

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 6 (Maps)

STATEMENT OF EVIDENCE BY STEVEN JOHN TUCK

ON BEHALF OF SILVER FERN FARMS LIMITED

(SUBMITTER 116 & FURTHER SUBMITTER 8)

31 OCTOBER 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) and I prepared evidence in respect of Hearing Stream 5 (Natural Hazards, Subdivision, Earthworks). In the statement of evidence prepared in respect of Hearing Stream 3 (Rural), 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 Mapping provisions that are the subject of Hearing Stream 6;

- 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:
- Maps & Rezoning Requests (Volume 1), 14 October 2022.
 - Maps & Rezoning Requests (Volume 2), 14 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.
- 2.2 A description of the Site is also provided in that earlier statement of evidence and I do not repeat that here.

3. SILVER FERN FARMS’ SUBMISSION AND FURTHER SUBMISSION

- 3.1 The relief sought by Silver Fern Farms’ submission in relation to the Mapping provisions under review in Hearing Stream 6 comprised the following key matters.

- 3.1.1 Ensuring that any rezoning of rural land around the Site does not facilitate the introduction of incompatible land uses into the surroundings.
 - 3.1.2 Ensuring the PDP adequately addresses the potential risk of adverse reverse sensitivity effects.
- 3.2 The relief sought by Silver Fern Farms' further submission in relation to the Mapping provisions under review in Hearing Stream 6 comprised the following key matters.
- 3.2.1 Ensuring that the PDP recognises and provides for the Site's continued operation and associated effects including the management of sensitive activities in rural zones to ensure that lawfully established activities that are appropriately located in and/or functionally dependent on a rural location are not compromised.
 - 3.2.2 Opposition to the submissions of Te Mata Mushrooms Land Company Limited ("**Te Mata Mushrooms**") that sought for the land west of Fraser Road (Takapau) and the eastern boundary of the proposed Settlement Zone for Takapau, including the Site be set aside for future commercial and industrial development and use. In particular, for the Planning Maps to be amended to show a 'Future Development Area' overlay over land at and adjacent to the Site¹ and the introduction of a new Chapter in the Proposed Plan to provide for a Structure Plan and specific provisions for the new 'Future Development Area'. Or alternative rezoning of the land identified from 'Rural Production Zone' to 'General Industrial Zone'.

4. S42A RECOMMENDATIONS

- 4.1 For the provisions that Silver Fern Farms submitted on, the s42A report recommends acceptance of the relief sought. That being rejection of the

¹ Lot 2 DP 24989, Oruawharo Road, Takapau - potentially extending south of SH 2 with the road and rail as geographic boundaries, and Fraser Road as the eastern extent.

rezoning of the Site and adjacent land requested by Te Mata Mushrooms and retention of the current zoning of Rural Production Zone.

- 4.2 I have reviewed the s42A recommendations with respect to the rezoning request and agree with the recommendation and associated reasons that the rezoning request be rejected and any amendments to provisions as a consequence of that rezoning also be rejected. My opinion on each recommendation, are stated in the table attached as **Appendix A** to this statement of evidence.
- 4.3 In my opinion the s42A officer's recommendation is appropriate for the following reasons:
- 4.3.1 Silver Fern Farms intends to continue the operation of the established rural industry activity at the Site.
- 4.3.2 The relief sought by Te Mata Mushrooms' submission would inappropriately compromise the continued operation of the Site because:
- The Site would be included in an urban Industrial, Commercial or Settlement zone, or Future Development Overlay. These instruments would limit the continued operation (and upgrading, maintenance or expansion) of the Site - despite the functional need of rural industry for a rural location, and the significant benefits of the Site's continued operation; and
 - Incompatible urban activities would be enabled close to the Site, radically increasing the potential for land use conflict to arise.
- 4.3.3 The rezoning request inherently contradicts the objectives of the Rural Production Zone of the PDP which are to protect the rural land resource from being compromised by inappropriate building and development, including from ad hoc urban expansion (Objective RPROZ-O2).
- 4.3.4 The rezoning request does not meet the expectation of the Hawkes Bay Regional Policy Statement that requires that any rezoning for

urban development activities is accompanied by a structure plan (Policy POLUD11).

4.3.5 The Rural Production Zone is (largely) an appropriate zone to accommodate rural industry and minimise the risk of reverse sensitivity effects from constraining rural industry.

5. CONCLUSION

5.1 I support all of the s42A recommendations about Silver Fern Farms' submissions on the mapping provisions under review in Hearing Stream 6.

5.2 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

31 October 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 |
|----------|----------------------|--|--|---|
| FS8.002 | MAPS | Silver Fern Farms opposes the amendments to the Planning Maps sought by Te Mata Mushrooms. | Reject the proposed rezoning. Retain the Rural Production Zoning as notified. | Agree with the s42A recommendation. |
| FS8.015 | RPROZ-O2 | Silver Fern Farms opposes the amendments RPROZ-O2 sought by Te Mata Mushrooms. | Reject the proposed amendments to RPROZ-O2. | Agree with the s42A recommendation. |
| FS8.016 | RPROZ-P9 | Silver Fern Farms opposes the amendments to RPROZ-P9 sought by Te Mata Mushrooms. | Reject the proposed amendments to RPROZ-P9. | Agree with the s42A recommendation. |
| FS8.007 | RPROZ-RXX (new rule) | Silver Fern Farms opposes the insertion of the new rule sought by Te Mata Mushrooms. | Reject the proposed insertion of the new rule. | Agree with the s42A recommendation. |
| FS8.003 | RLR-O1 | Silver Fern Farms opposes the amendments to RLR-O1 sought by Te Mata Mushrooms that are consequential to the identification of Future Development Area at Takapau. | Accept, insofar as Objective RLR-O1 is to be retained. <i>[Note: retention of this objective was provisionally addressed in Key Issue 2 of Volume 1 of the s42A Rural Environment Report]</i> | Agree with the s42A recommendation. |
| FS8.004 | RLR-P2 | Silver Fern Farms opposes the amendments to RLR-P2 sought by Te Mata Mushrooms that are consequential to the identification of Future Development Area at Takapau. | Accept, insofar as Policy RLR-P2 is to be retained <i>[Note: retention of this objective was provisionally addressed in Key Issue 2 of Volume 1 of the s42A Rural Environment Report]</i> | Agree with the s42A recommendation. |
| FS8.006 | RLR-M1 | Silver Fern Farms opposes the amendments to RLR-M1 sought by Te Mata Mushrooms that are consequential to the identification of Future Development Area at Takapau. | Accept in part <i>[insofar as other parts of this submission point were accepted in Key Issue 2 of Volume 1 of the s42A Rural Environment Report]</i> | Agree with the s42A recommendation. |
| FS8.008 | GRUZ-I2 | Silver Fern Farms opposes the amendments to GRUZ-I2 sought by Te Mata Mushrooms. | Reject <i>[Note: other parts of this submission point were addressed in Key Issue 6 of Volume 1 of the s42A]</i> | Agree with the s42A recommendation. |