

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF Central Hawke's Bay Proposed District Plan Hearing
Stream 5 (Hazards and Risks, Earthworks, and
Subdivision)

STATEMENT OF EVIDENCE BY STEVEN JOHN TUCK

ON BEHALF OF SILVER FERN FARMS LIMITED

(SUBMITTER 116 & FURTHER SUBMITTER 8)

23 AUGUST 2022

1. INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

- 1.1 My full name is Steven John Tuck.
- 1.2 I am a senior consultant with the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Hamilton, Mount Maunganui, Napier, Nelson and Dunedin.
- 1.3 Mitchell Daysh Limited has been engaged by Silver Fern Farms Limited (“**Silver Fern Farms**”) to provide resource management advice about the Central Hawke’s Bay Proposed District Plan (the “**PDP**”). I prepared Silver Fern Farms’ submission and further submission on the PDP.
- 1.4 I appeared before the PDP Hearings Panel in June 2022 on behalf of Silver Fern Farms, with respect to Hearing Stream 3 (Rural). In that earlier statement of evidence, I set out my qualifications and experience as an expert planning witness. I do not repeat these here and this statement of evidence relies on the background covered in that earlier evidence.
- 1.5 Notwithstanding that this is not an Environment Court hearing, I reconfirm my agreement to comply with the obligations in terms of the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

- 1.6 In this statement of evidence, I will:
 - 1.6.1 Briefly outline the context for the submissions lodged by Silver Fern Farms on the Hazards and Risks, Earthworks, and Subdivision provisions subject of Hearing Stream 5;

- 1.6.2 Outline the main aspects of the relief sought by Silver Fern Farms and address the recommendations of the applicable reports prepared under section 42A of the RMA (the “**s42A reports**”); and
- 1.6.3 Provide a short conclusion.
- 1.7 I have reviewed the following material when preparing this statement of evidence:
- 1.7.1 Silver Fern Farms’ submission and further submission on the PDP;
- 1.7.2 Other relevant submissions and further submissions; and
- 1.7.3 The s42A reports below:
- Contaminated Land & Hazardous Substances, 8 August 2022.
 - Natural Hazards & Climate Change, 8 August 2022.
 - Subdivision (General), 8 August 2022.

2. BACKGROUND TO SILVER FERN FARMS’ SUBMISSION

- 2.1 As set out in my earlier statement of evidence with respect to Hearing Stream 3 (Rural), Silver Fern Farms is a meat processing and exporting business that, on average, processes about 30% of New Zealand’s lamb, beef and venison each year. Silver Fern Farms operates 14 meat processing plants around New Zealand, including a meat processing plant east of Takapau (the “**Site**”), which occupies part of Silver Fern Farms’ large landholding at no. 116 Fraser Road, Takapau.

3. SILVER FERN FARMS SUBMISSION AND S42A RECOMMENDATIONS

- 3.1 The relief sought by Silver Fern Farms’ submission in relation to the Hazards and Risks, Earthworks, and Subdivision provisions under review in Hearing Stream 5 comprised the following key matters.
- 3.1.1 Ensuring the PDP’s hazardous substance policies (i.e., HAZS-P2) appropriately address the issue of potential reverse sensitivity effects associated with proposals to locate incompatible activities in

the vicinity of Major Hazardous Facilities (such as meat processing plants).

3.1.2 Ensuring the PDP rules about the use and storage of hazardous substances (i.e., HAZS-R3) are focused and do not inadvertently capture development that does not involve hazardous substance use and/or storage.

3.1.3 As the Site is near a Fault Avoidance Area (a feature that the PDP shows in the proposed maps and proposes to regulate through various rules), Silver Fern Farms' submission sought to ensure that PDP objectives and policies about natural hazard risk management (e.g., NH-O3, NH-P7, NH-P9) provide for the mitigation of natural hazard risks and do not apply an unworkable requirement for all natural hazard risks to be avoided regardless of the functional/operational needs of an activity or the scale of natural hazard risk.

3.1.4 Ensuring that the PDP subdivision provisions do not inappropriately facilitate subdivision and subsequent land use and developments that would conflict with the fairly robust activities anticipated in the RPROZ.

3.2 For many of the provisions that Silver Fern Farms submitted on, the s42A reports recommend granting the relief sought. In some cases, the s42A reports recommend amendments that differ to the relief sought or recommend rejecting the relief sought.

3.3 I have reviewed the s42A recommendations about each provision submitted on by Silver Fern Farms. My opinion on each recommendation and underlying reasons (where appropriate), are stated in the table attached as **Appendix A** to this statement of evidence.

4. CONCLUSION

4.1 I support all of the s42A recommendations about Silver Fern Farms' submissions on the Hazards and Risks, Earthworks, and Subdivision provisions under review in Hearing Stream 5.

4.2 In my opinion, the s42A report recommendations are appropriate to achieve the overall sustainable management purpose of the RMA and I commend them to the Independent Hearings Panel.

S TUCK

23 August 2022

APPENDIX A:

REVIEW OF S42A RECOMMENDATIONS

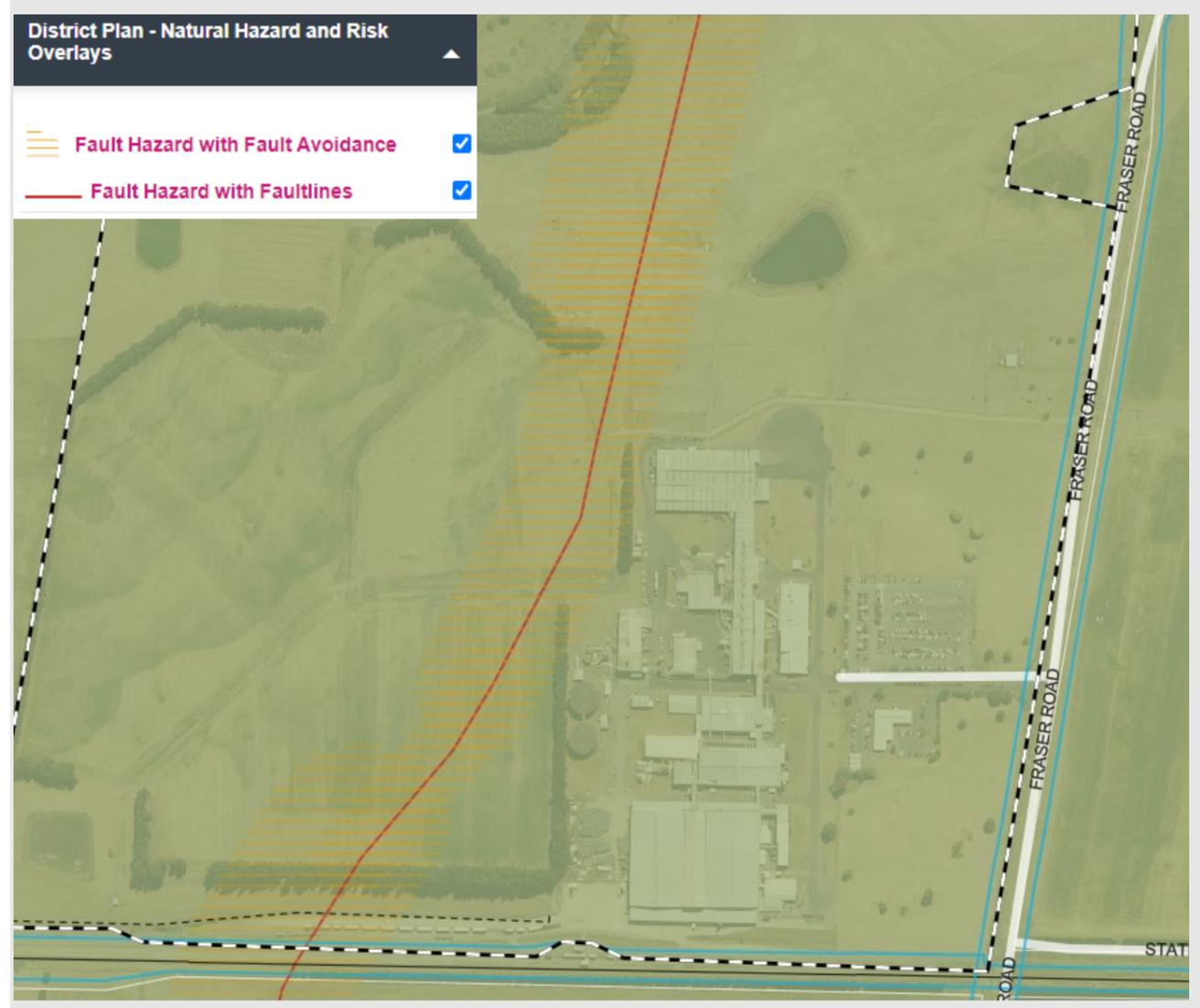
Ref. no.	Provision	Silver Fern Farms' position on notified provisions	s42A recommendation	S Tuck: Opinion on s42A recommendations
DEFINITIONS				
S116.001	Major Hazardous Facility	Amend as follows: <i>ix. meat processing, freezing works and rendering plants</i> [Remainder of definition not shown here.]	Accept in part. Amend as follows: Major Hazardous Facility <i>(a) any facility which involves one or more of the following activities:</i> <i>(i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints)</i> <i>(ii) oil and gas exploration and extraction facilities</i> <i>(iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply</i> <i>(iv) the storage/use of more than 6 tonnes of LPG</i> <i>(v) galvanising plants</i> <i>(vi) electroplating and metal treatment facilities</i> <i>(vii) tanneries</i> <i>(viii) timber treatment</i> <i>(ix) meat processing, freezing works and rendering plants</i> <i>(x) wastewater treatment plants</i> <i>(xi) metal smelting and refining (including battery refining or re-cycling)</i> <i>(xii) milk treatment plants</i> <i>(xiii) fibreglass manufacturing</i> <i>(xiv) polymer foam manufacturing</i> <i>(xv) asphalt/bitumen manufacture or storage</i> <i>(xvi) landfills</i> <i>(xvii) the storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment</i> <i>(xviii) any facility designated a Major Hazard Facility under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016</i> <i>(b) The following activities are not considered to be major hazardous facilities:</i>	Agree with the s42A recommendation.

Ref. no.	Provision	Silver Fern Farms' position on notified provisions	s42A recommendation	S Tuck: Opinion on s42A recommendations
			<ul style="list-style-type: none"> (i) <i>the incidental use and storage of hazardous substances in minimal domestic-scale quantities</i> (ii) <i>retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies)</i> (iii) <i>the incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities</i> (iv) <i>the mixing of fertilisers</i> (v) <i>service stations, truck stops and commercial refuelling activities</i> (vi) <i>pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage</i> (vii) <i>fuel in motor vehicles, boats, airplanes and small engines</i> (viii) <i>military training activities</i> (ix) <i>the transport of hazardous substances (e.g. in trucks or trains)</i> (x) <i>the incidental storage and use of hazardous substances for emergency service activities</i> 	
S116.002	Offensive Process	<p>Amend the definition as follows:</p> <p>Offensive Process means one of the following processes:</p> <ul style="list-style-type: none"> (a) <i>processes requiring offensive trade licenses under the Health Act 1956;</i> (b) <i>the manufacture and processing of chemical fertilisers;</i> (c) <i>meat processing or any associated processing of meat and meat by-products or co-products;</i> (d) <i>fish curing, cleaning, treatment, preserving and storage;</i> (e) <i>cement and concrete products manufacture;</i> (f) <i>hot-mix asphalt paving manufacture;</i> (g) <i>glass or fibre-glass manufacture;</i> (h) <i>wood-pulp manufacture and processing;</i> (i) <i>foundry processes, electro-plating works, melting of metals, steel manufacture and galvanising;</i> (j) <i>natural gas, oil or petroleum distillation or refining;</i> (k) <i>manufacture of hardboard, chipboard or particle board;</i> (l) <i>timber treatment;</i> (m) <i>wool scouring; and</i> (n) <i>motor body building and auto dismantling.</i> <p>The defined term “offensive process” appears in the General Industrial Zone but is not used in any other proposed zones.</p>	<p>Reject. Retain the definition as notified.</p> <p>The s42A report says the purpose of this definition is to distinguish a specific consenting status for activities proposing to locate in the General Industrial Zone and have an “offensive process” component. Without this definition, “industry” activities with an “offensive process” component would have a permitted status in that zone. Specific reference in the General Industrial Zone rules to industrial activities with an “offensive process” component is a filtering mechanism to apply a selective discretionary consenting status. The s42A report goes on to say:</p> <p><i>“In terms of how the definition would be applied in relation to Silver Fern Farms existing Plant near Takapau in the Rural Production Zone, the answer is that it would not be applied – in the Rural Production Zone, industrial activities are not Permitted Activities, therefore there is no need to differentiate between industrial activities involving offensive processes and those that do not, as both would be a Non-Complying Activity”.</i></p>	Agree with the s42A recommendation.

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		<p>Therefore, while sub-clause (c) of the “offensive process” definition encompasses meat processing activities, given the Plant is not in the General Industrial Zone it is unclear if, and how, the definition is intended to be applied in relation to Silver Fern Farms Plant in the Rural Production Zone.</p>		
FS8.018	Ancillary Rural Earthworks (Primary Production)	<p>NZ Pork (S42.002), supported by Silver Fern Farms (FS8.018), seeks an amendment to the definition of ‘Ancillary Rural Earthworks (Primary Production)’ in the PDP to include ‘the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993’.</p> <p>This would allow farmers to undertake earthworks related to burying material in the event of a biosecurity incident as a permitted activity.</p>	<p>Accept in part. Amend as follows:</p> <p><i>Ancillary Rural Earthworks (Primary Production) means earthworks associated with normal agricultural and horticultural practices, such as:</i></p> <p><i>a. Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fence lines, drilling bores and offal pits, and burying of dead stock and plant waste (including material infected by unwanted organisms as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993);</i></p> <p><i>b. Land preparation and vegetation clearance undertaken as part of horticultural plantings; and</i></p> <p><i>c. Maintenance of existing walking tracks, farm and forestry tracks, driveways, roads and accessways within the same formation width.</i></p> <p><i>Note: for clarification purposes, the alteration or disturbance of land associated with ‘gardening, cultivation, and disturbance of land for the installation of fence posts’ is excluded from the definition of ‘earthworks’.</i></p>	Agree with the s42A recommendation.
HAZARDS & RISKS				
S116.019	HAZS-P2	<p>Policy HAZS-P2 does not appear to contemplate the implications of setback requirements for legally established Major Hazardous Facilities, in cases where incompatible activities have been allowed to encroach into the surroundings.</p> <p>Silver Fern Farms considers that the Proposed Plan allowance for 'lifestyle site' subdivision in the RPROZ, and the proposed Rural Lifestyle zoning of land near the Plant, will give rise to encroachment into the rural environment by incompatible land uses. In that situation, this policy would burden Silver Fern Farms with the duty to avoid adverse effects, if it seeks to upgrade or expand the Plant in the future.</p>	<p>Accept. Delete the policy.</p> <p><i>To ensure Major Hazardous Facilities avoid or are adequately set back from:</i></p> <p><i>1. residential activities;</i></p> <p><i>2. vulnerable activities;</i></p> <p><i>3. the coast, historic heritage and scheduled features;</i></p> <p><i>4. scheduled wāhi tapu, wāhi taonga and sites of significance;</i></p> <p><i>5. priority waterbodies, including sources of potable water; and</i></p> <p><i>6. identified natural hazard areas.</i></p>	Agree with the s42A recommendation.

Ref. no.	Provision	Silver Fern Farms' position on notified provisions	s42A recommendation	S Tuck: Opinion on s42A recommendations
FS8.026	HAZS-R3	This rule should be refined to focus on activities that increase hazardous substance storage, or off-site risk associated with hazardous substance, and should not inadvertently apply to development undertaken at an existing Major Hazardous Facility but unrelated to hazardous substances.'	Accept. Amend as follows: <i>HAZS-R3 <u>New Major Hazardous Facilities, or upgrading of existing; Major Hazardous Facilities where this results in an increase in the quantity of hazardous substances used or stored on-site or a change in the storage method.</u></i> All Zones 3. Activity Status: DIS 4. Activity status where compliance not achieved: N/A	Agree with the s42A recommendation.

The screenshot adjacent identifies the location of a proposed Fault Avoidance Area mapped immediately west of Silver Fern Farms' Takapau Processing Plant. This is provided to inform the Panel's consideration of the evidence below.



Ref. no.	Provision	Silver Fern Farms' position on notified provisions	s42A recommendation	S Tuck: Opinion on s42A recommendations
FS8.027 FS8.028 FS8.029 FS8.030	NH-O3	<p>The all-inclusive use of “Any” in this objective - ‘Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided’ - is unworkable and requires amendment.</p> <p>As policy NH-P8 encourages relocatable and/or recoverable activities in areas of natural hazard risk, the all-encompassing drafting of this objective NH-O3 may be an oversight.</p> <p>Objective 31 and Policy 3.12.1 of the Hawkes Bay Regional Policy Statement prioritise areas of high human population density and contemplate natural hazard remediation and mitigation measures - not just avoidance.</p>	<p>Accept in part. Amend as follows:</p> <p><i>Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards <u>is</u> should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.</i></p>	Agree with the s42A recommendation.
FS8.031	NH-P7	<p>The requirement of this policy to avoid <i>all</i> development in areas of significant natural hazard is inappropriate and requires clarification. Otherwise, appropriate and/or necessary development is precluded.</p> <p>Silver Fern Farms notes that policy NH-P8 encourages relocatable and/or recoverable activities in areas of natural hazard risk, which further clouds the meaning of this policy NH-P7.</p>	<p>Accept in part. Amend as follows:</p> <p><i>To adopt and promote an avoidance approach to <u>the establishment of new vulnerable activities, and BIC 4 structures with post-disaster functions (including major hazardous facilities)</u> new development located within areas of significant natural hazard risk from natural hazards, where there is no functional or operational need to locate in these areas, rather than mitigation or remedial measures.</i></p>	Agree with the s42A recommendation.
FS8.032	NH-P9	<p>Delete this policy.</p> <p>The mitigation of effects is available to resource consent applicants under various sections of the RMA.</p> <p>As such, the ‘avoidance’ focus of this policy “<i>To ensure that subdivision, land use activities or other new development is located and designed to avoid the need for further natural hazard mitigation activities</i>” is inappropriate.</p>	<p>Reject. Amend as follows.</p> <p><i>To ensure that subdivision, land use activities or other new development is located and designed <u>so as not to necessitate to avoid the need for further natural hazard mitigation activities in order to minimise risks associated with natural hazards to people, property, and infrastructure.</u></i></p> <p>The s42A report states:</p> <p><i>“I do not support deletion of the policy, as the policy assists in giving effect to Objective NH-O2 in terms of seeking to minimise risks from natural hazards, and Objective NH-O3 in terms of seeking to avoid any increase in risk from the effects of natural hazards. If a proposal necessitates further natural hazard mitigation activities, then it is clearly not minimising risks and implies that there is increasing risk as a result. I agree with Kāinga Ora, that this could be clarified through amended wording”.</i></p>	<p>Agree with the s42A recommendation.</p> <p>Proposed Policy NH-P9 would be relevant to future resource consent applications for activities located in the proposed “Fault Avoidance Area” overlay west of Silver Fern Farms’ Takapau Processing Plant.</p> <p>Based on paragraph 5.3.30 of the s42A report (italicised below), I understand that NH-P9 is intended to support Objectives NH-O2 and NH-O3.</p> <p>Those objectives expressly contemplate the “management” of natural hazard risks, through remediation or mitigation, and do not mandate risk avoidance.</p> <p>On that basis, I am comfortable with the s42A recommendation.</p>

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FS8.033	NH-R1	<p>In a mapped Fault Avoidance Area, Flood Hazard Area and/or Tsunami Hazard Area, the scope for people to undertake natural hazard mitigation activities on a permitted basis should be widened, where the mitigation:</p> <ul style="list-style-type: none"> ▪ Is necessary to reduce natural hazard risk; ▪ Cannot avoid encroaching into the mapped natural hazard risk area; and ▪ Does not exacerbate or displace natural hazard risks onto other parties. <p>Amend as follows:</p> <p><i>NH-R1 Natural hazard mitigation activities within a Natural Hazard area</i></p> <p>1. <i>Activity Status: PER</i></p> <p><i>Where the following conditions are met:</i></p> <p><i>a. The activity is carried out by or on behalf of a local authority, network utility operator or a requiring authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002; or</i></p> <p><i>b. <u>the natural hazard risk cannot be reasonably avoided, and the mitigation works do not transfer or create unacceptable hazard risk to other people, property, infrastructure or the natural environment.</u></i></p>	Reject. Retain NH-R1 as notified.	<p><i>“5.3.30 [...] the policy assists in giving effect to Objective NH-O2 in terms of seeking to minimise risks from natural hazards, and Objective NH-O3 in terms of seeking to avoid any increase in risk from the effects of natural hazards. If a proposal necessitates further natural hazard mitigation activities, then it is clearly not minimising risks and implies that there is increasing risk as a result. I agree with Kāinga Ora, that this could be clarified through amended wording”.</i></p>
FS8.034	NH-R2	<p>As a ‘BIC 2b(c)’ structure (under NH-APP1 – Table of Building Importance Categories (BIC)), future development and/or building additions in areas of Silver Fern Farms’ Site where the Fault Avoidance Area mapping applies would be subject to the same matters of discretion as an entirely different building type, such as <i>“Multi-occupancy residential, commercial (including offices and retail”</i>.</p>	<p>Reject. Amend NH-R2 as follows:</p> <p><i>NH-R2 Any new, building or alteration to an existing, <u>buildings and structures</u> within a Natural Hazard area</i></p> <p><i>Fault Avoidance Area</i></p> <p>1. <i>Activity Status: PER</i></p>	<p>Agree with the s42A recommendation.</p> <p>With respect to proposals seeking to locate in a Fault Avoidance Area, I agree with the s42A recommendations to apply a restricted discretionary consenting pathway for BIC 2b and BIC 3 buildings/structures, and the non-</p>

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		Silver Fern Farms agrees with Woolworths New Zealand Limited (S66.003) that the broadly framed matters of discretion (particularly NH-R2(2)(b)) need refining to ensure that different building types under the 'BIC 2b' category are only assessed against relevant matters when resource consent applications are processed.	<p>Where the following conditions are met:</p> <p>a. The building <u>or structure</u> is a BIC 1 or 2a category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</p> <p>2. Activity status where the building <u>or structure</u> is a BIC 2b or 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the building <u>or structure</u> in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity <u>is likely to increase or exacerbate those risks</u> will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. The susceptibility of the building <u>or structure</u> to the effects of ground shaking and displacement from earthquakes.</p> <p>d. The ability to mitigate the effects of the hazard, including through any one or more of the following: foundation design, site layout, geotechnical setbacks, or building <u>or structure</u> design.</p> <p>3. Activity status where the building <u>or structure</u> is a BIC 4 category structure: NC</p>	complying consenting status provided for proposed BIC4 buildings/structures located in a Fault Avoidance Area.
FS8.035	NH-APP1	<p>An assessment methodology for natural hazard risk to buildings that is relevant to the particular building type in question, is preferable to the broad BIC categories and matters of discretion set out in the notified PDP.</p> <p>The latter seem to apply generic assessment criteria to highly dissimilar building typologies. It would not be appropriate, for example, for natural hazard risk at the Site to be assessed in an identical manner to a residential development.</p>	<p>Reject.</p> <p>Amend Appendix NH-APP1 (Building Importance Categories) to include reference to <u>Network utilities not included in BIC 1, 2a, 3 or 4</u>, as sub-clause (f) of BIC 2b.</p>	<p>Agree with the s42A recommendation.</p> <p>I accept that the distinctions between the BIC categories described in NH-APP1 provide appropriate guidance for the management of different building types in areas of natural hazard risk.</p>
SUBDIVISION				
S116.020	SUB-O1	Support. Retain this provision.	<p>Accept in part. Amend as follows:</p> <p><i>Subdivision of land that is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to: [...]</i></p>	Agree with the s42A recommendation.

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S116.021 FS8.036	SUB-O4	Support. Retain this provision. Oppose amendment sought by Kainga Ora.	Accept in part. Amend as follows: <i>Reverse sensitivity effects of subdivision and its resulting future land use activities on existing lawfully established activities (including network utilities) are avoided where practicable, or mitigated where avoidance is not practicable.</i>	Agree with the s42A recommendation.
S116.022 FS8.037	SUB-P16	Amend SUB-P16 as follows: 'To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near primary production, <u>rural industry</u> or industrial activities and existing public works.' As subdivision fundamentally influences land use, oppose Kainga Ora request to delete this policy.	Accept in part. Amend as follows: <i>To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near <u>existing</u> primary production activities (including intensive primary production activities), <u>rural industries</u>, or industrial activities and/or existing <u>public works</u> network utilities.</i>	Agree with the s42A recommendation.
S116.027	SUB - Principal Reasons	Amend the last paragraph of 'SUB - Principal Reasons' as follows: [...] Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, <u>rural industry activities</u> , industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to operate, <u>upgrade or expand</u> (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.	Accept in part. Amend as follows: [...] <i>Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, <u>rural industry activities</u>, industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to <u>legally</u> operate, <u>upgrade or expand</u> (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.</i>	Agree with the s42A recommendation.
FS8.040	SUB-AM11	Opposes Kāinga Ora's (S129.118) request to amend Assessment Matter SUB-AM11, given the predominant role of the Rural Production Zone and General Rural Zone in providing for rural activities, where the avoidance of activities that may cause reverse sensitivity effects is an appropriate consideration, and the legitimate role of restrictive covenants and/or consent notices as methods to prevent reverse sensitivity effects arising.	Accept in part. Amend as follows: <i>Sites/Lots in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or primary production activities, including intensive primary production activities, rural industry and industrial activities</i> 1. <i>The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in</i>	Agree with the s42A recommendation.

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assessing the development, the following factors will be considered:

- a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.*
- b. The location of the house sites which will avoid where practicable, or otherwise mitigate any potential for reverse sensitivity effects.*
- c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being experienced.*
- d. The registration of restrictive covenants and/or consent notices (where they are offered by the applicant) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.*