

FORM 6

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,  
SUBMISSION ON NOTIFIED PROPOSED POLICY STATEMENT  
OR PLAN, CHANGE OR VARIATION**

Clause 8 of Schedule 1, Resource Management Act 1991

To Timaru District Council  
PO Box 552  
2 King George Place  
TIMARU 7910

Name Silver Fern Farms Limited (**'Silver Fern Farms'**)  
PO Box 283  
Christchurch Mail Centre  
Christchurch 8140

1. **Further submitter details**

Name of further submitter: Silver Fern Farms Limited (**'Silver Fern Farms'**).

Silver Fern Farms made submissions on the Proposed Timaru District Plan (**'PTDP'**), being submission no. 172.

2. **Only certain people can make a further submission.**

Silver Fern Farms has an interest in the PTDP that is greater than the interest that the general public has on the following grounds:

- a. As outlined in its original submission, Silver Fern Farms has significant assets and operational interests at its meat processing plant and surrounding extensive landholdings at/around The Avenue, Pareora, about 13 kilometres south of Timaru (the **"site"**)<sup>1</sup>.
- b. As highlighted in Silver Fern Farms' submission, the site is an important economic asset to the Timaru District. Silver Fern Farms holds long-term regional resource consents for discharges associated with the site's operation. Consequently, Silver

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<sup>1</sup> The legal description of the land hosting the meat processing plant is Part Lots 35 & 39 DP 736. The wider landholding is comprised of numerous titles with the street address of 635-661 Timaru-Pareora Highway.

Fern Farms wishes to ensure that the PTDP recognises and provides for the site's continued operation and its associated effects.

c. Silver Fern Farms' further submission is set out in the table attached.

3. **Hearing options**

Silver Fern Farms **does** wish to be heard in support of its further submission. If others are making a similar submission, Silver Fern Farms would consider presenting a joint case with them at the Hearing.

4. **Service on Submitters**

Silver Fern Farms undertakes to serve a copy of its further submission to the original submitters as required under the Resource Management Act 1991 Schedule 1, s8A(2) within five working days of the date of this further submission.

**Signature:**

**SILVER FERN FARMS LIMITED**

by its authorised agents Mitchell Daysh Ltd



Date:

4 August 2023

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Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
<b>Foreword or Mihi</b>						
Fonterra Ltd	165.9	General	<p><b>Amend</b> - The submitter notes the District Plan is not intended to manage activities ‘so they do not affect the environment’. The District Plan should manage adverse effects on the environment, as follows:</p> <p>“...It provides a framework that enables expected activities and manages <u>the potential adverse effects of other activities</u> they do not affect <u>on</u> the environment.”</p>	Support	The RMA is not a no-effects statute. As such, the amendment proposed by Fonterra (below) is appropriate.	Allow
<b>Descriptions</b>						
Fonterra Ltd	165.10	Description of the District - Settlement Patterns, Growth and Development	<b>Support</b> - Supports recognition of the adverse reverse sensitivity effects that rural lifestyle development can have on the rural environment.	Support	It is appropriate to recognise reverse sensitivity effects in the higher order provisions	Allow
Fonterra Ltd	165.12	Description of the District – Rural areas	<b>Amend</b> - Considers that strategic rural industry should be highlighted in this section of the Plan. Also, as drafted the Plan suggests that a ‘balance’ is required between rural lifestyle and rural activities. Submitter does not support this and seeks amendments.	Support	<p>Silver Fern Farms agrees that it is appropriate to highlight in this description the functional and operational needs of rural industry for sites in rural areas.</p> <p>Silver Fern Farms also agrees that this description does not adequately reflect the incompatibility of rural lifestyle activities with rural activities.</p>	Allow
<b>Definitions</b>						
Penny Nelson, Director General of Conservation Tumuaiki Ahurei	166.13	New - Coastal Environment	<b>Add a new</b> definition of ‘Coastal Environment’ consistent with the definition of ‘coastal environment’ in the CRPS.	Support	The proposed definition of the Coastal Environment is consistent with the higher order document of the NZCPS.	Allow

Table 1: Silver Fern Farms Ltd - Further Submission on Proposed Timaru District Plan

Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
Rural Contractors New Zealand	178.2	Rural industry	Supports the definition as appropriate to align with the National Planning Standards 2019.	Support	Silver Fern Farms supports the adoption of the National Planning Standards definition of “rural industry”.	Allow
<b>UFD - Urban Form and Development</b>						
Royal Forest and Bird Protection Society	156.48	New – Objective	<p>Also considers adverse effects that remain after they are reduced through a consolidated and integrated settlement pattern should also apply the mitigation hierarchy in accordance with other provisions of the plan.</p> <p>Add a new objective to the UFD - Urban Form and Development Chapter as follows:</p> <p><b><u>UFD-OX</u></b></p> <p><u>Avoids, remedies, or mitigates adverse effects consistent with the provisions of the plan.</u></p>	Oppose	Silver Fern Farms questions the value of this proposed objective in light of the topic-specific objectives and policies provided throughout the proposed plan and the general duty to manage effects under RMA s17.	Disallow
<b>Stormwater Management</b>						
Waka Kotahi NZ Transport Agency	143.32	SW-P2 Water quality	<p>Considers it is not always possible to “enhance” the quality of stormwater. Recommends the policy be amended to state “maintain or enhance”.</p> <p>Amend SW-P2 as follows:</p> <p>SW-P2 Water quality</p> <p>Maintain <del>or</del> <u>and</u> enhance stormwater quality by requiring: [...]</p>	Support	The “enhancement” of stormwater quality is neither feasible or necessary in all cases.	Allow

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Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
<b>Contaminated Land</b>						
BP Oil, Mobil Oil New Zealand Limited, Z Energy	196.47	CL-P3 Remediation and management works	Considers policy appropriately recognises that human health risks do not increase from remediation or management of contaminated land, and encourages reduction of such risks	Support	Agree that CL-P3 is appropriately drafted to require risk management and encourage risk reduction.	Allow
Royal Forest and Bird Protection Society	156.84	New – Rule	<p>Considers the chapter requires another rule or standard in addition to the NES-CL to ensure surrounding environmental health / indigenous biodiversity is protected.</p> <p>Either <b>add</b> a new standard or a new rule to protect environmental health / indigenous biodiversity.</p>	Oppose	In the absence of specific policy wording to consider, Silver Fern Farms is concerned that a new rule to this effect may have inadvertent outcomes.	Disallow
<b>Natural Hazards</b>						
Royal Forest and Bird Protection Society	156.87	NH-P3 Role of natural features and vegetation	<p>Considers healthy, expansive, functioning natural ecosystems provide greater resilience to natural hazards for people as well as native species. Expand policy to include native vegetation and habitat for native species. “Remove where appropriate”. This would give better effect to the RMA s 6a.</p> <p>Amend NH-P3 Role of natural features and vegetation in hazard mitigation as follows:</p> <p>Protect, maintain and restore, <del>where appropriate</del>, natural topographic features and vegetation <u>including native habitat</u> that assists with avoiding or mitigating the risk to people <u>and native species</u> and significant risk to property from natural hazards.</p>	Oppose	<p>Deleting the words “where appropriate” from this policy places an unqualified obligation on landowners to undertake protection, maintenance “and” restoration actions - regardless of the degree of natural hazard mitigation that would be achieved.</p> <p>Also, the requirement to undertake protection, maintenance “and” restoration actions to avoid or mitigate natural hazard risks to native species substantially widens the scope of the policy.</p> <p>The amendments sought are wide-ranging and inflexible. They appear likely to raise significant challenges to the efficiency and effects-based focus of consenting processes.</p>	Disallow

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Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
<b>Ecosystems and Indigenous Biodiversity</b>						
Royal Forest and Bird Protection Society	156.107	New – Policy	<p>Supports ECO-P4 in addressing Bat Protection Areas, however, consider another policy is required to address other fauna that requires protection.</p> <p>Add a new policy to the ECO - Ecosystems and Indigenous Biodiversity Chapter, as follows:</p> <p><u>ECO-PX</u></p> <p><u>Protect threatened and at-risk species and their habitats by <b>avoiding</b> significant adverse effects and managing other adverse effects of activities on those species and their habitats.</u></p>	Oppose	This policy appears unnecessary considering the recent introduction of the National Policy Statement for Indigenous Biodiversity 2023. The NPSIB provides specific, mandatory directions about managing effects on threatened and at-risk species and their habitats.	Disallow
Royal Forest and Bird Protection Society	156.116	New – Rule	<p>Supports the identification and mapping of SNAs. Although considers this is an ongoing exercise and triggers are to be required through resource consents for further identification of SNAs.</p> <p>Add a new rule/s to the ECO - Ecosystems and Indigenous Biodiversity Chapter, regarding general indigenous vegetation clearance that maintains indigenous biodiversity outside of sensitive areas and SNAs.</p> <p>The development of this rule should:</p> <ul style="list-style-type: none"> <li>- Utilise and include maps of improved pasture / fully converted farmland in the plan.</li> </ul>	Oppose	Policy 3.16 of the recently introduced National Policy Statement for Indigenous Biodiversity 2023 addresses biodiversity management outside of SNAs.	Disallow

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			<p>- Permit vegetation clearance in those areas and everywhere else have some sort of controls on indigenous vegetation clearance.</p> <p>As these maps are ground-trothed they should be implemented into the plan either through this plan review process or through a variation and then brought up to align with the process.</p>			
<b>Natural Character</b>						
Royal Forest and Bird Protection Society	156.119	New – Objective	<p>Add a new objective seeking restoration of natural character where it has been degraded.</p> <p>Add a new objective to NATC - Natural Character chapter as follows:</p> <p><u>NATC-OX</u></p> <p><u>Restoration of the natural character of wetlands, rivers, lakes, and their margins where degradation has occurred.</u></p>	Oppose	<p>The NPSFM effects management hierarchy is the appropriate management tool to apply to natural character in freshwater environments.</p> <p>The open ended “restoration” requirement proposed by RFBPS conflicts with that national-level effects management hierarchy.</p>	Disallow
<b>Subdivision</b>						
Federated Farmers	182.143	General	<p>Amend the SUB - Subdivision overview to:</p> <p>a) acknowledge the need for growth of rural communities; and</p> <p>b) address in detail the issue of reverse sensitivity in the rural environment and clearly sets out why the issue needs to be acknowledged and addressed.</p>	Support	Silver Fern Farms agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow

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Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
Spark New Zealand Trading Limited	208.78	New – Objective	<p>Considers that reverse sensitivity should be a consideration for all subdivisions. Considers an objective providing direction on this matter is warranted and supports SUB-P5 as notified.</p> <p>Amend SUB - Subdivision Chapter to add a new objective, as follows:</p> <p><u>SUB-O[X] Reverse sensitivity.</u></p> <p><u>Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable or mitigated where avoidance is not practicable.</u></p>	Support	Silver Fern Farms agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow
Fonterra Limited	165.82	SUB-O1 General subdivision design	<p>Considers that the objective should be more explicit in relation to reverse sensitivity effects.</p> <p>Amend SUB-O1 General subdivision design as follows:</p> <p>New subdivisions will:</p> <p>[...]</p> <p>10. not intentionally prevent, hinder or limit the <u>use or</u> development of adjoining or adjacent land, <u>including by way of reverse sensitivity effects.</u></p>	Support	Silver Fern Farms agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow
Fonterra Limited	165.84	SUB-P3 Disruptive Subdivision	<p>Considers that the policy should be more explicit in relation to reverse sensitivity effects.</p> <p>Amend SUB-P3 Disruptive Subdivision as follows:</p>	Support	Silver Fern Farms agrees that the management of conflict between incompatible activities is a central resource management issue to be addressed in the subdivision objectives and policies.	Allow

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			Avoid subdivisions that are intended to prevent, hinder or limit the <u>use or</u> development of adjoining or adjacent land; <del>unless it is done to comply with a Council approved Development Area Plan; including</del> <u>by way of reverse sensitivity effects.</u>			
<b>CE – Coastal Environment</b>						
Canterbury Regional Council (Environment Canterbury)	183.106	General	Considers the definition of high hazard in the CRPS is wider than just freshwater flooding and includes areas subject to coastal flooding and coastal erosion. These matters need to be addressed in a consistent manner across the PDP, and the definition updated.	Oppose	Silver Fern Farms acknowledges the requirements for district plans to give effect to regional policy statements.  However, in the absence of proposed draft provisions, it is unclear how the relief sought would be operationalised and the implications it may have for established activities affected by natural hazard planning layers.	Disallow
Royal Forest and Bird Protection Society	156.145	CE-O4 Coastal hazards	1. Delete CE-O4 Coastal hazards;  OR  1. Amend CE-O4 Coastal hazards as follows:  People, <del>buildings and structures</del> are protected from unacceptable risks arising from coastal hazards, <u>whilst taking account of climate change, through location and design of buildings and infrastructure, considering responses such as managed retreat for existing development.</u>	Oppose	The protection of certain development (such as Major Hazard Facilities) from unacceptable coastal hazard risks is a legitimate resource management consideration and the objective should not disregard this.	Disallow
Canterbury Regional Council	183.12 2	CE-P8 Maintain and/or enhance the quality of the	Considers the drafting of this policy uses very permissive language ("enable"), whereas the structure of the NZCPS, particularly in relation to Policy 7, is to consider how and when to	Oppose	The enablement of activities that maintain or enhance the quality of the coastal environment is appropriate. It	Disallow

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Submitter Name	Submitter No.	Provision	Original submission summary	Support/oppose	Reason	Decision Sought
(Environment Canterbury)		coastal environment	<p>provide for development in the coastal environment, and to identify where development is inappropriate.</p> <p>Amend CE-P8 Maintain and/or enhance the quality of the coastal environment as follows:</p> <p>Outside of urban areas, <del>enable</del> <u>ensure</u> subdivision, use and development <del>where it</del> maintains <del>and/or</del> enhances the following qualities that contribute to the quality, and the public's enjoyment of the coastal environment: [...]</p>		<p>encourages proposals with positive effects.</p> <p>Importantly, it is not a policy prohibition against proposals with some adverse effects on the eight (broadly framed) coastal environment qualities listed in CE-P8.</p> <p>The submitter's recommendation to "ensure" certain development outcomes in the coastal environment could be interpreted as a bar to proposals with adverse effects, regardless of any measures employed to manage those effects, and the overall merits of a proposal.</p>	
Lineage Logistics NZ Limited	107.8	CE-P12 Coastal Hazard Areas (excluding Regional Significant Infrastructure)	<p>Opposes CE-P12(2) as inconsistent with RMA s6(h). CE-P12 requires the avoidance of any increased risk, even <i>de minimus</i> or temporary. In comparison, RMA s6(h) refers to the management of <i>significant</i> risks.</p> <ol style="list-style-type: none"> <li>Delete Policy CE-P12(2) and replace with wording that focuses on unacceptable risk.</li> <li>Such other alternative or additional relief as may be appropriate to give effect to the intent of this submission including, but not limited to, amendments to implementing rules in CE-R4 - CER14 and associated standards.</li> </ol>	Support	The requirement to "avoid" all risk is unfeasible in coastal areas where a level of residual risk is often present. It would be more appropriate to apply policy directions regarding the management measures to be employed in relation to different levels/categories of risk.	Allow
Royal Forest and Bird Protection Society	156.166	CE-R6 Land disturbance	<p>Considers difficult to ascertain what this sort of activity permits.</p> <p>Delete CE-R6 Land disturbance.</p>	Oppose	This rule relies on the defined meaning of "land disturbance". In that	Disallow

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					context, the permitted activity status provided is appropriate.	
<b>Drinking Water Protection</b>						
Timaru District Council	42.42	DWP-P2 Protect drinking water supplies	<p>Concern that land use activities that could pose a risk to drinking water supplies, including supply sources need a greater level of control in the Drinking Water Protection Area Overlay.</p> <p>These changes are necessary to give effect to s104G of the RMA. (Legal opinion provided in full submission).</p> <p>Amend the policy to reflect a <b>non-complying activity status</b>, within Drinking Water Protection</p> <p>Areas, for the following:</p> <ul style="list-style-type: none"> <li>• <u>Hazardous facilities;</u></li> <li>• <u>Earthworks;</u></li> <li>• <u>Composting facilities;</u></li> <li>• <u>Buildings that require septic/sewage facilities;</u></li> <li>• <u>Offal pits;</u></li> <li>• <u>Silage storage;</u></li> <li>• <u>Vegetation clearance;</u></li> <li>• <u>Exotic tree planting/plantation forestry;</u></li> <li>• <u>Intensive primary production.</u></li> </ul>	Oppose	<p>While the need to protect drinking water supplies is obvious, TDC's recommended amendments and the supporting legal opinion do not provide analysis in terms of RMA s32 about why the nominated activities have been specified, nor why a non-complying activity status is the most appropriate management approach.</p> <p>In the absence of s32 analysis of these matters and draft provisions from TDC, it seems that all earthworks and all vegetation removal in a drinking water supply area would require consent as a non-complying activity – regardless of the degree to which the effects of the activity would interact with drinking water supplies, nor the management measures in place.</p> <p>The Proposed Plan includes portions of Silver Fern Farms' site within drinking water supply protection areas due to the onsite bores for site (only) water supply.</p> <p>Silver Fern Farms manages its onsite activities around these supplies. A non-complying activity status is a substantial regulatory burden on Silver</p>	Disallow

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					Fern Farms' ability to manage and internalise the effects of activities around its own drinking water supply.	
<b>Light</b>						
Fonterra Limited	165.10	LIGHT-P3 Health and safety	Fonterra supports the exemption of lighting to meet the health and safety needs of people.	Support	It is appropriate to permit outdoor artificial lighting that is necessary for health and safety purposes.	Allow
<b>Noise</b>						
Fonterra Limited	165.105	Introduction	<p>It is important that key industry and employment generators are recognised as being constrained by reverse sensitivity effects arising from inappropriately located sensitive activities.</p> <p>Amend the Introduction to the NOISE-Noise Chapter as follows:</p> <p>[...] This is a particular concern for <u>key industry and employment generators</u>, important services and community facilities, including the Airport, Raceway, State Highway, Railway Corridor and the Port, which could be constrained if reverse sensitivity effects arise [...]</p>	Support	It is appropriate to recognise the vulnerability of key industry and employment generators to reverse sensitivity effects deriving from noise emissions.	Allow
<b>General Rural Zone</b>						
Fonterra Limited	165.127	New – Policy	The Clandeboye site is surrounded by rural land. It is important that subdivision, use and development does not constrain Clandeboye's operations through reverse sensitivity effects.	Support	<p>It is appropriate to require the avoidance of reverse sensitivity effects on established rural activities, including rural industry.</p> <p>These activities typically have significant sunk investment and little/no realistic prospect of retreating</p>	Allow

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			<p>Add new policy to the GRUZ - General Rural Zone Chapter as follows:</p> <p><u>GRUZ-PX Reverse sensitivity</u></p> <p><u>Subdivision, use and development in rural areas must avoid adverse reverse sensitivity effects on strategic rural industrial activities.</u></p>		<p>from new incompatible activities establishing in the surroundings. As such, policy directions are an appropriate method to ensure that rural activities are not restricted by sensitive new activities locating in the surroundings. This would assist to ensure the rural sector's positive social and economic effects can continue to be realised.</p>	
<b>General Industrial Zone</b>						
Fonterra Limited	165.133	GIZ-O3 Use and development in the General Industrial Zone	It is appropriate to define the use and development anticipated for the zone, in particular the need to ensure that the zone is not compromised by the establishment of sensitive activities.	Support.	Silver Fern Farms agrees that it is critical to ensure that industrial zones are not compromised by the introduction of sensitive activities.	Allow.