Lineage NZ considers that the Council's approach of applying a sea level rise of 1.2m on the basis of NZRCP8.5M is inappropriate and does not reflect the recommendations of the IPCC Sixth Assessment Report.</p> <p>Lineage considers that the requirement or goal in SD-04 (ii) that development: "<i>is avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable</i>" is problematic for a range of reasons.</p> <p>Firstly, the s 32 Assessment (p.4) notes that areas of unacceptable risk is not clarified, but is instead assumed</p>	<ol style="list-style-type: none"> 1. Areas subject to sea level rise are identified on the basis of NZ RCP 4.5 Median projections as opposed to NZ RCP 8.5M. 2. Remove (ii) from SD-04; or 3. Replace (ii) with wording that accurately reflects a risk-based approach. The following worded is suggested as an example only: <i>Managing development to ensure the risks of natural hazards to people, property and infrastructure are acceptable</i> 4. Such other alternative or additional relief as may be appropriate to give effect to the intent of the submission including, but not limited to, corresponding objectives, policies and rules that implement SD-04.

		<p>to mean areas subject to erosion or inundation during the next 100 years. Therefore, the strategic approach seeks to avoid development within these areas, regardless of the actual or potential risk that might be associated with development. This includes areas identified as subject to inundation from sea level rise, where an unacceptable risk to development is unlikely to materialise for many decades. That is, the incremental nature of sea level rise is such that an adaptive approach to risk management can be implemented once more certain information about the degree of risk becomes available.</p> <p>Lineage NZ also considers that a blanket avoidance approach imposes significant costs on affected land which outweigh any benefits associated with preventing development now. The S 32 Analysis does not appropriately recognise or attempt to quantify these costs.</p> <p>The approach is inconsistent with Part II of the Act, in particular it does not reflect the requirement in section 6 (h) to manage <u>significant</u> risks from natural hazards, rather it adopts what is akin to a blanket approach of avoidance of all risk, regardless of magnitude.</p>	
CE- Coastal Environment			
Policy CE- P3	Oppose in part	Policy CE-P3 should recognise the predicted timeframes and	Amend Policy to reflect reasons for opposition.

		uncertainty associated with predicted coastal inundation.	
Policy CE- P12 (2)	Oppose	<p>As worded, this Policy would have the effect of requiring all development that increases the risk of harm from coastal hazards, regardless of whether the increase in risk is de minimus or is unlikely to eventuate for a significant period of time.</p> <p>It is acknowledged that the Policy largely reflects the equivalent policies of the NZCPS, however the NZCPS pre-dates the inclusion of Section 6 (h) of the Act which refers to the management of <u>significant</u> risks. Avoidance of development which results an increase in risk that is de minimums or minor is therefore inconsistent with Section 6 (h) of the Act.</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 – CE R14 and associated standards
Rule CE-R4 (4): Sea Water Inundation Overlay within Urban Areas	Oppose	<p>Lineage NZ's properties are all included within the Sea Water Inundation Overlay (SWIO). Associated rules are so restrictive that all development or redevelopment of these properties will require a resource consent as a restricted discretionary activity. In part, this is a consequence of the definition of "natural hazard sensitive activity" associated with</p>	<ol style="list-style-type: none"> 1. Delete Rule CE- R12 (4) in its entirety; or 2. Include an appropriately worded exemption Rule CE- R12 for development within the Port Zone. 3. Replace Rule CE-R12 with a rule which enables appropriate development of properties within the Port Zone; or

		<p>PER-2. As noted above, this definition would apply to all of the Lineage NZ buildings within the Port Zone.</p> <p>In addition to the listed matters of discretion, all consent applications will need to take into account relevant policies, including Policy CE-P12 which seeks to avoid development which results in an increase in risk, regardless of magnitude. In practice, the need to take into account a policy of avoidance means that restricted discretionary activity applications are likely to be declined.</p>	<p>4. Such other alternative or additional relief as may be appropriate to give effect to the intent of this submission.</p>
CE- S1 CE-S2	Support	<p>Support CE-S1 to the extent that it recognises that the maximum height of buildings and structures within the Port Zone should be as per the applicable Zone standards (CE – S1 (2)).</p> <p>For the same reason, Standard CE-S2 (3) relating to site coverable is supported.</p>	<ol style="list-style-type: none"> 1. Retain CE-S1(2) as notified; and 2. Retain CE-S2 (3) as notified.
EW- Earthworks			
EW-S1 (3)	Oppose in part	<p>Limit of 2000m² per site per annum is unnecessarily restrictive for development within the Port Zone.</p>	<ol style="list-style-type: none"> 1. Amend EW – S1 (3) to include a limit of a minimum of 5000 m² per annum per site for the Port Zone; and 2. If the amended standard is breached, the resulting consent category should be

			controlled, with matters of control limited to dust nuisance, sedimentation, land instability, erosion and contamination effects.
EW- S2 EW-S3	Oppose	These standards are not considered appropriate for the Port Zone	<ol style="list-style-type: none"> 1. Include an exemption from standards EW – S2 and EW -S3 for excavation and filling and setbacks within the Port Zone; or 2. Amend EW – S2 and EW -S3 to include standards that more appropriately provide for development within the Port Zone.
Noise			
NOISE -02 NOISE – P5 NOISE-P7	Support	Lineage NZ considers it appropriate for the Plan to ensure that regionally significant infrastructure such as the Port and also industrial activities are not constrained by reverse sensitivity effects.	<ol style="list-style-type: none"> 1. Retain Noise–02 as notified. 2. Retain Noise-P5 as notified. 3. Retain Noise-P7 as notified.
NOISE-R8	Support	Noise generation provisions for activities within the Port Zone are considered efficient and effective.	<ol style="list-style-type: none"> 1. Retain NOISE- R8 as notified.
PORT ZONE			
Objectives, Policies, Rules & Standards	Support	Port Zone provisions are considered to be appropriately enabling of development, including of industrial activities.	<ol style="list-style-type: none"> 1. Retain Port Zone provisions as notified.
Specific Control Areas			
Specific Control Area – Port Zone	Support	Lineage supports the 35 m height limit incorporated in the Special Control Area for the Port Zone	Retain the 35m maximum height limit for the Specific Control Area applying to the Port Zone.