

Memorandum

To: Hearing Commissioners – Te Tai o Poutini Plan

From: Briar Belgrave, Ruth Evans and Lois Easton (Reporting Officers)

Date: 17 October 2024

Re: Silver Fern Farms Submission – Zoning and Noise

Introduction and purpose

- (1) This joint right of reply (**JROR**) relates to the submission points of Silver Fern Farms as they relate to the INZ – Industrial Zones, RURZ – Rural Zones, RESZ – Residential Zones Chapters, the NOISE Chapter and the zoning of the land nearby the Silver Fern Farms Hokitika site.
- (2) The s42A authors involved in the preparation of this JROR are:
 - (a) Briar Belgrave for West Coast Regional Council – reporting planner for Industrial and Commercial Zones topic.
 - (b) Lois Easton for West Coast Regional Council – reporting planner for the Residential and Rural Zones topics.
 - (c) Ruth Evans for West Coast Regional Council – reporting planner for the Noise topic.
- (3) This JROR responds to the planning evidence provided by Silver Fern Farms as represented by Mr Steve Tuck in the respective hearing streams. It addresses the following key matters:
 - (a) Zoning of the properties nearby to the Silver Fern Farms Hokitika Sites;
 - (b) How reverse sensitivity effects should be managed between the Silver Fern Farms site and the surrounding properties – recognising these fall within a mix of General Rural, Rural Lifestyle and General Residential Zone;
 - (c) How noise effects should be managed between the Silver Fern Farms site and the surrounding properties;
 - (d) Stormwater provisions in the Industrial Zone Chapters; and
 - (e) Other matters raised by Silver Fern Farms in the COMZ and INZ hearing.
- (4) Ms Easton’s right of reply for the Residential and Special Zones topics also addresses submission points of Silver Fern Farms, as does Ms Evans’ s42A addendum for Subdivision. Ms Evans has yet to file her full Right of Reply for the Noise topic.
- (5) A 5m setback for buildings against any RESZ – Residential Zone or SETZ – Settlement Zone boundary to manage some reverse sensitive effects is recommended.
- (6) Rural Lifestyle Zone is considered to be the appropriate zone for the properties immediately adjacent to the Silver Fern Farms site – these properties are currently zoned General Residential Zone.
- (7) No specific or additional provisions are required to manage noise issues between the Silver Fern Farms sites and adjacent properties.

General approach to the issues raised by Silver Fern Farms

- (8) The planners are of the view that the direction around reverse sensitivity in the WCRPS principally relates to Regionally Significant Infrastructure and that this is the priority for reverse sensitivity

management and that in relation to other industrial uses the direction is to “avoid, remedy or mitigate” reverse sensitivity effects.

- (9) The planners consider there is no justification for specific “carve out” provisions for the Silver Fern Farms Hokitika site within the INZ – Industrial Zones provisions. The provisions of the relevant chapters, as recommended to be amended through the relevant hearing streams are considered to be appropriate and fit for purpose in terms of providing for use and development and managing environmental effects within these zones.
- (10) The planners consider there is no need for a specific noise overlay or other specific provisions for the Silver Fern Farms Hokitika site and that the general NOISE zone based provisions are appropriate for management of noise issues. It is noted that the final recommended provisions for NOISE will be included in Ms Evans’ right of reply for that topic.
- (11) The planners’ view is that landowners are no more likely to complain about the Silver Fern Farms activities if their properties are zoned General Rural or Rural Lifestyle. They note that all but one of the properties in question already have a dwelling located on the site, and that all of these properties are being used for rural lifestyle purposes.
- (12) The issues are discussed in further detail below.

Zoning of adjacent properties

- (13) This issue has been considered by Ms Easton specifically, as the reporting planner for the Rural topic. The appropriate zoning for the seven adjacent properties that lie between Silver Fern Farms and Northwest Estates is Rural Lifestyle Zone. These properties are shown on the map below.

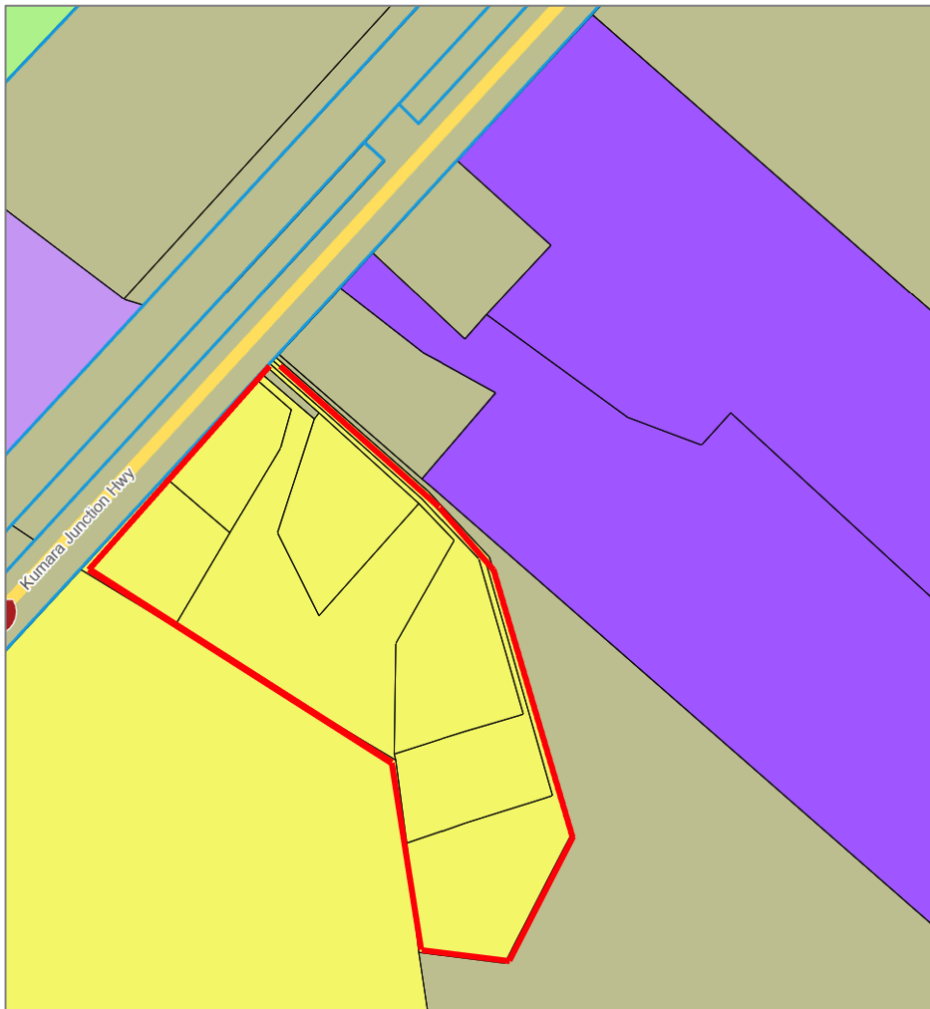


Figure 1 - Properties recommend to be rezoned Rural Lifestyle Zone

INZ – Industrial Zone Provisions

(14) These matters been considered in detail by Ms Belgrave, reporting office for the Industrial topic.

Objectives and Policies

- (15) Mr Tuck’s evidence requested “carve-out” amendments to INZ-O1, INZ-P6, and INZ-P8 to specifically refer to the Silver Fern Farms site located at Lot 1 DP 545864 and Lot 2 DP 545864 and the adjacent residential zones. During the Industrial and Commercial Zones hearing, Mr Tuck identified that the “carve-out” approach was not overly practical or the preferred option of Silver Fern Farms, and is only a secondary request should no change be made to the zoning of the adjacent land.
- (16) The subdivision and land use consents for the adjacent land have been granted and the subdivision and housing are largely constructed. It is not considered that the amendments recommended by Mr Tuck are appropriate. In particular, the inclusion of a site specific address within the objectives and policies framework is not in accordance with best practice plan drafting. Given the subdivision has already occurred and new houses have been developed, it is not considered the “carve-out” to the Industrial objectives and policies will resolve the issues Silver Fern Farms raised during this hearing and other zoning hearing streams.

- (17) In addition, it is Ms Belgrave's view that there is insufficient information to support this amendment, including in relation to other sites and land owners that may desire a similar carve out. The identification of industrial sites which adjoin a more sensitive receiving zone within INZ-O1, INZ-P6, and INZ-P8 is not considered to be effective or efficient.
- (18) The application of new objectives and policies under the will only apply to any new industrial activities established under the pTTPP, and will not assist with the management of existing or consented activities. In this regard, it is considered to be more appropriate to consider the underlying zoning of the affected land.
- (19) Mr Tuck has recommended that a number of the policies under the INZ Chapter which are proposed to be relocated to the Strategic Direction Chapter are reframed as policies under the Strategic Direction Chapter. It is noted that the amendments recommended to the new Strategic Direction objectives as set out in the Commercial and Industrial Zones Right of Reply (dated 2 October 2024) will address these concerns.
- (20) It is also agreed that 'custodial' can be deleted from INZ-P7.c to simplify the policy and improve clarity.

GIZ-R1 – Stormwater Treatment

- (21) Mr Tuck has recommended the deletion of GIZ-R1.7 which relates to the treatment of stormwater runoff. This matter has been considered in detail at paragraphs 117-130 of the Commercial and Industrial Zones Right of Reply and is not repeated. In summary, it is recommended that the stormwater treatment standard under GIZ-R1 is retained, and it is not considered that it will create unnecessary duplication with the West Coast Regional Land and Water Plan.

Other Matters Raised in the Industrial and Commercial Zones Hearing

- (22) Matters raised by Mr Tuck in relation to education facilities have been considered at paragraph 15 of the section 42A Addendum Report, and consequential amendments made to GIZ-R14 and LIZ-R14.
- (23) In Ms Belgrave's view, further amendments are not necessary to the provisions of the INZ or GIZ chapters in response to Mr Tuck's evidence. The following comments in relation to other recommended amendments are made:
- a. The amendments proposed to new UFD-OX2 will provide specific strategic direction to the rezoning of any new industrial land, such that it is not considered the inclusion of "land is free of significant constraints" within this provision to be necessary.
 - b. INZ-P10 provides high level strategic direction on the location of industrial activities, and it is noted that it may be applicable to resource consent applications that seek to relocate existing activities, or to plan change applications that seek to establish new industrial zoning in appropriate locations to facilitate the relocation of existing activities. It is therefore considered that it is appropriately relocated to the Strategic Direction Chapter; and
 - c. It is considered that INZ-O1, INZ-OX1, INZ-P6, and INZ-P7 will provide adequate direction to protect industrial zones from incompatible activities, and that an additional policy is not necessary.

NOISE provisions

- (24) The noise related matters have been specifically considered by Ms Evans.

- (25) Technical expert caucusing has just been completed. Following this caucusing and once the KiwiRail mapping information has been received, the Panel has asked for an updated set of noise provisions to be circulated to parties for comment. Once this has happened Ms Evans will be able to draft the full Right of Reply.
- (26) At this stage, in relation to the matters raised by Silver Fern Farms and an appropriate noise response, it is considered that no specific or additional noise provisions are warranted or necessary to manage noise effects on properties adjacent to the Silver Fern Farms site.
- (27) As signalled by Ms Evans during questions at the Noise hearing, the s42A recommended amendment in response to the Silver Fern Farms submission point S441.039 to NOISE-P2 is being reconsidered and may be deleted. A final recommendation on the appropriate wording of this policy will be made in the Noise right of reply.

RURZ - Rural Zones Provisions

- (28) The Rural Zones provisions have been specifically considered by Ms Easton.

Objectives and Policies

- (29) Mr Tuck's evidence requested a new objective and policy to specifically refer to the Silver Fern Farms site located at 140 Kumara Junction Highway. During the Rural Zones hearing, Mr Tuck identified that the "carve-out" approach was not overly practical or the preferred option of Silver Fern Farms, and is only a secondary request should the adjacent residential zoned properties be rezoned as Rural Lifestyle Zone, rather than his preferred rezoning to General Rural Zone.
- (30) As is discussed above in relation to the zoning matter, it is do not considered that any reverse sensitivity effects are more or less likely to occur whether these properties are zoned as General Rural Zone or Rural Lifestyle Zone.
- (31) In addition, it is Ms Easton's view that there is insufficient information to support this amendment, including in relation to other sites and land owners that may desire a similar carve out.