

BEFORE THE HEARINGS PANEL FOR THE PROPOSED TE TAI O POUTINI
DISTRICT PLAN

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF The Proposed Te Tai o Poutini District Plan (Strategic
Directions chapter)

SUBMITTER Silver Fern Farms Limited, submitter no. 441

**STATEMENT OF EVIDENCE BY STEVE TUCK ON BEHALF OF SILVER FERN
FARMS LIMITED**

17 OCTOBER 2023

1. INTRODUCTION AND BACKGROUND

- 1.1 My name is Steve Tuck, I am an Associate with Mitchell Daysh Limited which practices as a planning and environmental consultancy firm throughout New Zealand.
- 1.2 I hold a Master of Social Science (Planning and Environment) from RMIT University, Melbourne. I am a member of the New Zealand Planning Institute and the Resource Management Law Association.
- 1.3 I have been engaged in private and public sector town planning and resource management roles in New Zealand and Australia since 2011. My experience includes a mix of local authority and private consultancy resource management work. In recent years I have focused on providing consultancy advice relating to regional and district plans, resource consents and environmental effects assessments. This has included involvement with regionally and nationally significant projects in New Zealand and Victoria. My recent relevant experience is outlined in **Appendix A** to this evidence.
- 1.4 On behalf of Silver Fern Farms Limited ("**Silver Fern Farms**"), I prepared the submission and further submission on the Proposed Te Tai o Poutini District Plan ("**PDP**").
- 1.5 Although this is not an Environment Court hearing, I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses. This evidence is within my area of expertise, except where I state that I am relying upon material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from my opinions.

2. SCOPE OF EVIDENCE

- 2.1 Silver Fern Farms' primary concern with the PDP is the proposed rezoning of land adjacent to its Hokitika processing site from a Rural Zone to a General Residential Zone. Paragraphs 23 to 48 of Silver Fern Farms' submission discuss this matter. Silver Fern Farms will present detailed expert evidence about this proposed rezoning in hearings on the PDP zones.

2.2 This statement of evidence relates to PDP Objective UFD-O1 only, and Silver Fern Farms's submission point no. s441.010 on this objective, specifically with respect to its proposed new sub-clause UFD-O1(11).

2.3 Silver Fern Farms accepts the recommendations of the section 42A report author on sub-clauses UFD-O1(3) and (4) and on the other Strategic Directions provisions that it submitted on (AG-O2 and NENV-O1).

3. RELIEF SOUGHT ON OBJECTIVE UFD-O1(11)

3.1 Silver Fern Farms' submission point S441.010 sought the addition of a new sub-clause (11) to UFD-O1 as shown below with underlining:

UFD – O1 To have urban environments and built form on the West Coast/Te Tai o Poutini that:

[sub-clauses (1) to (10) not shown here]

11. Avoids or manages potential conflict (including reverse sensitivity effects) between incompatible activities and zones.

4. S42A RECOMMENDATION

4.1 The s42A report author recommends rejecting the relief sought for the reasons below.

[280] ... I consider that these points raised are already addressed within the zone provisions and are not necessary to be included in the strategic direction for urban form. The strategic direction is intended to set clear priorities that broadly drive the plan, rather than provide the high level of detail proposed.

4.2 The amended version of UFD-O1 recommended by the s42A report author is below with amendments shown in underlining and strikethrough.

UFD – O1 To have urban environments and built form on the West Coast/Te Tai o Poutini that:

- 1. Are attractive to residents, business and visitors;*
- 2. Have areas of special character and amenity value identified and their values maintained;*

3. *Support the economic viability and function of town centres;*
4. *Recognise the risk of natural hazards whereby new development is located in less hazardous locations;*
5. *Promote the re-use and re-development of buildings and land, including private and public land;*
6. *Support inclusivity and housing choice for the diversity within the community now and into the future;*
7. *Improve overall accessibility and connectivity for people, transport (including walking and cycling) and services;*
8. *Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure including from reverse sensitivity effects;*
9. *Maintain the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments; ~~and~~*
10. *Promote and enhance the distinctive character of the districts' towns and settlements.*
11. *Promotes the identification, recognition and protection of heritage resources which are significant to Te Tai o Poutini/the West Coast's character and cultural heritage, to ensure their protection for future generations;*
12. *Uses low environmental impact practices, materials and design; and*
13. *Recognises Poutini Ngāi Tahu values as part of the urban environment.*

5. ASSESSMENT

- 5.1 I do not agree that the reverse sensitivity matter of concern to Silver Fern Farms' is fully addressed in the zone provisions. Reverse sensitivity policies in the zone chapters focus on managing incompatible activities *within* zones, and the effects of industrial activities on surrounding zones¹. There is nothing in the zones relating to consideration of reverse sensitivity effects in the context of a rezoning proposal.

¹ INZ-P7, INZ-P8, RESZ-P4, RESZ-P5, RESZ-P16 (as notified) and UFD-O1(8) (as recommended by the s42A report).

- 5.2 There is also nothing in UFD-O1, or the other strategic directions, to prompt consideration of the potential reverse sensitivity effects of rezoning proposals.
- 5.3 The potential issues raised by locating industrial and residential zones (or other potentially incompatible zone combinations) next to one another is, in my view, a matter that is appropriate to consider through the PDP's strategic provisions. Silver Fern Farms' suggested UFD-O1(11) text refers to "...incompatible activities *and zones*" for this reason.
- 5.4 I disagree with the s42A author's view that the proposed text of UFD-O1(11) is too detailed to be included in a Strategic Direction.
- 5.5 In my opinion, this guidance *is* a direction that sets priorities to drive the plan – the location and configuration of different zones relative to one another.
- 5.6 In my view, the relief sought by Silver Fern Farms shown at paragraph 3.1 above is an appropriate way to support the sustainable management purpose of the Resource Management Act 1991 at strategic level in the PDP.
- 5.7 This provision is needed, in my opinion, as an element of the consideration of rezoning proposals. The location and configuration of zones is a central strategic function of the PDP. Therefore, in terms of the mechanics of the PDP, I see the provision as most effectively included as part of UFD-O1, not in zone provisions.

Steve Tuck

17 October 2023

APPENDIX A

Summary of Recent Experience of Steve Tuck (2022-23)

- Malaghans 704 Limited – retrospective land use consenting - Queenstown Lakes District.
- Manawa Energy Limited – hydroelectric power scheme re-consenting – Bay of Plenty and Manawatu regions.
- Manawa Energy Limited – maintenance/operations consenting for Lake Coleridge hydroelectric power scheme– Canterbury Region.
- OceanaGold (New Zealand Limited) – Waihi North gold mine project - Hauraki District.
- OceanaGold (New Zealand Limited) – variation of consents for Slevin underground mine – Hauraki District.
- Silver Fern Farms Limited – submissions and evidence on the proposed Otago Regional Policy Statement.
- Silver Fern Farms Limited – submissions and evidence on the proposed Central Hawkes Bay District Plan.
- Silver Fern Farms Limited – submissions on the Proposed Gore District Plan.
- Silver Fern Farms Limited – submissions on the Proposed Timaru District Plan.
- Silver Fern Farms Limited – stormwater discharge consenting – South Taranaki District.
- Waiaua Bay Farm Limited - submissions on the Proposed Far North District Plan.
- Waiaua Bay Farm Limited - wastewater discharge consenting – Far North District.
- Waiaua Bay Farm Limited - groundwater take consenting – Far North District.
- Waiaua Bay Farm Limited - consenting of online dam, water storage reservoir and surface water take.
- Waiaua Bay Farm Limited - consenting of guest beach pavilion and staff accommodation.
- Whakatāne District Council – consenting of recreational and commercial boat Harbour – Whakatāne District.