

BEFORE THE HEARINGS PANEL APPOINTED BY THE  
OTAGO REGIONAL COUNCIL

**IN THE MATTER OF** of the Resource Management Act 1991 (“the Act”)

**AND**

**IN THE MATTER OF** the Proposed Otago Regional Policy Statement 2021  
 (“PORPS”) Hearing

**SUBMITTER** Silver Fern Farms Limited, submitter 221

---

**STATEMENT OF EVIDENCE BY STEVE TUCK ON BEHALF OF SILVER FERN  
FARMS LIMITED**

23 NOVEMBER 2022

---

## **CONTENTS**

1.	Introduction and Background	2
2.	Scope of Evidence	2
3.	Background to Silver Fern Farms Submission	3
4.	Introduction and General Themes	5
5.	Resource Management Overview	5
6.	AIR - Air	6
7.	LF - Land and Freshwater	10
8.	ECO – Ecosystems and Indigenous Biodiversity & Appendices 2 and 3	11
9.	UFD – Urban Form and Development	14
10.	Conclusion	20

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 My name is Steve Tuck, I am an Associate with Mitchell Daysh Limited which practices as a planning and environmental consultancy firm throughout New Zealand.
- 1.2 I hold a Master of Social Science (Planning and Environment) from RMIT University, Melbourne. I am a member of the New Zealand Planning Institute and the Resource Management Law Association.
- 1.3 I have been engaged in private and public sector town planning and resource management roles in New Zealand and Australia since 2011. My experience includes a mix of local authority and private consultancy resource management work. In recent years I have focused on providing consultancy advice relating to regional and district plans, resource consents and environmental effects assessments. This has included involvement with regionally and nationally significant projects in New Zealand and Victoria. My recent relevant experience is outlined in **Appendix A** to this evidence. I prepared the submission and further submission on the Proposed Otago Regional Policy Statement 2021 (“PORPS”) on behalf of Silver Fern Farms Limited (“Silver Fern Farms”), submitter number 221.
- 1.4 Although this is not an Environment Court hearing, I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses. 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.

## **2. SCOPE OF EVIDENCE**

- 2.1 By way of summary, in this statement of evidence I will:
- 2.1.1 Summarise the background context to Silver Fern Farms submission on the PORPS.

- 2.1.2 Consider Silver Fern Farms' submissions with respect to the PORPS and the recommendations of the relevant section 42A reports and associated supplementary evidence.
- 2.2 My evidence will primarily focus on the outcomes sought by Silver Fern Farms submission relating to:
  - 2.2.1 Managing the potential reverse sensitivity effects caused by the establishment of incompatible activities in the rural environment.
  - 2.2.2 Clarifying and resolving potential inadvertent outcomes that could result from the ecological significance provisions of the PORPS ECO chapter and Appendices 2 and 3.
  - 2.2.3 Amending discrete provisions that inappropriately require the unqualified avoidance of all adverse effects regardless of severity and without contemplating other possible effects management methods, like mitigation measures.
  - 2.2.4 Clarifying ambiguous provisions that are potentially uncertain and/or difficult to implement at the level of project consenting.
- 2.3 In preparing this statement of evidence I confirm that I have read the relevant s42A reports and supplementary evidence, and submissions by other parties on the non-freshwater planning sections of the PORPS. For ease of reference, I have footnoted relevant parts of the Council reports and supplementary evidence. I have focussed my evidence on areas where I specifically disagree with the Council recommendations or wish to highlight particular aspects of a recommendation that I support.

### **3. BACKGROUND TO SILVER FERN FARMS SUBMISSION**

- 3.1 Silver Fern Farms is a leading producer and global marketer of grass-fed red meat. Its 13 meat processing sites process 30% of all New Zealand's lamb, beef and venison, sourced from 16,000 sheep, beef and deer farms.

- 3.2 One of Silver Fern Farms flagship sites is a landholding developed with a meat processing plant at Yorston Road, Finegand (the “Site”). The Site is in the Clutha District. It is one of the busiest meat processing plants in New Zealand. A plan of the Site and its features is provided at **Appendix B** to this evidence.
- 3.3 The Site is 48 hectares, located 3.5 km south of Balclutha, on the western (true right) bank of the Koau branch of the Clutha River. It is adjacent to tributaries of the Clutha River and the regionally significant Finegand Marsh<sup>1</sup>. Silver Fern Farms leases an additional 21 hectares east of the Site from the Otago Regional Council (“Council”), to graze stock.
- 3.4 The Site is in the Industrial Zone of the Clutha District Plan. The Industrial Zone in this location is a patch of approximately 97 hectares that is surrounded by land in the Rural Zone.
- 3.5 Meat processing activities (i.e., “rural industry”<sup>2</sup>) have occupied the Site for over 100 years. In 2021, the Site processed approximately 940,000 sheep and lambs and 125,000 cattle and produced 2,894 containers of produce for export.
- 3.6 The Site’s workforce is 1,200 – 1,300 people during the peak of the meat processing season. The Site is staffed by mainly local people, including approximately 10% of the 4,170 population of Balclutha. The Site is a key component of Balclutha’s economy and the region’s agricultural sector.
- 3.7 The value of Silver Fern Farms’ investment at the Site is around \$295 million. Much of this value is “sunk” and could not be recovered if the Site was required to downsize, close or relocate.
- 3.8 The Site is subject to 15 resource consents issued by the Council which authorise activities (such as discharges) that are necessary for the ongoing operation, use and maintenance of the Site. Discretionary resource consent applications to renew seven discharge permits for the

---

<sup>1</sup> The setting is detailed in section 4 of Silver Fern Farms’ submission on the PORPS.

<sup>2</sup> Defined in the National Planning Standards 2019 as “an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production”.

Site were lodged with the Council in May 2020<sup>3</sup>. Consent processing was ongoing when this evidence was written.

- 3.9 The ‘reconsent’ applications seek a 25-year consent duration, reflecting the value of the investment, the ability to manage the Site’s effects within acceptable limits, and the significant social and economic benefits associated with gaining certainty about the continued operation of the Site in the long-term.

#### **4. INTRODUCTION AND GENERAL THEMES**

##### **Interpretation: “Reverse sensitivity” and “Rural industry”**

- 4.1 Silver Fern Farms’ submission and further submission identified a need for “reverse sensitivity” and “rural industry” to be defined, and for ‘amendments to policies that will guide consideration of urban expansion and rural rezoning proposals.
- 4.2 The s42A documentation recommends new definitions of “reverse sensitivity” and “rural industry” generally as sought by submitters. The former definition is based on the 2019 Otago Regional Policy Statement. I agree with the s42A analysis and recommendation about this definition<sup>4</sup>. I also agree with the s42A author that it is appropriate to define “rural industry” in a manner consistent with the National Planning Standards 2019.

#### **5. RESOURCE MANAGEMENT OVERVIEW**

##### **IM – Integrated Management: IM-P14 – Human Impact**

- 5.1 Silver Fern Farms’ submission sought deletion of IM-P14 because it is unclear and lacks clarity to the references to “limits” to “growth” and environmental degradation. The section 42A author has recommended amendments to this Policy but these changes to sub-clauses (1) – (3) do not clarify how the nominated limits to growth and/or environmental

---

<sup>3</sup> Council consent application reference number RM20.349

<sup>4</sup> Section 3.6.13.2 of the “Chapter 3: Definitions and Abbreviations” s42A report discusses amalgamating the definitions of “reverse sensitivity” proposed by Fonterra and Waka Kotahi.

degradation will be defined, nor how they will operate in lower order planning instruments.

- 5.2 I also note that IM-P14(3) refers to “regularly assessing and adjusting” limits, which appears to infer additional uncertainty for existing uses and consented activities, beyond the review of consent conditions under RMA s128.
- 5.3 I share the concerns of submitters opposing this policy that the seemingly strict framing of IM-P14(2) is incompatible with the RMA’s sustainable management purpose. RMA s5 enables activities to provide for people’s well-being, if adverse effects on resources are managed appropriately. Some environmental degradation can be acceptable in the context of an overall net positive outcome.
- 5.4 IM-P14 does not seem to apprehend that activities that exceed a limit can produce a net positive outcome aligned with the RMA’s purpose. IM-P14(2) and (3) do not contemplate a merits assessment of proposals that exceed the “limits” to a minimal degree. As such, the policy risks inadvertently precluding appropriate and beneficial proposals simply because the proposal exceeds a limit. Precluding proposals that would produce an overall net environmental gain on the grounds that a limit is exceeded (regardless of the severity of the incurred environmental effect) seems counter to IM-M1(6) - to establish limits that “...support healthy ecosystem services and intrinsic values”.
- 5.5 For the reasons stated above, I consider that this policy should be deleted.

## **6. AIR - AIR**

### **Amendments to AIR - Air**

*AIR-O2 – Discharges to air*

*Human health, amenity values and mana whenua values and the life-supporting capacity of ecosystems are protected from the adverse effects of discharges to air.*

- 6.1 In response to the submission by Fonterra (supported by Silver Fern Farms) that sought a more enabling formulation of AIR-O2, the author of the section 42A report considers that unqualified “protection” from all adverse effects is appropriate in the context of policies that set out the level of adverse effects that are acceptable.
- 6.2 I have reservations about this position in light of the recommended text of some of the AIR policies. The policies also seem to require unqualified adherence to limits that are unknown, until the Council notifies an amended Regional Air Plan in 2024 that introduces air discharge limits to comply with AIR-P1 and AIR-P2<sup>5</sup>.
- 6.3 For example, AIR-P1 refers to “*only* allowing discharges to air” that have “no more than minor” adverse effects and do not exceed a limit. AIR-P4 refers to avoiding “as the first priority” discharges to air with (subjective) “offensive or objectionable” effects. I recommend amendments to both of these policies in **Appendix C** to this statement of evidence.
- 6.4 The combination of an unqualified “protection against all adverse effects” setting in AIR-O2 with avoidance requirements and references to uncertain “limits” and subjective effects in the policies appears to provide a very restrictive pathway for the consenting of air discharges, even those with effects that exceed a “limit” but have negligible effects and/or can be appropriately managed.
- 6.5 By way of example, the approach in the Auckland Unitary Plan at Objective B7.5.1(3) is to “Avoid, remedy or mitigate adverse effects from discharges of contaminants to air for the purpose of protecting human health, property and the environment”. In my opinion adopting something like this formulation would appropriately qualify the “protection” requirement in AIR-O2 and at the same time provide surety that adverse effects must be managed to protect the stated values. I would support a similar formulation for AIR-O2 and provide an example in the table at **Appendix C** to this evidence.

---

<sup>5</sup> See AIR-M2(1A) of the PORPS.



- 6.6 Silver Fern Farms' further submission supported Horticulture NZ's proposed changes to AIR-P4. That policy as notified required air discharges with any offensive, objectionable, noxious, or dangerous effects to be avoided.
- 6.7 The s42A report recommends disentangling these effects to require noxious or dangerous effects to be avoided while "offensive or objectionable" effects are to be "avoided, as the first priority", as shown below.

*AIR-P4 – Avoiding certain discharges*

*~~Generally avoid~~ discharges to air that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive; or objectionable; ~~noxious or dangerous~~ effects*

- 6.8 AIR-P4 and AIR-P5 overlap, and I am unsure which would prevail in the event of a conflict. AIR-P4 requires Council to prioritise the avoidance of discharges with "offensive or objectionable" characteristics, but AIR-P5 (which refers expressly to industrial activities) says the Council must "manage" - not "avoid" - the adverse effects of air discharges beyond the property of origin. In my view this discrepancy could be resolved by amending AIR-P4 to simply replace the requirement to "avoid, as the first priority" with a reference to "avoid, remedy or mitigate" discharges with "offensive or objectionable" effects. A similar consequential amendment would be appropriate for AIR-M2(1) (Regional Plans) which has similar drafting<sup>6</sup>.

*AIR – P4 Avoiding certain discharges*

*Avoid discharges to air that cause noxious or dangerous effects and avoid, as the first priority, remedy, or mitigate discharges to air that cause offensive, or objectionable effects.*

*AIR-M2 – Regional Plans*

---

<sup>6</sup> Paragraphs 18 and 20 of "Brief of supplementary evidence of Hannah Louise Goslin AIR – Air"

*No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:*

*Avoid discharges to air that cause noxious or dangerous effects and avoid, ~~as the first priority, remedy, or mitigate~~ discharges to air that cause offensive, or objectionable effects [remainder of AIR-M2 not shown here]*

- 6.9 Silver Fern Farms supported a proposed policy AIR-P7 recommended by Horticulture NZ as follows:

*AIR-P7 Sensitive activities*

*Avoid locating new sensitive activities near existing activities which are permitted or consented to discharge to air.*

- 6.10 The s42A assessment report recommended rejecting this submission because “the specifics of addressing reverse sensitivity matters are too detailed for the pORPS and will be a key component of the future Regional Air Plan”<sup>7</sup>.
- 6.11 I disagree with this s42A assessment. Reverse sensitivity issues are addressed throughout the PORPS and a definition of “reverse sensitivity” is recommended by Council to be included in the PORPS. In addition, I do not consider that Horticulture NZ’s policy is only focused on reverse sensitivity but also seeks to address the potential effects of air discharges on people<sup>8</sup>. Although the term “sensitive activities” is now reserved to the EIT chapter<sup>9</sup>, the drafting of Horticulture NZ’s policy could be amended (perhaps by using “non-rural activities” similarly to the UFD policies) to address the effect raised.
- 6.12 Providing policy direction about the siting of new activities relative to existing activities that discharge to air would assist to achieve AIR-AER4 (decreased complaints regarding offensive, objectionable, noxious or dangerous air discharges) and therefore is appropriate in my opinion. As

---

<sup>7</sup> Paragraph 14 of the “Chapter 7: Air” s42A report.

<sup>8</sup> Refer to the reasons on page 56 of Horticulture NZ’s submission.

<sup>9</sup> If s42A recommendations on this term are adopted.

described in the table at **Appendix C** to this statement of evidence, I recommend the following policy:

***AIR-P7 Non-rural activities***

*Manage the establishment of new non-rural activities near existing activities which are permitted or consented to discharge to air.*

**7. LF - LAND AND FRESHWATER**

**LF-LS-P19 – Highly productive land**

7.1 The text of this policy recommended by the s42A report is as follows<sup>10</sup>.

*LF-LS-P19 – Highly productive land*

*Maintain the availability and productive capacity of highly productive land by: [...]*

*3. managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD-P4, UFD-P7 and UFD-P8 [remainder of LF-LS-P19 not shown here].*

7.2 Silver Fern Farms' submission on this provision sought for the term "managing" in sub-clause (3) to be replaced with "restricting". The s42A analysis addresses this submission point<sup>11</sup> and the amendments to UFD-P7(6) (discussed later in my evidence) spell out when activities should be "restricted" from rural areas. As such I am comfortable with this policy continuing to refer to "managing urban development" if the s42A-recommended amendments to UFD-P4, UFD-P7 and UFD-P8 (discussed later in this statement of evidence) are adopted.

**LF-FW-P13 – Preserving natural character**

7.3 Silver Fern Farms supported the submission of OceanaGold which raised concerns with how this policy implements policies ECO-P3 and ECO-P6 and appendices APP2 and APP3 (discussed below).

---

<sup>10</sup> Paragraphs 1508, 1525 – 1526 and 1529 of the "Chapter 9 LF: Land and freshwater" s42A report.

<sup>11</sup> Paragraphs 1508 and 1525 - 1526 of the "Chapter 9 LF: Land and freshwater" s42A report.

- 7.4 LF-FW-P13(1)(b)(i) requires that the instream values and natural character of lakes and rivers and their beds and margins be preserved, and adverse effects on indigenous biodiversity managed in accordance with ECO-P3 (i.e., if the lake or river is a Significant Natural Area (“SNA”)) or ECO-P6 (if the location is not a SNA).
- 7.5 I have strong reservations about the framework the PORPS seeks to establish under the ECO chapter and the associated appendix APP2. I am also concerned that ECO-P6 only facilitates the offsetting of adverse effects in limited circumstances, which are described in APP3.
- 7.6 As such I do not support the requirement at LF-FW-P13(1)(b) for effects on indigenous biodiversity to be managed in accordance with ECO-P3 or ECO-P6. I detail my reservations about those provisions at section 8 of this statement of evidence, below.

## **8. ECO – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY & APPENDICES 2 AND 3**

### **Significant Natural Area provisions**

- 8.1 A key issue raised in Silver Fern Farms submission is the absence of a consenting pathway for activities that run against the highly restrictive PORPS policies relating to SNAs.
- 8.2 Appendix APP2 (Significance criteria for indigenous biodiversity) presents a wide set of criteria that must be used to define SNAs. ECO-P2(1) requires SNAs to be mapped. ECO-P3 requires the avoidance of “any reduction of the area or indigenous biodiversity values” of an SNA.
- 8.3 Exceptions to this hard limit on adverse effects are provided at ECO-P4 and ECO-P5. However, the former only provides a consenting pathway for a few discrete activities. The exception under ECO-P5 provides for existing activities to continue, but not expand or intensify. These narrow exceptions seem likely to exclude most resource consent applications that affect a SNA.

- 8.4 I have not been able to locate a s32 assessment of the likely extent of SNAs in Otago. As such I am not sure what the likely impact of the proposed SNA framework will be on development activity in Otago. The breadth of the APP2 significance criteria list seems to raise the potential that large areas might be defined as SNAs, even inadvertently<sup>12</sup>.
- 8.5 Some insight can be taken from the recent efforts to define SNAs as a precursor to regulation in the Far North District Plan. The result of SNA mapping efforts was the identification of up to 42% of that district as potential SNAs<sup>13</sup>.
- 8.6 The proposed Far North District Plan was notified mid-year and I note that the SNA policy at IB-P1 only provides for inclusion of SNAs in the District Plan “where this is agreed with the landowner and verified by physical inspection where practicable”.
- 8.7 There may be a range of non-resource management reasons for this voluntary approach being adopted. Nonetheless, a merit of the voluntary approach is a reduced risk that inappropriate areas will be inadvertently mapped and regulated as SNAs.
- 8.8 In the absence of certainty about the SNA coverage likely to be generated by the PORPS provisions (i.e., APP2) and the severity of constraints ECO-P3 and ECO-P6 place on otherwise desirable development proposals, PORPS policies and methods that facilitate voluntary instead of regulatory management of SNAs may be a more appropriate approach. This approach also provides useful flexibility if the introduction of a new National Policy Statement for Indigenous Biodiversity outdates the PORPS provisions.

**Provisions for areas outside Significant Natural Areas**

- 8.9 ECO-P6 applies to areas outside SNAs. It requires proposals with adverse effects on indigenous biodiversity to follow an effects management hierarchy. A key matter to note is that the fourth step in the effects

---

<sup>12</sup> Examples are stated in Silver Fern Farms submission on APP2.

<sup>13</sup> < <https://www.fndc.govt.nz/Whats-new/Latest-news/Significant-Natural-Areas-identified-in-Far-North> >.

management hierarchy, after avoid-remedy-mitigate is offsetting. APP3 (Criteria for biodiversity offsetting) curtails the scope to use offsetting, which as noted in Silver Fern Farms' submission, does not align with RMA s104(ab)<sup>14</sup>.

8.10 The upshot of this combination of provisions is an unduly restrictive (in my opinion) effects management regime for SNAs, and unreasonable curtailment on the ability for applicants to offset adverse effects that cannot be avoided, remedied or mitigated. In my view the proposed framework is likely to cause inadvertent outcomes, such as:

8.10.1 Potentially large areas of land being mapped and protected as SNAs, even in already-modified locations that may not be appropriate (or feasible) to be managed as a SNA.

8.10.2 Proposals that would yield overall net ecological benefits being prevented due to an insignificant adverse effect on a SNA.

8.10.3 Proposals affecting indigenous biodiversity not located in a SNA being precluded from offsetting adverse effects, including in cases when avoidance, remediation or mitigation are not possible and/or when the offset would produce an ecological benefit on the status quo.

8.11 The foregoing only relates to ecological effects. It is clear that the framework also entails opportunity costs in terms of potential positive economic, socio-cultural effects that might derive from proposals remaining unrealised due to (potentially minor) adverse effects on values and areas subject to the directions of ECO-P3, ECO-P6, APP2 and APP3.

8.12 I therefore disagree with the recommendations of the s42A report author about these provisions. I consider they should be amended to:

---

<sup>14</sup> "When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to- [...] any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity".

- 8.12.1 Ensure that development proposals are not unreasonably prevented by the mapping and regulation of SNAs pursuant to APP2, ECO-P2 and ECO-P3.
  - 8.12.2 Ensure that implementation of APP2 does not produce incongruous SNAs that are unsuitable / impractical to be managed as such. As discussed earlier a voluntary instead of mandatory approach may be an appropriate method.
  - 8.12.3 Remove unreasonable limits on when biodiversity offsetting is available as an effects management measure from APP3, and ensure alignment with s104(1)(ab) of the RMA instead.
- 8.13 For completeness, I refer to my earlier comments about LF-FW-P13 in section 7 of this evidence, where I noted concerns about the requirement of that policy for adherence to ECO-P3 and ECO-P6.

## **9. UFD – URBAN FORM AND DEVELOPMENT**

- 9.1 Silver Fern Farms' sites are large-scale industrial concerns representing very large, long-term investments into plant, ancillary infrastructure and the local workforce.
- 9.2 The Site at Finegand has indoor and outdoor operational components, as shown by the map of the Site at **Appendix B**. As is typical of meat processing plants, it generates traffic movements (including heavy vehicles), noise, light and odour. Discharges to air and land, and the storage and use of hazardous substances are inherent operational requirements.
- 9.3 The Site cannot simply move somewhere else if reverse sensitivity effects from new incompatible activities curtail operations. Furthermore, wider social and economic effects would arise if the Site operations were constrained or curtailed due to reverse sensitivity effects.
- 9.4 Managing reverse sensitivity effects is a typical theme of regional and district planning reviews. The PORPS policies managing urban form and development and reverse sensitivity effects will influence where and how

urban expansion and rural rezoning occurs. Silver Fern Farms and other submitters questioned whether the notified provisions will adequately support future decisions on proposals with potential reverse sensitivity effects on rural activities.

- 9.5 The PORPS policy framework guiding consideration of urban expansion and rural rezoning proposals is based around policies UFD-P4 (Urban expansion), UFD-P7 (Rural areas), UFD-P8 (Rural lifestyle and rural residential zones) discussed below, as well as LF-LS-P19 (Highly productive land), which is discussed in section 7 of this evidence.

**UFD-P4 - Urban expansion**

- 9.6 UFD-P4(7)(a) relates to the delineation of new urban / rural zone boundaries. The recommended s42A amendments would require reverse sensitivity effects on existing activities (expressly including “rural industry”) to be considered<sup>15</sup> - as below.

*UFD-P4 – Urban expansion*

*Expansion of existing urban areas is facilitated where, at minimum, the expansion: [...]*

*(7) locates the new urban/rural zone boundary interface by considering:*

*(a) adverse effects, particularly reverse sensitivity, on existing activities in rural areas and existing or potential productive primary production or rural industry activities beyond the new boundary*  
[remainder of policy not shown here]

- 9.7 In my view, the recommended changes appropriately prompt an interrogation of if, and to what extent, the location of a new urban boundary will constrain existing and future activities in the rural environment beyond. It is appropriate in my view that “rural industry” is expressly identified, given this activity often a significant, but locationally constrained, presence in the rural periphery around towns and cities.

---

<sup>15</sup> Paragraphs 278(e) and 282(e) of the “Chapter UFD 15: Urban form and development” s42A report and paragraph 18 of “Brief of Supplementary Evidence of Elizabeth Jane White Urban Form and Development Chapter”.



## **Policy UFD-P7 - Rural areas**

9.8 Policy UFD-P7 relates to the management of individual activities in rural areas, as distinct from rezoning proposals. The s42A recommendations about Policy UFD-P7 include changes to sub-clauses (2), (4), (6) and (7) as shown below.

### *UFD-P7 – Rural areas*

*The management of rural areas: [...]*

*(2) ~~outside areas identified in (1)~~, maintains the productive capacity, amenity and character of rural areas, as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region<sup>16</sup> [...]*

*(4) facilitates primary production, rural industry and supporting activities and recognises:*

*(a) the importance of mineral and aggregate resources for the provision of infrastructure and the social and economic well-being of Otago’s communities, and*

*(b) the requirement for mineral and aggregate activities to be located where those resources are present [...]*

*“(6) ~~restricts the establishment of residential activities, sensitive activities, and non-rural businesses~~ non-rural activities which could adversely affect, including by way of reverse sensitivity; or fragmentation, the productive capacity of highly productive land or existing or potential primary production and rural industry activities, unless those sensitive activities are undertaken in accordance with UFD-P4, UFD-P8 or UFD-P9 as relevant<sup>17</sup>*

*(7) ~~otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate:~~*

<sup>16</sup> Paragraphs 314 and 315 of the “Chapter UFD 15: Urban form and development” s42A report.

<sup>17</sup> Paragraphs 319 – 324 of the “Chapter 15 UFD: Urban form and development” s42A report and paragraph 29 of “Brief of Supplementary Evidence of Elizabeth Jane White Urban Form and Development Chapter”.

*(a) an functional need or operational need to be located in rural areas, and*

*(b) methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation, and [remainder of policy not shown here].*

- 9.9 I see the amendment to sub-clause (2) as giving useful policy recognition to the supporting activities that are essential to a functioning rural environment. The amendment acknowledges that rural environments are not simply homogeneous areas of primary production and that complementary “activities and services are required” in these areas. This will be a useful direction when considering consent applications for non-primary production activities in rural zones.
- 9.10 I agree with the s42A recommended version of sub-clause (6) which subtly re-focuses the policy test on the potential effects of “non-rural activities”. In my view the proposed approach is less likely to inadvertently restrict activities simply because the activity in question falls into a broad activity class (i.e., a residential, sensitive or non-rural business activity). Rather the amended policy appropriately requires the effects of *all* non-rural activities to be considered in terms of their effects.
- 9.11 For example, the amended policy is less likely to produce minor technical policy questions around “sensitive”, “residential” or “business” activities that are non-rural but are ancillary to a rural activity (e.g., staff accommodation) or are appropriate to support the “productive capacity, amenity and character of rural areas” described in sub-clause (2).
- 9.12 I do not see the more effects focused approach in sub-clause (6) as generating unreasonable uncertainty as a result of replacing distinct activity classes with the term “non-rural activities”. The PORPS only sets regional directions. Territorial authorities could still define and regulate individual “non-rural” activities through district plan rules if additional specificity is needed.

9.13 The efficacy of the “restriction” on non-rural activities afforded by sub-clause (6) will turn on how the exception for non-rural activities that accord with UFD-P4, UFD-P8 or UFD-P9 operates. If those latter policies are unclear or too enabling, the requirement to restrict the establishment of incompatible non-rural activities will be meaningless. However, I consider that the s42A recommendations on UFD-P4 and UFD-P8 establish a reasonable policy framework to consider if activities should be restricted from establishing. I indicated support for UFD-P4 earlier and set out my support for UFD-P8 later.

9.14 UFD-P7(4) appropriately provides for rural industry to be facilitated in rural areas. Sub-clause UFD-P7(7) is deleted entirely. Silver Fern Farms and other submitters recommended various amendments to (7), but I concur with the s42A analysis, which says that the other amendments to UFD-P7, particularly UFD-P7(6), mean sub-clause (7) is no longer necessary<sup>18</sup>.

#### **UFD-P8 - Rural lifestyle and rural residential zones**

9.15 Policy UFD-P8 relates to proposals to rezone land for rural lifestyle purposes. The s42A recommended text is below.

*UFD-P8 - Rural lifestyle and rural residential zones*

*The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where: [...]*

*(3) minimises impacts on existing primary production and rural industry and other rural activities, rural production potential, amenity values and the potential for reverse sensitivity effects to arise in adjoining rural production zones*<sup>19</sup> [remainder of UFD-P8 not shown here].

9.16 In my view the amendments recommended appropriately call for rural lifestyle zone proposals to address impacts on rural activities, expressly including rural industry. It would be illogical if the PORPS did not require rural lifestyle rezoning proposals to address potential effects on rural

---

<sup>18</sup> Paragraphs 16 - 17 of the “Brief of Supplementary Evidence of Elizabeth Jane White Urban Form and Development Chapter”.

<sup>19</sup> Paragraph 383 of the “Chapter UFD 15: Urban form and development” s42A report and paragraph 11 of “Brief of Second Supplementary Evidence of Elizabeth Jane White Urban Form and Development (Highly Productive Land)”

industry similarly to urban expansion proposals under UFD-P4(7)(a). The reverse sensitivity effects would be very similar.

- 9.17 Although the reference in UFD-P8(3) to “reverse sensitivity” is only expressly stated with regard to land in a Rural Production Zone I do not see this as precluding consideration of reverse sensitivity as an “impact” on rural industry in an Industrial Zone, as is the case at Silver Fern Farms’ Site.
- 9.18 In the table at **Appendix C** at the row relating to submission point 00221.016, I detail why the reference to “rural residential” activities in the policy title should be deleted.
- 9.19 Lastly, for completeness, I note the analysis in the s42A report<sup>20</sup> and supplementary evidence<sup>21</sup> about the term “sensitive activities”. The Council’s position is that the term be retained with a specific focus on the effects of electricity transmission, as defined in the National Policy Statement for Electricity Transmission. However, in the notified version of the PORPS, the term also appeared in the Urban Form and Development provisions “...in the context of defining appropriate locations where sensitive activities can occur within rural areas”<sup>22</sup>.
- 9.20 The Council’s recommended approach is to delete reference to “sensitive activities” from the UFD provisions and reframe those provisions to broadly focus on the adverse effects (including reverse sensitivity) of “non-rural” activities on primary production, rural industry and other rural activities. As indicated in the discussion about UFD-P7(6) above, I agree that the amended UFD text is more efficient and does not prevent District Plan reviews from promulgating rule frameworks to manage the establishment of activities sensitive to the effects of rural activities.

---

<sup>20</sup> Section 3.5.9.3 of the “Chapter 3: Definitions and Abbreviations” s42A report.

<sup>21</sup> “Brief of Supplementary Evidence of Lisa Maree Hawkins Definitions and Abbreviations Chapter”.

<sup>22</sup> *ibid*

## **10. CONCLUSION**

- 10.1 The PORPS should recognise the significant benefits associated with rural industry activities and their contribution to the social and economic wellbeing of the region.
- 10.2 As such, I recommend the amendments in **Appendix C** to this evidence to ensure the PORPS promotes the sustainable management of natural and physical resources and appropriately provides for the social and economic well-being of the community.

Dated: 23 November 2022

Steve Tuck

## **APPENDIX A: AUTHOR'S PROFESSIONAL EXPERIENCE 2021-22**

Silver Fern Farms Limited:

- Preparation of planning submissions and evidence on behalf of Silver Fern Farms Limited in relation to the proposed Central Hawkes Bay and Te Tai o Poutini district plans and draft Kaipara and Gore district plans.
- Ongoing provision of planning advice and resource consent application assistance in relation to Silver Fern Farms' meat processing sites around New Zealand.

Manawa Energy Limited (formerly Trustpower Limited)

- Ongoing provision of planning advice and resource consent application assistance in relation to projects at, and re consenting of, Manawa's hydro-electricity generation schemes around New Zealand.

Waiaua Bay Farm Limited

- Ongoing provision of resource management advice and assistance in relation to various projects at, and the master planning of, the internationally renowned Kauri Cliffs property near Matauri Bay.
- Preparation of planning submissions on the Proposed Far North District Plan mainly with respect to future master-planned subdivision and development at Kauri Cliffs.

OceanaGold (New Zealand) Limited

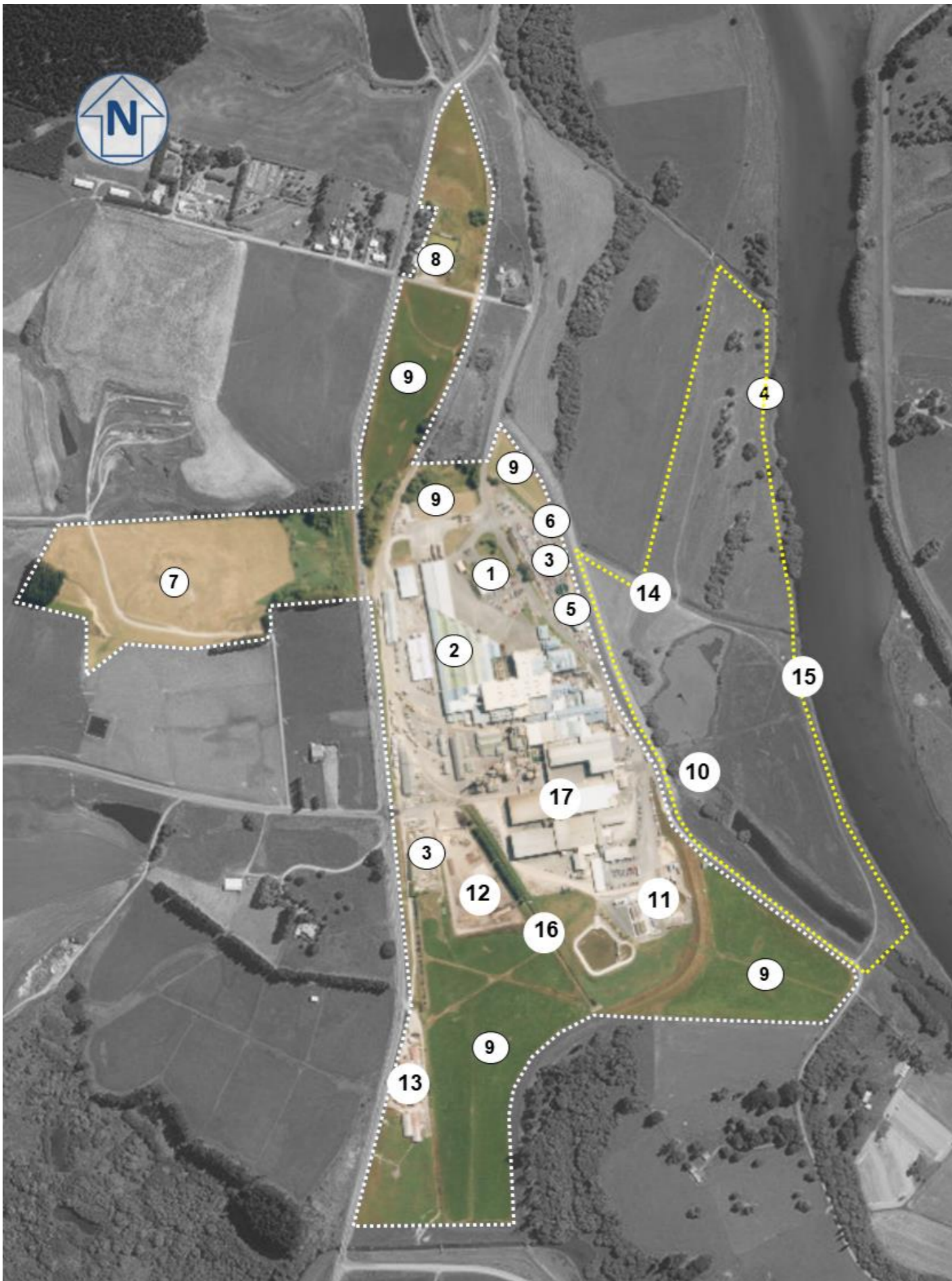
- Provision of resource consent application assistance in relation to a new underground gold and silver mine near Waihi.

- Provision of resource consent application assistance to vary resource consents for the existing Slevin underground mine at Waihi.

Whakatāne District Council

- Provision of resource consent application assistance in relation to a new recreational and commercial boat harbour under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

**APPENDIX B: FINEGAND SITE PLAN**



**Legend:**

- 1 Office
- 2 Stock yards
- 3 Car park
- 4 Water Intake
- 5 Water treatment plant
- 6 Freezer creek monitoring point
- 7 Closed landfill
- 8 Bowling green
- 9 Holding paddocks
- 10 Oxidation pond
- 11 Wastewater treatment plant
- 12 Compost facility
- 13 Windward skins
- 14 Freezer creek
- 15 Wastewater discharge point
- 16 Waitapeka drain
- 17 Chillers
- Legal boundary
- ORC land – grazing licence



APPENDIX C: TABLE OF RECOMMENDATIONS

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
<b>Interpretation – Definition</b>						
FS221 on 00240.025	Highly productive land	Support the relief sought by original submitter.	A definition of ‘Highly productive land’ is needed to facilitate the implementation of Policy ‘LF–LS–P19 – Highly productive land’ and other provisions that seek to manage the use and development of such land.	Grant the relief sought by the original submitter.	<p><u>means:</u></p> <p><u>(a) land that has been identified in accordance with LF-LS-P19; or</u></p> <p><u>(b) where the identification in (a) has not occurred, land in the rural area that is classified as LUC 1, 2 or 3 as mapped by the NZ Land Resource Inventory or by more detailed site-specific research;</u></p> <p><u>has the same meaning as in clause 1.3 of the National Policy Statement for Highly Productive Land (as set out in the box below)</u></p> <p><u>means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)</u></p>	No further amendments required.
FS221 on 00305.005	Reverse sensitivity	Support the relief sought by original submitter.	Silver Fern Farms agrees with the need for, and proposed drafting of, this definition, and in particular, supports reference to the intensification of existing sensitive activities, as well as the establishment of new sensitive activities.	Grant the relief sought by the original submitter.	<p><u>reverse sensitivity</u></p> <p><u>means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the effects of the established activity.</u></p>	No further amendments required.
00221.001	Rural industry	Define “rural industry” in accordance with the definition given in the National Planning Standards 2019.	<p>The use of land for the Finegand Plant is consistent with the definition of “rural industry” in the National Planning Standards 2019.</p> <p>The term “rural industry” is not defined in the proposed RPS. However, the term appears at SRMR–I8, CE–PR1, and sub-clauses (4) and (6) of UFD–P7 – Rural Areas.</p>	<p>Define “rural industry” in the proposed RPS in accordance with the definition given in Standard 14 of the National Planning Standards 2019 (below):</p> <p><b>Rural industry</b></p> <p><u>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u></p>	<p><u>Rural industry</u></p> <p><u>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below) -</u></p> <p><u>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u></p>	No further amendments required.

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
			<p>The two latter instances form parts of purposive policy directives to “facilitate” rural industry in rural areas and “restrict the establishment of” activities that may adversely affect rural industry in rural areas.</p> <p>The relief sought by Silver Fern Farms in relation to policy UFD–P7 – Rural Areas is set out later in this table. Whether or not that relief is granted, Silver Fern Farms considers it necessary to define “rural industry” in the proposed RPS to enable the implementation of UFD–P7 – Rural Areas.</p>			
FS221 on 00213.009	Sensitive activity	Support the relief sought by original submitter.	Silver Fern Farms agrees that the PORPS definition of this term is unduly narrow. This definition must identify the full range of activities that are ‘sensitive’, particularly for the purposes of managing reverse sensitivity effects.	Grant the relief sought by the original submitter.	<p>Sensitive activities <del>(in relation to the EIT Chapter) where used in the EIT chapter,</del> has the same meaning as in the Interpretation section of the National Policy Statement on Electricity Transmission 2008 (as set out in the box below)</p> <p>includes schools, residential buildings and hospitals.</p>	No further amendments required.
<b>IM – Integrated Management</b>						
S00221.002	<b>IM–P14 – Human impact</b>  Preserve opportunities for future generations by:  identifying limits to both growth and adverse effects of human activities beyond which the environment will be degraded,  requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and  regularly assessing and adjusting limits and thresholds for activities over time in light of the actual and potential environmental impacts.	Oppose.	<p>The term “growth” has several possible interpretations and as such, this Policy is unclear. Based on Section 32 report paragraph 225, it is inferred that the term may relate to “urban” growth rather than (for example) “economic” growth.</p> <p>Furthermore, the RPS provides no substantive direction about the interpretation and application of the term “limits” to land uses.</p> <p>Silver Fern Farms considers the proposed drafting of this policy to be uncertain and therefore opposes its inclusion in the RPS.</p>	Delete this policy.	<b>IM-P14 – Human impact</b>  <del>When preparing regional plans and district plans, P</del> preserve opportunities for future generations by:  identifying <del>environmental limits</del> wherever practicable, to both growth and adverse effects of human activities beyond which the environment will be degraded,  requiring that activities are established in places, and carried out in ways, that are within those <del>environmental limits</del> and are compatible with the natural capabilities and capacities of the resources they rely on, and  regularly assessing and adjusting <del>environmental limits</del> and thresholds for activities over time in light of the actual and potential environmental impacts,	Delete the policy. (Discussed at section 5 of my evidence).

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
					including those related to climate change, and promoting activities that reduce, mitigate, or avoid adverse effects on the environment.	
<b>AIR - Air</b>						
FS221 on 00213.025	<b>AIR-O2 – Discharges to air</b>	Support the relief sought by original submitter.	Silver Fern Farms agrees that discharges to air should be enabled where the subsequent effects are appropriately managed, as suggested by the submitters proposed amendments (below).  <i>“Enable discharges to air provided there are no significant localised effects on human health, amenity and mana whenua values and the life-supporting capacity of ecosystems are protected from the adverse effects of discharges to air.”</i>	Grant the relief sought by the original submitter.	<b>AIR-O2 – Discharges to air</b>  Human health, amenity values and mana whenua values and the life-supporting capacity of ecosystems are protected from the adverse effects of discharges to air.	Amend. (Discussed at section 6 of my evidence).  <b>AIR-O2 – Discharges to air</b>  <del>H</del> Protect human health, amenity values and mana whenua values and the life-supporting capacity of ecosystems <del>are protected from</del> by avoiding, remedying or mitigating the adverse effects of discharges to air.
FS221 on 00213.026	<b>AIR-P1 – Maintain good ambient air quality</b>	Support the relief sought by original submitter.	Silver Fern Farms concurs that the ambiguity of the proposed drafting is appropriately resolved by the submitter’s proposed amendments (below). Reference to the defined term “ambient air quality standards” may also assist to resolve the shortcomings of the notified drafting.  “Good ambient air quality” is maintained across Otago by:  (1) ensuring discharges to air <del>comply with</del> are managed to maintain ambient air quality within the contaminant thresholds in the National Environment Standards for Air Quality and the Ambient Air Quality Guidelines ambient air quality limits where those limits have been set, and  (2) where limits have not been set, only allowing discharges to air if	Grant the relief sought by the original submitter.	<b>AIR-P1 – Maintain good ambient air quality</b>  <del>Where Good</del> ambient air quality is at or better than the limits set, that air quality is maintained at least at the existing quality by only allowing discharges to air across Otago by: (1) — ensuring discharges to air comply with ambient air quality limits where those limits have been set, and (2) — where limits have not been set, only allowing discharges to air if the adverse effects of the discharge, including cumulative effects on ambient air quality are no more than minor and any limits are not exceeded.	Amend. (Discussed at section 6 of my evidence).  <b>AIR-P1 – Maintain ambient air quality</b>  Where ambient air quality is at or better than the limits set, that air quality is maintained at least at the existing quality by only allowing discharges if the adverse effects of the discharge, including cumulative effects are no more than minor and any limits are not exceeded.

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
			the adverse effects on ambient air quality are no more than minor.”			
00221.003	<b>AIR-P3 – Providing for discharges to air</b>  Allow discharges to air provided they do not adversely affect human health, amenity and mana whenua values and the life supporting capacity of ecosystems.	Support.	Silver Fern Farms agrees that it is appropriate for the proposed RPS to explicitly provide for discharges to air where the effects of such discharges can be managed.	Retain this policy.	Amend as follows:  <b>AIR-P3 – Providing for discharges to air</b>  Allow discharges to air provided they do not adversely affect human health, amenity <del>values</del> and mana whenua values and the life supporting capacity of ecosystems.	No further amendments required.
FS221 on 00236.044	<b>AIR-P4 – Avoiding certain discharges</b>	Support the relief sought by original submitter.	Silver Fern Farms agrees that the policy requirement to “ <i>Avoid discharges to air that cause offensive, objectionable, noxious or dangerous effects</i> ” is inappropriate due to the undefined / subjective nature of the stated effects combined with the ‘avoidance’ requirement.	Grant the relief sought by the original submitter.	<b>AIR – P4 Avoiding certain discharges</b>  <del>Generally a</del> Avoid <u>discharges to air that cause noxious or dangerous effects and avoid, as the first priority,</u> discharges to air that cause offensive; <u>or</u> objectionable; <u>noxious or dangerous</u> effects.	Amend. (Discussed at section 6 of my evidence).  <b>AIR – P4 Avoiding certain discharges</b>  Avoid discharges to air that cause noxious or dangerous effects and avoid, <del>as the first priority,</del> <u>remedy, or mitigate</u> discharges to air that cause offensive, or objectionable effects.
00221.004	<b>AIR-P5 – Managing certain discharges</b>  Manage the effects of discharges to air beyond the boundary of the property of origin from activities that include but are not limited to:  outdoor burning of organic material, agrichemical and fertiliser spraying, farming activities,  activities that produce dust, and industrial and trade activities.	Support.	As set out in relation to AIR-P4, Silver Fern Farms considers that a strict avoidance requirement is inappropriate. Silver Fern Farms supports Policy AIR-P5 because it is appropriate to “manage the effects” of air discharges that encroach beyond source site boundaries.	Retain this policy as proposed.	Amend as follows:  <b>AIR-P5 – Managing certain discharges</b>  Manage the <u>adverse</u> effects of discharges to air beyond the boundary of the property of origin from activities that include but are not limited to:  outdoor burning of organic material, agrichemical and fertiliser <del>spraying</del> <u>applications</u> ,  <u>farming primary production</u> activities, activities that produce dust, and industrial and trade activities.	No further amendments required.
FS221 on 00236.047	<b>AIR-P7 Sensitive activities</b>  <u>Avoid locating new sensitive activities near existing activities which are permitted or consented to discharge to air.</u>	Support the relief sought by original submitter.	Silver Fern Farms considers that an unqualified ‘avoidance’ requirement may be unduly restrictive given discharges to air (particularly permitted discharges) may not necessarily affect sensitive activities. However, it agrees with the intent to prevent reverse sensitivity effects generated by sensitive activities establishing in areas where air	Grant the relief sought by the original submitter.	Do not grant the relief sought.	<b>AIR-P7 Non-rural activities</b>  <u>Manage the establishment of new non-rural activities near existing activities which are permitted or consented to discharge to air.</u>  I continue to support the need for this policy but in my view, the s42A recommendations about the term “sensitive activities” mean it is more appropriate to refer to “non-rural activities”. Given the breadth of the term “non-rural activities”, it is more appropriate to apply a

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
			discharges with potential adverse effects are undertaken.			management rather than outright avoidance policy direction.
FS221 on 00236.048	<b>AIR-M2 – Regional plans</b> No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:  (1) avoid offensive, objectionable, noxious or dangerous discharges to air,  (2) include provisions to mitigate the adverse effects from discharges to air beyond the boundary of the property of origin,  (3) implement the prioritisation of actions set out in AIR-P2,  (4) mitigate the adverse effects of discharges to air in areas adjacent to polluted airsheds where the discharge will adversely affect air quality in the polluted airshed, and  (5) give effect to the Air Quality Strategy for Otago and any subsequent amendments or updates.	Support the relief sought by original submitter.	Silver Fern Farms supports the deletion of sub-clause (1) to this method given its undefined drafting (discussed in relation to submission point 00236.044 above) as shown below.  <i>“No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:</i>  <i>(1) avoid offensive, objectionable, noxious or dangerous discharges to air;”</i>	Grant the relief sought by the original submitter.	<b>AIR-M2 – Regional plans</b> No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:  (1) avoid <del>offensive, objectionable, noxious or dangerous</del> discharges to air <u>that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive or objectionable effects,</u>  <u>(1A) set limits (including any ambient air quality standards) to maintain ambient air quality in accordance with AIR-P1, and improve ambient air quality in accordance with AIR-P2,</u>  (2) include provisions to mitigate the adverse effects from discharges to air beyond the boundary of the property of origin,  (3) implement the prioritisation of actions set out in AIR-P2,  (4) mitigate the adverse effects of discharges to air in areas adjacent to polluted airsheds where the discharge will adversely affect air quality in the polluted airshed, and  (5) give effect to the Air Quality Strategy for Otago and any subsequent amendments or updates, <del>and</del>  <u>(6) include measures to avoid adverse effects of discharges to air on mana whenua values and wāhi tupuna.</u>	Consequential amendment from AIR-P4. Amend sub-clause (1). No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:  (1) avoid <del>offensive dangerous or noxious discharges to air and avoid, remedy or mitigate, objectionable or offensive, noxious or dangerous</del> discharges to air,  [remainder of AIR-M2 not shown here].
<b>LF-LS – Land and Soil</b>						
00221.009	<b>LF-LS-P19 – Highly productive land</b> Maintain the availability and productive capacity of highly productive land by:  identifying highly productive land based on the following criteria:	Support in part.	Silver Fern Farms supports the inclusion of LF-LS-P19, particularly sub-clause (3).  However, Silver Fern Farms seeks minor amendments to this policy in alignment with its submissions on	Amend sub-clause (3) of this policy as follows:  <del>managing restricting</del> urban development in rural areas, <u>particularly areas of highly productive land including rural lifestyle and rural residential areas,</u> in	Amend as follows:  <b>LF-LS-P19 – Highly productive land</b> Maintain the availability and <u>productive capacity</u> of highly productive land by:  identifying highly productive land based on the following criteria:	No further amendments required.

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
	<p>the capability and versatility of the land to support primary production based on the Land Use Capability classification system,</p> <p>the suitability of the climate for primary production, particularly crop production, and</p> <p>the size and cohesiveness of the area of land for use of primary production, and</p> <p>prioritising the use of highly productive land for primary production ahead of other land uses, and</p> <p>managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD-P4, UFD-P7 and UFD-P8.</p>		<p>policies UFD-P4, UFD-P7 and UFD-P8 of the proposed RPS.</p>	<p>accordance with UFD-P4, UFD-P7 and UFD-P8.</p>	<p><del>the capability and versatility of the land to support food and fibre production</del>  <del>primary production based on including using the Land Use Capability classification system;</del></p> <p><del>the suitability of the climate for food and fibre production</del>  <del>primary production, particularly crop production, and</del></p> <p><del>the size and cohesiveness of the area of land for food and fibre production use of primary production, and</del></p> <p>land must be identified as highly productive land if:</p> <p><u>it is in a general rural zone or rural production zone, and</u></p> <p><u>it is predominantly LUC 1, 2, or 3 land, and</u></p> <p><u>it forms a large and geographically cohesive area,</u></p> <p>land may be identified as highly productive land if:</p> <p><u>it is in a general rural zone or rural production zone, and</u></p> <p><u>it is not LUC 1, 2, or 3 land, and</u></p> <p><u>it is or has the potential to be highly productive for land-based primary production in Otago, having regard to the soil type, the physical characteristics of the land and soil, and the climate, and</u></p> <p><del>land must not be identified as highly productive land if it was identified for future urban development on or before 17 October 2022, and</del></p> <p>prioritising the use of highly productive land for <u>land-based primary production</u>  <del>food and fibre production</del>  <del>primary production ahead of other land uses,</del>  <u>except as provided for by EIT-INF-P12 and EIT-INF-P16,</u> and</p> <p>managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD-P4, UFD-P7 and UFD-P8.</p>	

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
<b>ECO – Ecosystems and Indigenous Biodiversity</b>						
00221.011	<b>ECO–P2 – Identifying significant natural areas and taoka</b>  Identify:  the areas and values of significant natural areas in accordance with APP2, and  indigenous species and ecosystems that are taoka in accordance with ECO-M3.	Oppose in part.	Silver Fern Farms understands the intent of the proposed policy framework for SNAs and supports (and undertakes) actions to support thriving biodiversity.  However, it is concerned that the broad scope of proposed RPS <b>Appendix 2</b> (Significance criteria for indigenous biodiversity) (“APP2”) in combination with policies ECO-P2 and ECO-P3 will produce inadvertent and irrational planning outcomes.  If the broad framing of ecological significance criteria in APP2 (discussed later in this table) are applied in accordance with ECO-P2(1), much of Otago may be subject to SNA classification.  Furthermore, ECO-P2 is non-specific about the manner in which SNAs are to be identified.	Delete ECO-P2 or, amend the policy to ensure that:  Land identified in accordance with <b>Appendix 2</b> is appropriate for management as a Significant Natural Area; and,  The identification of Significant Natural Areas is implemented through detailed mapping included in district and regional plans.	Amend as follows:  <b>ECO–P2 – Identifying significant natural areas and taoka</b>  Identify <u>and map</u> :  the areas and <u>indigenous biodiversity</u> values of significant natural areas in accordance with APP2, and  <u>where appropriate</u> indigenous species and ecosystems that are taoka in accordance with ECO-M3.	Amend to only require the inclusion of identified and mapped SNAs in the relevant planning instrument with the agreement of the landowner. (Discussed at section 8 of my evidence).  <b>ECO–P2 – Identifying significant natural areas and taoka</b>  ‡ <u>With the agreement of the landowner</u> , identify and map:  the areas and indigenous biodiversity values of significant natural areas in accordance with APP2, and  where appropriate indigenous species and ecosystems that are taoka in accordance with ECO-M3.
00221.012	<b>ECO–P3 – Protecting significant natural areas and taoka</b>  Except as provided for by ECO–P4 and ECO–P5, protect significant natural areas and indigenous species and ecosystems that are taoka by:  avoiding adverse effects that result in:  any reduction of the area or values (even if those values are not themselves significant) identified under ECO–P2(1), or  any loss of Kāi Tahu values, and  after (1), applying the biodiversity effects management hierarchy in ECO–P6, and  prior to significant natural areas and indigenous species and ecosystems that are taoka being identified in accordance with ECO–P2, adopt a precautionary approach towards activities in accordance with IM–P15.	Oppose.	Pursuant to ECO-P3 (and particularly given the ECO-P3(3) emphasis on a precautionary approach), land within SNAs will be precluded from all use and development that does not satisfy policies ECO-P4 and ECO-P5. Those policies are highly restrictive.  The formulation of ECO-P3(1)(a) to require the avoidance of “... <i>any reduction of the area or values (even if those values are not themselves significant)</i> ” will likely prevent many opportunities for the use and (re)development of land in an SNA regardless of the context such as:  Whether the area or value (e.g., structure) in question is in a highly modified environment.  Whether positive environmental effects could be realised by	Delete ECO-P3	Amend as follows:  <b>ECO–P3 – Protecting significant natural areas and taoka</b>  Except as provided for by ECO–P4 and ECO–P5, protect significant natural areas <u>(outside the coastal environment)</u> and indigenous species and ecosystems that are taoka by:  <u>First</u> avoiding adverse effects that result in:  any reduction of the area or <u>indigenous biodiversity</u> values <u>identified and mapped under ECO-P2(1)</u> , (even if those values are not themselves significant <u>but contribute to an area being identified as a significant natural area</u> ) identified under ECO–P2(1), or <u>and</u>  any loss of Kāi Tahu <u>taoka</u> values <u>identified and mapped under ECO-P2(2)</u> , and	Delete the policy or amend as a consequence of my recommended amendments to ECO-P2 to reflect a voluntary rather than mandatory SNA management framework. (Discussed at section 8 of my evidence).  <b>ECO–P3 – Protecting significant natural areas and taoka</b>  Except as provided for by ECO–P4 and ECO–P5, protect significant natural areas (outside the coastal environment) and indigenous species and ecosystems that are taoka <u>identified and mapped with the agreement of the landowner in accordance with ECO-P2</u> by: [remainder of policy not shown here].

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
			modifying the area or values – for example land remediation or demolition / alteration of buildings to facilitate an otherwise appropriate resource management outcome.		after (1), applying the <u>biodiversity effects management hierarchy (in relation to indigenous biodiversity)</u> in ECO–P6, and prior to significant natural areas and indigenous species and ecosystems that are taoka being identified and mapped in accordance with ECO–P2, adopt a precautionary approach towards activities in accordance with <del>IM–P15</del> <u>IM–P6(2)</u> .	

**UFD – Urban Form and Development**

00221.013	<p><b>UFD–O4 – Development in rural areas</b></p> <p>Development in Otago’s rural areas occurs in a way that:</p> <p>avoids impacts on significant values and features identified in this RPS,</p> <p>avoids as the first priority, land and soils identified as highly productive by LF–LS–P19 unless there is an operational need for the development to be located in rural areas,</p> <p>only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p> <p>outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.</p>	Oppose.	<p>While it supports a strategic approach to the development of rural areas, Silver Fern Farms opposes the unqualified requirement to avoid “impacts” on significant values and features under UFD–O4(1).</p> <p>It notes that UFD–O4(2) does not recognise the distinction between “highly productive land” (discrete areas) and land in a “rural area” (the wider rural environment).</p> <p>The proposed amendment to sub-clause (3) aligns with the National Planning Standards terminology which applies standard naming and descriptions for rural zones. This terminology enables the term “rural residential” to be deleted, in reliance on the term “rural lifestyle”.</p>	Amend <b>UFD–O4 – Development in rural areas</b> to remove the requirement to avoid any “impacts” under sub-clause (1) and to clarify the spatial application of sub-clause (2).	<p>Amend as follows:</p> <p><b>UFD–O4 – Development in rural areas</b></p> <p>Development in Otago’s rural areas occurs in a way that:</p> <p><del>–avoids impacts on significant values and features identified in this RPS,</del></p> <p>avoids as the first priority, <u>highly productive land and soils identified as highly productive by LF–LS–P19 unless there is an operational or functional need for the development to be located in rural areas,</u></p> <p>only provides for urban expansion, rural lifestyle <del>and rural residential</del> development and the establishment of <u>sensitive activities that are sensitive to primary production and rural industry,</u> in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p> <p>outside of areas identified in (3), <u>maintains and enhances provides for the ongoing use of rural areas for primary production, supported by rural industry in appropriate locations, and facilities ensures that other activities that have an operational need or functional need to locate in rural areas, that will do not compromise</u> the natural and physical resources that support the <u>productive capacity,</u> rural character, and long-term viability of the rural sector and rural communities, <u>and</u></p>	No further amendments required.
-----------	---	---------	---	--	--	---------------------------------



Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
					<u>(4A) provides for the use and development of land in rural areas by Kai Tahu for papakaika, kaika, nohoaka, marae, and marae related activities.</u>	
00221.014	<p><b>UFD-P4 – Urban expansion</b></p> <p>Expansion of existing urban areas is facilitated where the expansion:</p> <p>contributes to establishing or maintaining the qualities of a well-functioning urban environment,</p> <p>will not result in inefficient or sporadic patterns of settlement and residential growth,</p> <p>is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way,</p> <p>addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,</p> <p>manages adverse effects on other values or resources identified by this RPS that require specific management or protection,</p> <p>avoids, as the first priority, highly productive land identified in accordance with LF–LS–P19,</p> <p>locates the new urban / rural zone boundary interface by considering:</p> <p>adverse effects, particularly reverse sensitivity, on rural areas and existing or potential productive rural activities beyond the new boundary, and</p> <p>key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long-term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for, or</p>	Support in part.	<p>Silver Fern Farms supports this policy requirement for urban expansion to be preceded by a formal strategic planning process, thereby restricting the adverse effects of ad-hoc urban expansion on rural activities.</p> <p>It is suggested that a minor amendment is necessary to link sub-clause (7)(c) of this policy correctly with the policy preamble. The term “reflects” does not flow from the text in the preamble nor that at sub-clause (7).</p>	Amend this policy to ensure sub-clause (7)(c) links appropriately to the policy preamble.	<p>Amend as follows:</p> <p><b>UFD-P4 – Urban expansion</b></p> <p>Expansion of existing urban areas is facilitated where, <u>at minimum</u> the expansion:</p> <p>contributes to establishing or maintaining the qualities of a well-functioning urban environment,</p> <p><u>(1A) is identified by and undertaken consistent with strategic plans prepared in accordance with UFD-P1, or is required to address a shortfall identified in accordance with UFD-P2,</u></p> <p><u>is logically and appropriately staged, and will not result in inefficient or sporadic patterns of settlement and residential growth,</u></p> <p>is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way,</p> <p><u>(3A) does not compromise the safe and efficient ongoing use of nationally significant infrastructure and regionally significant infrastructure,</u></p> <p>addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,</p> <p><del>manages adverse effects on other values or resources identified by this RPS that require specific management or protection;</del></p> <p>avoids, as the first priority, <u>highly productive land identified in accordance with LF–LS–P19,</u></p> <p>locates the new urban / rural zone boundary interface by considering:</p> <p>adverse effects, particularly reverse sensitivity, on <u>existing activities in</u> rural areas and <del>existing-or</del> potential <u>primary</u></p>	No further amendments required.

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
	reflects a short or medium term, intermediate or temporary zoning or infrastructure servicing boundary where provision for future development infrastructure expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.				<p><del>production productive or rural industry</del> activities beyond the new boundary, and</p> <p><del>utilising</del> key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long-term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for, or</p> <p><del>reflects a short or medium term, intermediate or temporary</del> <u>utilising</u> zoning or infrastructure servicing boundary <u>that reflects a short or medium term, intermediate or temporary limit,</u> where provision for future development infrastructure expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.</p>	
00221.015	<p><b>UFD-P7 – Rural Areas</b></p> <p>The management of rural areas: provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,</p> <p>outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas, enables primary production particularly on land or soils identified as highly productive in accordance with LF-LS-P19,</p> <p>facilitates rural industry and supporting activities,</p> <p>directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,</p> <p>restricts the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity,</p>	Support in part.	<p>Sub-clauses (6) and (7) to UFD-P7 –Rural Areas duplicate the policy directions to “restrict” or “limit” the establishment of incompatible uses in rural areas. Silver Fern Farms considers that these sub-clauses can be rationalised for clarity.</p> <p>Sub-clause (7) solely relies on operational need as a justification for “...the establishment of residential activities, sensitive activities, and non-rural businesses” in rural areas.</p> <p>This does not anticipate, or assist, an assessment of adverse effects associated with the introduction of incompatible urban activities into the rural environment.</p> <p>As such, the drafting formulation is unlikely to achieve objective UFD-O2(6) which seeks that:</p> <p>“The development and change of Otago’s urban areas:</p>	<p>Amend as follows:</p> <p><b>UFD-P7 – Rural Areas</b></p> <p>The management of rural areas: provides for the maintenance and, wherever possible, enhancement of <u>significant important</u> features and values identified by this RPS,</p> <p>outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,</p> <p>enables primary production particularly on land or soils identified as highly productive in accordance with LF-LS-P19,</p> <p>facilitates rural industry and supporting activities,</p> <p>directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,</p> <p>restricts <del>the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse</del></p>	<p>Amend as follows:</p> <p><b>UFD-P7 – Rural Areas</b></p> <p>The management of rural areas: <del>provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,</del></p> <p><del>outside areas identified in (1),</del> maintains the <u>productive capacity</u>, amenity and character of rural areas, <u>as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region.</u></p> <p><u>enables prioritises land-based primary production food and fibre production</u> <del>primary production particularly on land or soils</del> <u>within areas identified as on highly productive land in accordance with LF-LS-P19,</u></p>	No further amendments required.

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
	<p>the productive capacity of highly productive land, primary production and rural industry activities, and</p> <p>otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.</p>	<p>[...]</p> <p>minimises conflict between incompatible activities,”</p> <p>Silver Fern Farms seeks amendments to ensure UFD–P7 clearly requires proposals for incompatible land uses in rural areas to be considered in terms of the avoidance or (where avoidance is not achievable) management of adverse effects on rural productivity and activities.</p>	<p><del>sensitivity, the productive capacity of highly productive land, primary production and rural industry activities; and</del></p> <p><del>otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate both:</del></p> <p><del>an operational need to be located in rural areas; and</del></p> <p><del>methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, adequate remediation or mitigation.</del></p>	<p><del>facilitates primary production, rural industry and supporting activities and recognises:</del></p> <p><del>the importance of mineral and aggregate resources for the provision of infrastructure and the social and economic well-being of Otago’s communities; and</del></p> <p><del>the requirement for mineral and aggregate activities to be located where those resources are present.</del></p> <p><del>directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD–P8,</del></p> <p><del>(5A) provides for the use by Kai Tahu of Native Reserves and Te Ture Whenua Maori Land Māori Land for papakaika, kaika, nohoaka, marae and marae related activities, and otherwise provides for Kai Tahu use of rural areas and the resources and values they contain,</del></p> <p><del>restricts the establishment of residential activities, sensitive activities, and non-rural businesses non-rural activities which could adversely affect, including by way of reverse sensitivity, or fragmentation the productive capacity of highly productive land, or existing or potential primary production and rural industry activities, unless those sensitive activities are undertaken in accordance with UFD-P4, UFD-P8 or UFD-P9 as relevant. and</del></p> <p><del>otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate:</del></p> <p><del>an functional need or operational need to be located in rural areas, and</del></p> <p><del>methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation; and</del></p> <p><del>(7A) may place constraints on certain rural activities where necessary for the effective management of nationally</del></p>	<p>facilitates <u>primary production</u>, rural industry and supporting activities <u>and recognises:</u></p> <p><u>the importance of mineral and aggregate resources for the provision of infrastructure and the social and economic well-being of Otago’s communities; and</u></p> <p><u>the requirement for mineral and aggregate activities to be located where those resources are present.</u></p> <p>directs <del>rural residential and</del> rural lifestyle development to areas zoned for that purpose in accordance with UFD–P8,</p> <p>(5A) provides for the use by Kai Tahu of Native Reserves and <u>Te Ture Whenua Maori Land Māori Land</u> for papakaika, kaika, nohoaka, marae and marae related activities, and otherwise provides for Kai Tahu use of rural areas and the resources and values they contain,</p> <p>restricts the establishment of <u>residential activities, sensitive activities, and non-rural businesses non-rural activities</u> which could adversely affect, including by way of reverse sensitivity, or fragmentation the <u>productive capacity of highly productive land, or existing or potential primary production and rural industry activities, unless those sensitive activities are undertaken in accordance with UFD-P4, UFD-P8 or UFD-P9 as relevant. and</u></p> <p><del>otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate:</del></p> <p><del>an functional need or operational need to be located in rural areas, and</del></p> <p><del>methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation; and</del></p> <p>(7A) may place constraints on certain rural activities where necessary for the effective management of nationally</p>	

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
					<u>significant infrastructure or regionally significant infrastructure.</u>	
00221.016	<p><b>UFD-P8 – Rural lifestyle and rural residential zones</b></p> <p>The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:</p> <p>the land is adjacent to existing or planned urban areas and ready access to employment and services is available,</p> <p>despite the direction in (1), also avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,</p> <p>minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise,</p> <p>avoids, as the first priority, highly productive land identified in accordance with LF–LS–P16,</p> <p>the suitability of the area to accommodate the proposed development is demonstrated, including</p> <p>capacity for servicing by existing or planned development infrastructure (including self-servicing requirements),</p> <p>particular regard is given to the individual and cumulative impacts of domestic water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if</p>	Support in part.	<p>Silver Fern Farms seeks amendments to the drafting of sub-clause (3) to UFD-P8 to ensure that the potential adverse effects of converting rural areas to a Rural Lifestyle Zone are subject to similar tests as required by Policy 4.5.1(h) of the operative RPS 2019.</p> <p>Policy 4.5.1(h) of the partly operative RPS 2019 states:</p> <p>“Provide for urban growth and development in a strategic and co-ordinated way, including by:</p> <p><i>[content not shown here]</i></p> <p>Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed”.</p> <p>The proposed RPS downgrades this test to a requirement that “the potential for reverse sensitivity effects” be “minimised”.</p> <p>Given the significant benefits associated with, and the undesirability of reverse sensitivity effects on, rural land uses, it is considered appropriate to retain policy direction to avoid adverse effects in the first instance.</p>	<p>Amend as follows:</p> <p><b>UFD–P8 – Rural lifestyle and rural residential zones</b></p> <p>The establishment, development or expansion of rural lifestyle <del>and rural residential</del> zones only occurs where:</p> <p>the land is adjacent to existing or planned urban areas and ready access to employment and services is available,</p> <p>despite the direction in (1), also avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle <del>or rural residential</del> development would foreclose or reduce efficient realisation of that urban development potential,</p> <p><del>minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values are avoided or where avoidance is not practicable, are adequately remedied or mitigated,</del></p> <p><i>[content not shown here]</i></p>	<p>Amend as follows:</p> <p><b>UFD-P8 – Rural lifestyle and rural residential zones</b></p> <p>The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:</p> <p>the land is adjacent to existing or planned urban areas and ready access to employment and services is available,</p> <p>despite the direction in (1), also avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle <del>or rural residential</del> development would foreclose or reduce efficient realisation of that urban development potential,</p> <p>minimises impacts on <u>existing primary production and rural industry and other rural activities</u> rural production potential, amenity values and the potential for reverse sensitivity effects to arise <u>in adjoining rural production zones,</u></p> <p>avoids, as the first priority, <u>highly productive land identified in accordance with LF–LS–P16,</u></p> <p>the suitability of the area to accommodate the proposed development is demonstrated, including</p> <p>capacity for servicing by existing or planned development infrastructure (including self-servicing requirements),</p> <p>particular regard is given to the individual and cumulative impacts of <del>domestic</del> water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development</p>	Delete reference to “rural residential” in the policy title, in accordance with paragraph 27 of Ms White’s brief of supplementary evidence <sup>1</sup> .

<sup>1</sup> Brief of Supplementary Evidence of Elizabeth Jane White Urban Form and Development Chapter.

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
	provided, to meet other planned urban area demand, and  likely future demands or implications for publicly funded services and additional infrastructure, and  provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.				infrastructure, if provided, to meet other planned urban area demand, <del>and</del>  likely future demands or implications for publicly funded services <u>including emergency services</u> and additional infrastructure, and  <u>does not compromise the safe and efficient ongoing use of nationally significant infrastructure or regionally significant infrastructure, and</u>  <del>–provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.</del>	
00221.017	<b>UFD–M2 – District plans</b>  Territorial authorities must prepare or amend their district plans as soon as practicable, and maintain thereafter, to:  [content not shown here]  ensure that urban development is designed to:  [content not shown here]  minimise the potential for reverse sensitivity effects to arise, by managing the location of incompatible activities, and  [content not shown here]	Support.	Silver Fern Farms supports the use of a formal strategic planning process to manage potential reverse sensitivity effects including through the separation of incompatible land uses.	Retain this policy.	<b>UFD–M2 – District plans</b>  Territorial authorities must prepare or amend their district plans as soon as practicable, and maintain thereafter, to:  (1) identify and provide for urban expansion and intensification, to occur in accordance with:  (a) any adopted future development strategy for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or  (b) where there is no future development strategy, a local authority adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region,  (2) in accordance with any required Housing and Business Development Capacity Assessments or monitoring, including any competitiveness margin, ensure there is always <u>at least</u> sufficient development capacity that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified land size and locational needs of the commercial and industrial sectors, <u>and</u>	Amend.  The amendment to sub-clause (9) to delete the words “ <i>and rural lifestyle</i> ” while retaining the words “ <i>rural residential</i> ” appears to be a clerical error as it is at odds with paragraph 27 of Ms White’s brief of supplementary evidence <sup>2</sup> , which sets out her agreement with the submissions of Silver Fern Farms and Horticulture NZ to delete references to “rural residential” as an action to align the PORPS with the National Planning Standards.  The appendix to Ms White’s supplementary evidence shows sub-clause 9 as follows:  9. manage <del>rural residential</del> and rural lifestyle activities in <del>rural areas</del> in accordance with UFD-P8.  The text of page 260 of the current PORPS version (shown in the adjoining column) incorrectly transcribes Ms White’s recommendation.  I recommend amending the PORPS text to align with Ms White’s recommended drafting.

<sup>2</sup> Brief of Supplementary Evidence of Elizabeth Jane White Urban Form and Development Chapter

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
					<p><u>where there is a shortage, respond in accordance with UFD-P2.</u></p> <p>(3) ensure that urban development is designed to:</p> <p>(a) achieve a built form that relates well to its surrounding environment, <del>including by identifying and managing impacts of urban development on values and resources identified in this RPS,</del></p> <p>(b) provide for a diverse range of housing, commercial activities, industrial and service activities, social and cultural opportunities,</p> <p>(c) achieve an efficient use of land, energy, water and infrastructure,</p> <p>(d) promote the use of water sensitive design wherever practicable,</p> <p>(e) minimise the potential for reverse sensitivity effects to arise, by managing the location of incompatible activities, <u>within the urban area, at the rural-urban interface, and in rural areas, and</u></p> <p><u>(ea) avoid the potential for reverse sensitivity effects on nationally significant infrastructure and regionally significant infrastructure, and</u></p> <p>(f) reduce the adverse effects of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and winter heat retention, including through roading, lot size, dimensions, layout and orientation,</p> <p>(4) identify and provide for locations that are suitable for urban intensification in accordance with UFD-P23,</p> <p>(5) identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P34,</p> <p>(6) identify and provide for commercial activities in accordance with UFD-P5,</p> <p>(7) identify and provide for industrial activities in accordance with UFD-P6,</p> <p>(8) manage development in rural areas in accordance with UFD-P7,</p>	

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
---------------	-----------	-----------------------------	----------------------------	-------------------------------------	------------------------	-----------------------------------

(9) manage rural residential ~~and rural lifestyle~~ activities in rural areas in accordance with UFD–P8,  
[remainder of Method not shown here]

**Appendices**

00221.018	<p><b>Appendix 2 – Significance criteria for indigenous biodiversity</b></p> <p>An area is considered to be a significant natural area if it meets any one or more of the criteria below:</p> <p><b>Representativeness</b></p> <p>An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the original natural diversity of the relevant ecological district or coastal marine biogeographic region. This may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas.</p> <p>An indigenous marine ecosystem (including both intertidal and sub-tidal habitats and including both faunal and floral assemblages) that makes up part of at least 10% of the natural extent of each of Otago’s original marine ecosystem types and reflecting the environmental gradients of the region.</p> <p>An indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub-tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Otago.</p> <p><b>Rarity</b></p> <p>An area that supports:</p> <p>An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region, or</p>	Oppose in part.	<p>As noted in submission points above on policies ECO-P3 and ECO-P4, Silver Fern Farms considers that the broad framing of the significance criteria for indigenous biodiversity in <b>Appendix 2</b> (“APP2”) will likely require large areas of Otago to be classified as Significant Natural Areas - potentially including highly modified areas that cannot sensibly be so classified.</p> <p>APP2 clauses (d) (Rarity); (f) (Distinctiveness) and (g)(iii) (Ecological context) require the following to be classified as SNAs:</p> <p>Any areas that “support” indigenous flora / fauna.</p> <p>Any area that “provides habitat for” indigenous flora / fauna.</p> <p>Any areas that are “...important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g., for feeding, resting, nesting, breeding, spawning or refuges from predation”</p> <p>The terms “support”, “habitat”, “important for” are open to interpretation as they are not defined in the proposed RPS.</p> <p>The inclusion of these uncertain terms in, plus the broad framing (APP2(g)(iii) is a particular example) of, APP2 may require urban areas, areas of weed infestation, and buildings to be classified as SNAs under ECO-P2 if these areas were found to provide temporary support, resting or hiding places</p>	Amend <b>Appendix 2 – Significance criteria for indigenous biodiversity</b> to ensure the significance criteria for indigenous biodiversity are specific and targeted to avoid the inclusion of inappropriate areas within SNAs.	<p>Amend as follows:</p> <p><b>Appendix 2 – Significance criteria for indigenous biodiversity</b></p> <p>An area is considered to be a significant natural area if it meets any one or more of the criteria below:</p> <p><b>Representativeness</b></p> <p>An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the original natural diversity of the relevant ecological district or coastal marine biogeographic region. This may include <del>degraded</del> <u>degraded</u> examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas.</p> <p>An indigenous marine ecosystem (including both intertidal and sub-tidal habitats and including both faunal and floral assemblages) that makes up part of at least 10% of the natural extent of each of Otago’s original marine ecosystem types <del>and reflecting the environmental gradients of the region.</del></p> <p>An indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub-tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Otago.</p> <p><b>Rarity</b></p> <p>An area that supports:</p> <p>An indigenous species that is threatened, or <u>uncommon or an important population of species that is at risk</u> <del>risk, or uncommon</del>, nationally or</p>	<p>As section 8 of my statement of evidence, I noted that the likely spatial extent of SNAs that would be defined by applying these criteria does not appear to have been tested in a s32 sense.</p> <p>I also set out my reservations about the possible implications of linking restrictive policy settings under ECO-P3 to this wide-ranging set of ecological significance criteria, and whether these criteria will be outdated in the near future. A new National Policy Statement for Indigenous Biodiversity (“NPSIB” is to be introduced in late 2022, according to the Ministry for the Environment’s implementation timeline. The NPSIB may diverge from APP2, resulting in inefficient at national and regional methodological differences about how to identify significant indigenous biodiversity.</p> <p>As such my reservations are mainly about how the criteria will be applied in consenting scenarios (via the ECO policies) rather than the criteria themselves, albeit I anticipate that the criteria will need to be refined to avoid inadvertently classifying inappropriate areas as SNAs and to align with a future NPSIB.</p> <p>As such, my recommendation is that APP2 (Significance Criteria for Indigenous Biodiversity) be amended to ensure the criteria are:</p> <p>Aligned with pending national policy direction; and</p> <p>Appropriately focussed to avoid classing inappropriate areas as SNAs.</p>
-----------	---	-----------------	---	--	--	---

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
	<p>Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, coastal marine biogeographic region or freshwater environment including wetlands, or</p> <p>Indigenous vegetation and habitats within originally rare ecosystems, or</p> <p>The site contains indigenous vegetation or an indigenous species that is endemic to Otago or that are at distributional limits within Otago.</p> <p><b>Diversity</b></p> <p>An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.</p> <p><b>Distinctiveness</b></p> <p>An area that supports or provides habitat for:</p> <p>Indigenous species at their distributional limit within Otago or nationally, or</p> <p>Indigenous species that are endemic to the Otago region, or</p> <p>Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.</p> <p><b>Ecological context</b></p> <p>The relationship of the area with its surroundings (both within Otago and between Otago and the adjoining regions), including:</p> <p>An area that has important connectivity value allowing dispersal of indigenous flora and fauna between different areas, or</p> <p>An area that has an important buffering function that helps to protect</p>	<p>for an indigenous species meeting the criteria of (using the “Rarity” criterion for example) being <i>“...threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region”</i>.</p> <p>This scenario is illustrated by mobile indigenous species like birds, bats, and insects. The proposed RPS provisions do not recognise the difference between unmodified and highly modified environments. The provisions are focussed on the presence of indigenous species regardless of the character / extent of modification present in the environment the species is occupying.</p> <p>This issue is compounded by the obligation to include areas only occupied temporarily / on an ad hoc basis (e.g., resting or hiding places – these might include aerials and transmission lines for example).</p> <p>Paragraph 442 of the Section 32 report notes that the APP2 criteria are comparable to criteria in the draft National Policy Statement for Indigenous Biodiversity (“NPSIB”).</p> <p>However, the Summary of Submissions on the draft NPSIB records that 40% of submissions with a specific position on the appropriateness of the draft NPSIB ecological significance criteria were negative. A further 14% considered the ecological significance criteria to be only “somewhat” appropriate.</p> <p>Subsequently, the Ministry for Environment has delayed gazettal of the NPSIB, while its project team develops an ‘exposure draft’ for further testing of the drafting.</p> <p>Recent examples in Northland and the West Coast of the use of</p>	<p>within an ecological district or coastal marine biogeographic region, or</p> <p>Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, coastal marine biogeographic region or freshwater environment including wetlands, or</p> <p>Indigenous vegetation and habitats within originally rare ecosystems, or</p> <p><del>The site contains indigenous vegetation or an indigenous species that is endemic to Otago or that are at distributional limits within Otago.</del></p> <p><b>Diversity</b></p> <p>An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.</p> <p><b>Distinctiveness</b></p> <p>An area that supports or provides habitat for:</p> <p>Indigenous species at their distributional limit within Otago or nationally, or</p> <p>Indigenous species that are endemic to the Otago region, or</p> <p>Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.</p> <p><b>Ecological context</b></p> <p>The relationship of the area with its surroundings (both within Otago and between Otago and the adjoining regions), including:</p> <p>An area that has important connectivity value allowing dispersal of indigenous flora and fauna between different areas, or</p>			



Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
	<p>the values of an adjacent area or feature, or</p> <p>An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, resting, nesting, breeding, spawning or refuges from predation, or</p> <p>A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal ecosystem.</p>		<p>similar criteria to map SNAs resulted in significant complexity and ultimately, modified approaches were adopted.</p> <p>Given the foregoing, Silver Fern Farms seeks amendment of the APP2 significance criteria to minimise the risk of inadvertent outcomes from arising through SNA identification processes and management regimes.</p>		<p>An area that has an important buffering function that helps to protect the values of an adjacent area or feature, or</p> <p>An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, resting, nesting, breeding, spawning or refuges from predation, or</p> <p>A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal ecosystem.</p> <p><b><u>Vulnerable and sensitive species</u></b></p> <p><u>An area that contains sensitive habitats or species that are fragile to anthropogenic effects or have slow recovery from anthropogenic effects.</u></p>	
00221.019	<p><b>Appendix 3 – Criteria for Biodiversity Offsetting</b></p> <p>Biodiversity offsetting is not available if the activity will result in:</p> <p>the loss of any individuals of Threatened taxa, other than kānuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat Classification System (Townsend et al, 2008), or</p> <p>reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than manuka (<i>Leptospermum scoparium</i>), under the New Zealand Threat Classification System (Townsend et al, 2008).</p> <p><i>[remainder not shown here]</i></p>	Oppose.	<p>Silver Fern Farms opposes the restrictions on the use of offsetting specified in <b>Appendix 3</b>.</p> <p>The restrictions are depart from RMA section 104(1)(ab) which states that a consent authority “must” have regard to:</p> <p><i>“any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”.</i></p> <p>Furthermore, RMA section 104(1)(b)(iii) requires a consent authority “must” have regard to any relevant provisions of a National Policy Statement.</p> <p>While not yet operative, the draft NPSIB provides some direction about when only precludes consideration of biodiversity offsetting should be precluded from consideration – being circumstances when:</p>	Amend <b>Appendix 3 – Criteria for Biodiversity Offsetting</b> to align the circumstances in which biodiversity offsetting can be considered with either recommended best practice for offsetting or any direction arising from the NPSIB process.	Amend <i>[the relevant section]</i> as follows:	As noted at section 8 of my statement of evidence, I consider that the limitation on offsetting stated in this provision is inappropriate.
					<p><b>Appendix 3 – Criteria for Biodiversity Offsetting</b></p> <p>Biodiversity offsetting is not available <u>for an if the activity that will result in:</u></p> <p>the loss <u>from an ecological district</u> of any individuals of Threatened taxa, other than kānuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat Classification System (Townsend et al, 2008), or</p> <p>reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than manuka (<i>Leptospermum scoparium</i>), under the New Zealand Threat Classification System (Townsend et al, 2008), <u>or</u></p> <p><u>the worsening of the conservation status of any indigenous biodiversity as listed under the New Zealand Threat Classification System (Townsend et al, 2008); or</u></p> <p><u>the removal or loss of viability of a naturally uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna; or</u></p>	<p>I recommend that Clause 1 be amended or deleted so that it does not set unreasonable limits on when biodiversity offsetting is available as a management response to environmental effects.</p>

Submission ID	Provision	Silver Ferns Farms position	Silver Ferns Farms reasons	Relief sought by Silver Ferns Farms	S.42A recommended text	S Tuck recommendation and reasons
			<p>the biodiversity in question cannot be offset due to irreplaceability or vulnerability.</p> <p>there are no feasible / socially acceptable options to realise the offset in an acceptable time.</p> <p>the adverse effects on biodiversity are unknown or uncertain but are potentially “significantly adverse”.</p>		<p><u>the loss (including cumulative loss) of irreplaceable or vulnerable indigenous biodiversity.</u></p> <p><i>[remainder not shown here]</i></p>	