

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 (Residential
Zones)

AND Silver Fern Farms Limited, submitter no. 441

SUMMARY STATEMENT OF EVIDENCE BY STEVE TUCK (PLANNING)

2 JULY 2024

1. INTRODUCTION

- 1.1 My name is Steve Tuck. I am an Associate at the resource management consultancy Mitchell Daysh Limited.
- 1.2 My qualifications and experience as an expert planning witness are set out in my 17 October 2023 statement of evidence¹. I do not repeat that here.
- 1.3 While this is not an Environment Court hearing, I nonetheless confirm that I have read, and agree to comply with, the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.
- 1.4 This document summarises my statement of evidence on the Residential Zone provisions (“**evidence**”)² of the Proposed District Plan (“**PDP**”).

2. EVIDENCE SUMMARY

- 2.1 Section 1 of my evidence outlines my qualifications as an expert witness, defines the scope of my evidence and summarises my recommendations.
- 2.2 Section 2 of my evidence describes the context of Silver Fern Farms’ Hokitika meat processing facility (“**Hokitika site**”) and the surroundings. These include the recent consenting of a residential subdivision (“**Norwest Estate**”) south of the Hokitika site, which is now being developed.
- 2.3 Section 3 of my evidence highlights the key resource management issues identified by the residential section 32 Report. These revolve around the provision of additional housing supply in locations that support town centres, minimise natural hazard risk, and provide appropriate residential amenity. The section 32 Report also notes that unplanned urban growth and the mixing of incompatible activities has led to poor outcomes and that avoiding land use conflicts should be a current focus.
- 2.4 Section 4 of my evidence outlines Silver Fern Farms’ concerns with the PDP’s proposal to rezone land between the Hokitika site and the Norwest

¹ Statement of Evidence by Steve Tuck, 17 October 2023, paragraphs 1.2 - 1.3 and Appendix A.

² Statement of Evidence by Steve Tuck (Planning), 14 June 2024.

Estate (the “**buffer lots**”), and the Norwest Estate itself, to a residential zone, and describes the relief sought in Silver Fern Farms submission on the PDP.

- 2.5 Section 5 of my evidence provides the section 42A Report recommendations, which are to rezone five of the seven buffer lots to a Rural Lifestyle Zone while maintaining the PDP’s approach of applying the General Residential Zone (“**GRZ**”) to the Norwest Estate and remaining buffer lots. Figure 11 of my evidence shows the section 42A Report-recommended zoning.
- 2.6 Section 6 of my evidence provides my assessment of the section 42A Report recommendations.
- 2.7 At paragraphs 6.1 to 6.7 of the evidence, I provide the definition of the term “reverse sensitivity” and highlight relevant West Coast Regional Policy Statement (“**RPS**”) provisions about reverse sensitivity effects. In my view, these regional provisions indicate that in giving effect to the RPS, district plans should prefer approaches that avoid reverse sensitivity effects on important industry, but where avoidance is not appropriate, reverse sensitivity effects must be remedied or mitigated.
- 2.8 Paragraphs 6.7 and 6.8 of the evidence outline the basis for my view that the Hokitika site warrants protection from reverse sensitivity effects as envisaged by the RPS.
- 2.9 At paragraphs 6.9 and 6.10, my evidence notes that the Norwest Estate has already been consented and is being developed, despite the unanticipated nature of this sort of activity in the operative Rural Zone. As such, I note that there is no certainty that reverse sensitivity effects on the Hokitika site can be avoided in accordance with the RPS. However, I consider that the PDP can seek to mitigate the potential for such effects by applying an appropriate zoning, to:
 - 2.9.1 set appropriate amenity expectations; and
 - 2.9.2 ensure that future re-subdivision in the Norwest Estate and/or the buffer lots is scrutinised through the consenting process, such that the reverse sensitivity effects of (further) increased residential

densities near the Hokitika site are thoroughly interrogated and if necessary, subject to notification processes.

- 2.10 In paragraphs 6.11 to 6.29 of my evidence I set out my recommended zone configuration for the buffer lots and the Norwest Estate, which is a Rural Lifestyle Zone for the Norwest Estate, and a General Rural Zone for the buffer lots.
- 2.11 As described at paragraphs 6.11 to 6.24 of the evidence, I consider that applying a Rural Lifestyle Zone to the Norwest Estate is more appropriate than the section 42A Report-recommended GRZ.
- 2.12 The Rural Lifestyle Zone will, in my opinion, provide reasonable amenity expectations for landowners in the new subdivision, given the surrounding context (including the Hokitika site), while precluding the establishment of activities that would conflict with residential activity. The latter is a key reason why I prefer the Rural Lifestyle Zone over the General Rural Zone for the Norwest Estate.
- 2.13 A further reason for my recommended Rural Lifestyle Zone over the Norwest Estate is the zone's discretionary consenting pathway for small-lot (< 1 hectare) subdivision, compared to the controlled activity consenting pathway in the GRZ for lots of 350 m² and larger. As discussed in paragraphs 6.20 to 6.23 of my evidence, I see the more robust consenting pathway as more appropriate to manage potential reverse sensitivity effects, and as such, aligning more closely with the RPS directions.
- 2.14 Figures 12 and 13 of my evidence show my recommended zone configuration of the buffer lots and Norwest Estate.
- 2.15 At paragraphs 6.25 to 6.29 I provide my recommended zoning of the buffer lots, which is to apply the General Rural Zone, not the Rural Lifestyle Zone recommended by the section 42A Report. I consider that upzoning the buffer lots from the operative Rural Zone to a Rural Lifestyle Zone would establish rural residential amenity expectations for land immediately (between 5 m to 100 m) adjacent to the Hokitika site. In my view, this would increase, rather than mitigate, the risk of reverse sensitivity effects.

- 2.16 Paragraph 6.30 to 6.34 of my evidence provide an alternative, and (in my view) inferior, solution that could be applied if the zone configuration recommended by the section 42A Report is adopted by the Panel. This is to amend the GRZ (and Rural Lifestyle Zone) provisions to expressly recognise that the Hokitika site has been encroached on by incompatible zones and that it must be protected from any consequential reverse sensitivity effects.
- 2.17 This alternative approach is centered around a new objective RESZ-O4, and amendments to policy RESZ-P16, which are shown at paragraph 6.32.
- 2.18 Section 7 of the evidence provides a conclusion. My view is that the configuration of GRZ and (for five of the seven buffer lots) Rural Lifestyle Zone that the section 42A Report recommends for the Norwest Estate and buffer lots will establish amenity expectations that may lead to reverse sensitivity effects on the Hokitika site.
- 2.19 In my view, it does not follow that the unplanned establishment of a residential subdivision close to a large industrial necessitates a retrospective rezoning that would conflict with the operations of an important industrial site. To do so would, in my view, increase the potential for reverse sensitivity effects. This outcome would undermine the strategic outcomes the section 32 Report indicates are needed and contradict the relevant RPS directions.
- 2.20 It would be inappropriate to require the Hokitika site to internalise its consented or permitted effects to meet urban residential amenity expectations. The Hokitika site was established, and has been consented, in a rural context. The General Industrial Zone is an appropriate zone for the Hokitika site and the potential for the site to accommodate further industrial development should be maintained. My recommended zone configuration for the buffer lots and Norwest Estate is an appropriate method to mitigate potential reverse sensitivity effects, while preserving appropriate amenity expectations for residents of those properties.

Steve Tuck

2 July 2024