

24 May 2024

Hearings Administrator
Proposed Te Tai o Poutini District Plan
West Coast Regional Council

By email: info@tpp.nz

RE: Hearing Panel Minutes 16 & 22 – amendments to Strategic Directions

1. We act on behalf of Silver Fern Farms Limited (“Silver Fern Farms”) who is submitter no. 441 on the proposed Plan.
2. Silver Fern Farms submitted on the Strategic Directions chapter, including submission no. S441.010 on Objective UFD-O1. The relief sought by Silver Fern Farms included that the strategic directions provide guidance about managing reverse sensitivity effects. The planning evidence presented on behalf of Silver Fern Farms in the Strategic Directions hearing¹ reiterated the importance of strategic direction about reverse sensitivity effects.
3. To recap, Silver Fern Farms submission s441.010 was rejected by the Strategic Directions S42A author on grounds that reverse sensitivity is addressed within the zone provisions. The planning evidence presented on behalf of Silver Fern Farms identified that while zone provisions can inform the consideration of reverse sensitivity effects *within* a zone, zone provisions have limited capacity to address reverse sensitivity effects in the context of rezonings – such as the proposed Plan’s rezoning of land adjoining Silver Fern Farms’ Hokitika site from a Rural Zone to a Residential Zone.
4. As such, Silver Fern Farms sees a policy gap at the strategic level of the proposed Plan, which is potentially inconsistent with the RMA s75(3)(c) requirement to give effect to the West Coast Regional Policy Statement (“RPS”), which includes clear directions about reverse sensitivity issues at Chapter 5, Objective 2 and Policy 2. This gap appears to be recognised in paragraphs 13-14 of Ms Easton’s 5 April 2024 response to Minute 16.

¹ Evidence of Steve Tuck dated 17 October 2023.

5. In Minute 16 the Panel queried if “...consideration should be given to an overarching enabling economic development objective for all sectors of the economy along with provisions related to incompatible activities and reverse sensitivity effects for relevant activities”.
6. Silver Fern Farms strongly supports such provisions being included in the proposed Plan.
7. Ms Easton’s 5 April 2024 response to Minute 16 does not recommend this approach, indicates that it could ‘dilute’ the intent of the strategic direction, but acknowledges that components of the economy are currently unrecognised in the strategic directions.
8. Silver Fern Farms considers that Ms Easton’s concerns can be addressed by redrafting of her proposed ED-O1 into “an overarching enabling economic development objective for all sectors of the economy”. For example, ED-O1 could be amended as follows:

Objective ED -O1 Te Tai o Poutini/the West Coast supports a prosperous, diverse and resilient economy recognising the current contributions of primary production (particularly agriculture and; mineral extraction), industrial and commercial activities and tourism.

9. In Silver Fern Farms view, this formulation more clearly recognises the matters referred to in Policy 2 of RPS Chapter 5. It notes that while *primary production* is not defined in the Proposed Plan, the term is defined by the National Planning Standards as shown below:

Primary production means:

- (a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
- (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
- (c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
- (d) excludes further processing of those commodities into a different product.*

10. Silver Fern Farms supports Ms Easton’s objective ED-O2, particularly the inclusion of the term “protects”, which is consistent with Policy 2 of RPS Chapter 5.
11. Silver Fern Farms has no objection to the remainder of the “ED” objectives and policies set out in Ms Easton’s reply to Minute 16, except for a concern about policy ED-P5, shown below:

Policy ED-P5 New subdivision, use and development is managed so that it does not compromise existing mineral extraction activities, including through reverse sensitivity to effects such as noise, dust and traffic generation.

12. In Silver Fern Farms view, ED-P5 would not properly implement Objective ED-O2. The policy focusses on managing the effects of new subdivision, use and development on mineral extraction activities alone. The management that ED-P5 applies to effects on mineral extraction is not extended to the other important economic activities recognised in ED-O2 (and in the RPS provisions referred to above). It is unclear why other important economic activities such as primary production, commercial or industrial activities are not afforded the benefits of ED-P5.
13. None of the other provisions (including UFD-P1) set out by Ms Easton's response to Minute 16 address reverse sensitivity effects on important existing economic activities other than mineral extraction, albeit UFD-P1 continues to address reverse sensitivity effects on significant infrastructure.
14. In closing, Silver Fern Farms welcomes the Panel's recognition of the need for an overarching enabling economic development objective for all sectors of the economy along with provisions related to incompatible activities and reverse sensitivity effects for relevant activities.
15. Silver Fern Farms considers that draft objective ED-O1 could be suitable if amendments similar to those shown above at [8] are made.
16. Silver Fern Farms supports Ms Easton's draft ED-O2.
17. Silver Fern Farms would welcome further amendments to ED-P5 and/or UFD-P1 (which was the provision subject of s441.010) to ensure that the critical need to manage reverse sensitivity effects on other important economic activities to mineral extraction is clearly expressed at the strategic directions level of the proposed Plan.

Yours sincerely,



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