

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

UNDER the Resource Management Act 1991

IN THE MATTER OF the Proposed Te Tai o Poutini District Plan (Rural Zones)

AND Silver Fern Farms Limited, submitter no. 441

STATEMENT OF EVIDENCE BY STEVE TUCK (PLANNING)

1 JULY 2024

1. INTRODUCTION

- 1.1 My name is Steve Tuck. I am an Associate with Mitchell Daysh Limited, which is a resource management consultancy with offices around New Zealand.
- 1.2 My professional qualifications and experience are stated in my 17 October 2023 statement of evidence on the Strategic Directions chapter of the Proposed Te Tai o Poutini District Plan (“PDP”), which I prepared on behalf of Silver Fern Farms Limited (“Silver Fern Farms”).
- 1.3 Silver Fern Farms has asked me to provide planning evidence about the PDP’s rural zone provisions.

Code of Conduct

- 1.4 While this is not an Environment Court hearing, I have read and agree to comply with the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. 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.
- 1.5 In preparing this evidence I have read the following documents:
- Te Tai o Poutini Plan – Section 32 Evaluation Report Twelve Rural Zones/Ngā Takiwā Tuawhenua (“section 32 Report”); and
 - Te Tai o Poutini Plan Section 42A Officer’s Report Rural Zones (excluding Settlement Zone) – Ngā Takiwa Tuawhenua (“section 42A Report”).

Scope of Evidence

- 1.6 In this statement of evidence, I:
- a. explain the background that informs this evidence (section 2);
 - b. provide my recommended amendments to the rural provisions and comments on the other relevant section 42A report recommendations (section 3, 4 and 5); and

c. provide a concluding comment, in section 5.

2. BACKGROUND

2.1 The residential section 42A Report recommends applying the Rural Lifestyle Zone to five lots located between Silver Fern Farms' Hokitika meat processing facility ("Hokitika site") and the new Norwest Estate to the south. Those lots are identified with red dots in a figure at paragraph 321 of the residential section 42A Report. That figure is replicated below.

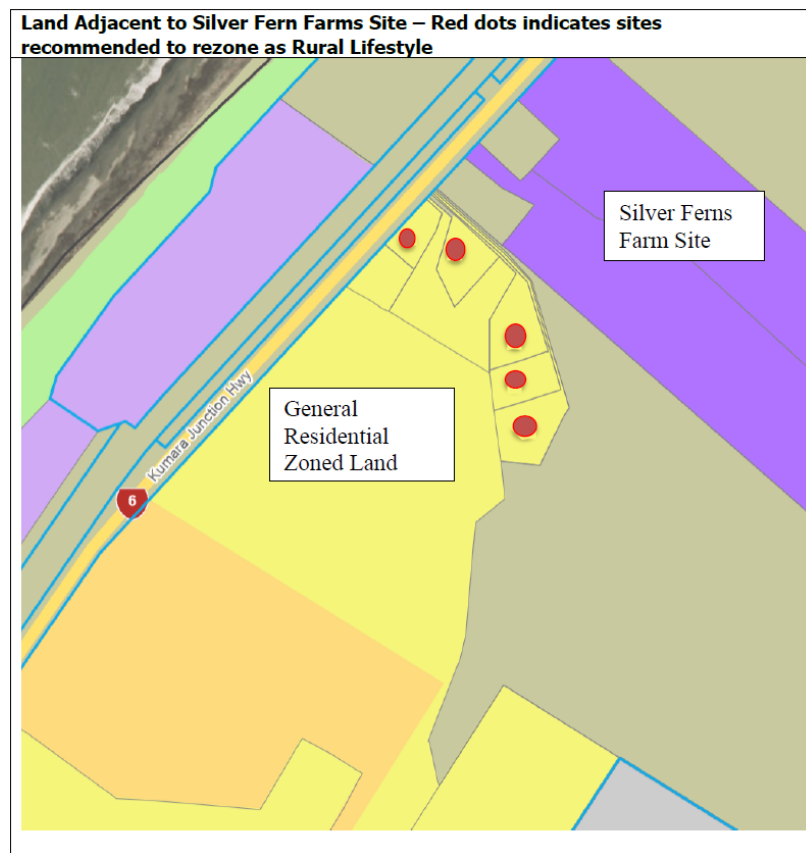


Figure 1: Rural Lifestyle Zone lots recommended by the residential section 42A Report.

2.2 In my 14 June 2024 evidence on the residential zones, I recommended that those lots be included in the General Rural Zone instead of the Rural Lifestyle Zone.

2.3 However, in that evidence I noted that if the Hearings Panel accepts the zone configuration recommended by the residential section 42A Report, as a secondary measure I would recommend that the rural zone provisions be

amended to mitigate the potential for the new Rural Lifestyle Zone to have reverse sensitivity effects on the adjacent Hokitika site.

- 2.4 In that earlier evidence I stated my opinion that this alternative would be inferior to my recommended zone configuration. It would require specific references to the Hokitika site to be added to the rural provisions, and these directions would add to the length and complexity of the PDP.
- 2.5 Nevertheless, this statement of evidence provides the amendments to the rural zone provisions that I recommend be added if the Rural Lifestyle Zone is applied to land adjacent to the Hokitika site as recommended by the residential section 42A Report.
- 2.6 I also address the section 42A Report's recommendations on the rural provisions that Silver Fern Farms submitted on, and on a submission seeking the rezoning of land on the northern side of the Hokitika site.

3. SITE-SPECIFIC AMENDMENTS TO THE RURAL PROVISIONS

- 3.1 The section 42A Report recommends amending RURZ-O2 to be specific to the Rural Lifestyle Zone. I support the section 42A Report's narrowing of the focus from the notified text. The section 42A Report's amendments are shown below with underlining and strike-through.

RURZ-O2 The Rural Lifestyle Zone ~~To~~ provides for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.

- 3.2 The section 42A Report also recommends amendments to policy RURZ-P4, shown below with underlining and strike-through:

RURZ - P4 Provide for rural lifestyle development within the RLZ - Rural Lifestyle Zone on the outskirts of towns and settlements where this will not conflict with ~~rural production values~~ primary production activities, and recognising that these have the following characteristics:

- a. Large lots with onsite infrastructure servicing;*
- b. A mix of activities;*
- c. Low traffic and moderate noise levels;*

- d. *Dominance of open space and plantings over buildings; and*
- e. *Setbacks from property boundaries.*

3.3 Because each of these provisions seek to “provide for” rural lifestyle development in a generic manner, I do not consider that adding specific references to protecting the Hokitika site from reverse sensitivity effects would be particularly helpful.

3.4 Instead, I recommend adding a new issue-specific objective, and a new policy under the “reverse sensitivity” heading in the provisions, as follows:

RURZ-O8 The Rural Lifestyle Zone is managed to avoid reverse sensitivity effects on lawfully established industrial activity located at 140 Kumara Junction Highway, Hokitika.

RURZ-P17 Lawfully established industrial activities located at 140 Kumara Junction Highway, Hokitika must not be constrained or curtailed by reverse sensitivity effects associated with land in the Rural Lifestyle Zone identified below:

- *124 Kumara Junction Highway (Lot 1 DP 2378 BLK XIII Waimea SD);*
- *128B Kumara Junction Highway (Lots 1 2 DP 1603 BLK XIII Waimea SD);*
- *128C Kumara Junction Highway (Lot 2 DP 1818 BLK XIII Waimea SD,*
- *Lot 3 DP 1818 BLK XIII Waimea SD and Lot 4 DP 1818 BLK XIII Waimea SD).*

3.5 The drafting above refers to “lawfully established” industrial activity in order to be forward-looking. In my view, given the size of the Hokitika site and the positive economic effects of its continued operation, the potential for additional industrial development of the Hokitika site should not be precluded by the more recent establishment of an incompatible zone nearby.

3.6 With reference to Figure 1 above, I note that the residential section 42A Report did not recommend applying the Rural Lifestyle Zone to two of the lots in the cluster of land between the Hokitika site and the Norwest Estate despite their similar proximity to the Hokitika site.

- 3.7 If the Hearings Panel were to include those two lots in the Rural Lifestyle Zone as well, I would recommend referring to them in the RURZ-P17 text above. The District Council GIS maps identify those properties as:
- 120 Kumara Junction Highway (PT Lot 1 DP 1365 BLK XIII Waimea SD); and
 - 128A Kumara Junction Highway (Lot 2 DP 2378 BLK XIII Waimea SD).
- 3.8 I note that if RURZ-P17 is inserted as above, the subsequent policies would have to be renumbered as RURZ-P18 to RURZ-P26.
- 3.9 I would be happy to discuss any improvements to my recommended text above that the section 42A Report author might consider appropriate.
- 3.10 In my view, these amendments would go some way towards giving effect to the West Coast Regional Policy Statement 2020 (“RPS”) objective and policies that require important industrial sites to be protected by avoiding, remedying or mitigating reverse sensitivity effects¹. The section 32 Report also identifies reverse sensitivity as a common issue associated with the presence of residential activities in a rural environment, and my recommendations seek to ensure the outcomes at this location do not undermine the strategic outcomes that report indicates are necessary.
- 3.11 For completeness, I note that the amendments above would not be necessary if the General Rural Zone is applied to the relevant land instead of the Rural Lifestyle Zone. The General Rural Zone would maintain the status quo, given the land in question is in the Rural Zone under the operative Westland District Plan. It is the altered amenity expectations that attend a Rural Lifestyle Zone, that I consider warrant the amendments set out above.
- 3.12 I note again, that in my opinion, applying the General Rural Zone to the relevant land instead of the Rural Lifestyle Zone would be a superior approach. It would have less of an effect on the coherence of the rural provisions. Also, given the General Rural Zone anticipates amenity commensurate with a working rural environment rather than a rural

¹ Objective 2 and Policy of chapter 5, and Policy 2 of Chapter 10 of the RPS.

residential setting, that zone would be less likely to create reverse sensitivity effects on the Hokitika site.

- 3.13 From a section 32AA perspective, I consider that the benefits of my recommendations, in protecting the Hokitika site from reverse sensitivity effects, outweigh the costs of the rather inelegant formulation of site-specific provisions.
- 3.14 In my opinion, my recommendations would be less efficient and effective than the zone configuration I advanced in my evidence on the residential provisions. However, my recommendations are more efficient and effective than the alternative, of enabling reverse sensitivity effects in a manner that departs significantly from the relevant RPS directions.

4. REZONING OF 148 KUMARA JUNCTION HIGHWAY

- 4.1 Paragraph 509 of the section 42A Report notes that submissions were made seeking that 148 Kumara Junction Highway, on the northern boundary of the Hokitika site, be rezoned to Settlement Zone - Rural Residential Precinct. I have copied in the section 42A Report commentary below.

509. Denis and Wendy Cadigan (S532.001, S532.002) Birchfield Ross Mining Limited (S604.118) and Phoenix Minerals Limited (S606.096) seek that 148 Kumara Junction Highway is rezoned to Settlement Zone - Rural Residential Precinct. I do not support these submissions. I am very concerned about the potential reverse sensitivity effects of such rezoning on the Silver Fern Farms site which is in the General Industrial Zone area. Silver Fern Farms has raised significant concerns about rezoning for residential use on their southern boundary and the reverse sensitivity impacts on that. To then add rezoning on the northern boundary to Rural Residential, I consider, would magnify the reverse sensitivity issues.

510. The area is shown in the map below.

148 Kumara Junction Highway



Figure 2: 148 Kumara Junction Highway (from section 42A Report).

- 4.2 For the reasons given in the section 42A Report (above), I concur with the recommendation to decline the relief sought by these submissions.
- 4.3 However, I consider that the section 42A Report author's concerns about the effects of a "rural residential" zoning on the northern side of the Hokitika site, are equally applicable to the Rural Lifestyle Zone on the southern side of the Hokitika site recommended by the residential section 42A Report.

5. SILVER FERN FARMS SUBMISSION POINTS

- 5.1 Silver Fern Farms' submission on the PDP focused on the need for the provisions to protect the Hokitika site from reverse sensitivity effects. It submitted on the rural provisions at RURZ-P6, RURZ-P7, RURZ-P8, RURZ-P16 and GRUZ-R3 from this perspective.
- 5.2 The relief Silver Fern Farms sought was:
- a. retention of policies RURZ-P6, -P7 and -P8 as notified. These were considered to provide appropriate direction about the activities to be

expected in the rural environment, and the considerations to be applied to non-rural proposals in the rural environment; and

- b. amendments to policy RURZ-P16 to anticipate the provision of buffers to protect industry from reverse sensitivity effects, and to rule GRUZ-R3 such that the acoustic insulation requirements of rule NOISE-R3 would apply to sensitive activities located adjacent to industrial sites.

5.3 The section 42A Report recommends retaining RURZ-P7 and RURZ-P8 as notified. This was the outcome Silver Fern Farms sought in its submission, so I do not comment further on these policies.

5.4 The section 42A Report recommends amending RURZ-P6 to make it clear that some regionally significant infrastructure and some educational facilities might have a functional need to locate in the rural environment. I support this amendment.

5.5 The section 42A Report does not support the relief sought by Silver Fern Farms in respect of policy RURZ-P16. Paragraph 158 of the section 42A Report states that as industry (excepting rural industry) is not generally anticipated in the rural zones, reference to providing buffers around industrial activities is inappropriate.

5.6 I note that the section 42A Report recommends amending the preceding policy RURZ-P15 to insert reference to “lawfully established” activities as follows:

RURZ - P15 New development should be designed and located with sufficient buffers so that existing rural uses and ~~consented~~ lawfully established activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.

5.7 I support the section 42A Report recommendation on the drafting of RURZ-P15 above. It will provide appropriate direction in the event of consent applications for new activities in the General Rural Zone around the Hokitika site. If the section 42A Report recommendation for RURZ-P15 is adopted, I would be comfortable with the recommendation to decline the relief sought by Silver Fern Farms on policy RURZ-P16.

5.8 In relation to rule GRUZ-R3, the section 42A Report notes that the matter of whether acoustic insulation should be required or not is a matter for the forthcoming Noise topic, and any amendments arising from that would be carried through as a consequential amendment. Silver Fern Farms may choose to participate in the Noise hearing, given it made numerous submission points on the Noise topic, including on NOISE-R3.

6. CONCLUSION

6.1 My 14 June 2024 evidence on the residential provisions presents my view that placing a Rural Lifestyle Zone adjacent to the Hokitika site is likely to generate reverse sensitivity effects. The RPS requires such effects to be avoided, or otherwise remedied or mitigated. Nevertheless, in the residential evidence I note that if the Hearings Panel adopts the zone configuration recommended by the residential section 42A Report, the rural provisions should be amended to mitigate the risk of reverse sensitivity effects on the Hokitika site.

6.2 In this evidence I have recommended an objective and a policy to specifically protect the lawfully established activity at Hokitika site from the reverse sensitivity effects of a new Rural Lifestyle Zone on adjacent land.

6.3 I continue to consider that this is an inferior solution compared to the zone configuration I recommended in my evidence on the residential zones. That this is the case is, in my view, supported by the recommendation of the section 42A Report to decline the rural-residential rezoning of land on the northern side of the Hokitika site, as discussed at section 4 of this evidence.

6.4 I am comfortable with the section 42A Report's recommendations on the other rural provisions that Silver Fern Farms submitted on. This is with the caveat that my acceptance of the recommendation to decline the relief sought for RURZ-P16 is based on the section 42A Report's amendments to RURZ-P15, as discussed at paragraphs 5.6 and 5.7 of this evidence.

Steve Tuck

1 July 2024