

9 April 2025

Hearings Administrator - Proposed Timaru District Plan
Timaru District Council

By email: pdp@timdc.govt.nz

RE: Hearing Stream F: Hearing Statement on behalf of Silver Fern Farms Limited (submitter 172)

1. We act for Silver Fern Farms Limited (“**Silver Fern Farms**”) who lodged a submission and further submission on the Proposed Timaru District Plan. The submissions included points on provisions of the *Hazards and Risks (Natural Hazards and Drinking Water Protection)* provisions to be heard in Hearing Stream F.
2. Silver Fern Farms requests that this Hearing Statement be tabled with the Hearings Panel. It will not file evidence on the matters in the scope of Hearing Stream F.
3. The section 42A author’s report and recommended amended provisions resolve key elements of Silver Fern Farms submissions, as summarised below.

Drinking Water Protection Area provisions

4. The notified Drinking Water Protection Area provisions required a non-complying resource consent for industrial activities within a 50 m radius of the Drinking Water Protection Areas mapped around two private water supply bores at Silver Fern Farms Pareora. Silver Fern Farms submitted that this restriction would be incompatible with the industrial zoning of that site¹.
5. The section 42A report recommends amendments to rule DWP-R5, and a new rule DWP-RX. These amendments appropriately clarify the resource consent requirements for industrial activities and earthworks within 50 m of a private drinking water supply. Silver Fern Farms agrees with these section 42A recommendations.

¹ E.g., submission points 172.99, 172.155 and 172.26FS refer.

Sea Water Inundation Overlay and High Hazard Area provisions

6. Silver Fern Farms submission sought clarification about the relationship between the Sea Water Inundation Overlay and High Hazard Area provisions². The matter is discussed at paragraph 7.34.10 of the section 42A report. The following recommendations of that report (among other changes) resolve the matter appropriately in Silver Fern Farms view:
 - a. revise the definition of “High Hazard Area”;
 - b. add a definition for “urban zoned areas” that includes industrial zones and add consequential references to “urban zoned areas” to the natural hazard provisions; and
 - c. refer to the Sea Water Inundation Overlay at rules CE-RX(1) (Natural Hazard Sensitive Buildings) and standard NH-S1 (Flood Assessment Certificate) such that the Flood Assessment Certificate process applies to proposals in the Sea Water Inundation Overlay.

Enablement of natural hazard risk mitigation

7. Some of the notified provisions required that natural hazard risk must be avoided, with no scope for mitigation measures. This approach could be impractical for existing activities that occupy areas exposed to natural hazard risk. Silver Fern Farms sought amendments to enable mitigation to be considered in resource consent application processes³.
8. Silver Fern Farms agrees with amendments recommended in the section 42A report to expressly contemplate mitigation of natural hazard risk, including NH-O1(2) and NH-P10(3).

Provision for existing activities located in the coastal environment

9. Silver Fern Farms’ submissions on objective CE-O6 (Existing urban activities) and policy CE-P9 (Anticipated activities)⁴ recommended that the presence of existing development in the coastal environment should be recognised, particularly where existing activities are constrained from relocating to areas outside the coastal environment.
10. Paragraphs 8.9.6 and 8.17.7 of the section 42A report recommend amendments to these provisions to recognise and provide for activities in “urban zoned areas” (which term is defined to include the General Industrial Zone that applies to the Pareora site). This accords with the outcome sought by Silver Fern Farms submission.

² E.g. submission points 172.2, 172.30 and 172.32.

³ E.g., submission points 172.22 and 172.28.

⁴ Submission points 172.80 and 172.85 respectively.

Conclusion

11. Silver Fern Farms has reviewed, and accepts, the recommendations of the Hearing Stream F section 42A report on provisions that Silver Fern Farms submitted on, as tabled below.
12. Please contact the undersigned if you wish to clarify any matters addressed herein.

Yours sincerely,



Steve Tuck
Mitchell Daysh Limited
+61 27 593 4152
steve.tuck@mitchelldaysh.co.nz

Point	Provision	Relief Sought	s.42A recommendation	Silver Fern Farms position
Drinking Water Protection Areas				
172.26FS	DWP-P2 Protect drinking water supplies	Disallow submission point 42.42.	Accept in part	No further relief required.
172.99	DWP-R5 Industrial activities including rural industry	Delete the DWPA maps from Silver Fern Farms Pareora processing site.	Accept	No further relief required.
172.155	Drinking Water Protection Area overlay	<p>Either:</p> <p>1. Delete the Drinking Water Protection Area overlay from the bores at 111 The Avenue, Pareora; OR</p> <p>2. Ensure this well-established industrial activity is not inadvertently made subject to a non-complying activity status due to the presence of the bores.</p>	Accept (amend rule DWP-R5).	No further relief required.
172.158	Planning Maps & text for the Sea Water Inundation Overlay	As for 172.55 above.	As for 172.55 above.	No further relief required
Definitions				
172.2	High Hazard Area	1. Amend the definition of High Hazard Overlay; or	Accept	No further relief required



Point	Provision	Relief Sought	s.42A recommendation	Silver Fern Farms position
		2. clarify the various hazard overlays, to confirm the implementation of this definition.		
n/a	<p>Insert a new definition for Urban Zone / Urban Zoned Areas as follows:</p> <p><u>Urban Zone / Urban Zoned Areas</u></p> <p><u>Urban zone or urban zoned areas: for the purpose of the Natural Hazard and Coastal Environment chapters, means all zones with the exception of the General Rural, Rural Production, Rural Lifestyle, Future Urban, and any Open Space and Recreation zones that do not share at least 50% of their boundary with a qualifying urban zone.</u></p>	n/a – new definition recommended by section 42A report.	New definition.	Agree
Natural Hazards				
172.22	NH-O1 Areas subject to natural hazards	Amend NH-O1	Accept in part	No further relief required
172.23	NH-O3 Natural hazard mitigation works	Amend NH-O3	Accept in part	No further relief required
172.24	NH-P1 Identification of natural hazards and approach to management within Natural Hazard Areas	Amend NH -P1	Reject	No further relief required
172.25	NH-P4 Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flow paths	Amend NH -P4	Accept in part	No further relief required



Point	Provision	Relief Sought	s.42A recommendation	Silver Fern Farms position
172.26	NH-P5 Subdivision and Regionally significant infrastructure in Liquefaction Awareness Areas	Retain as notified.	Accept in part	No further relief required
172.27	NH-P9 Natural hazard mitigation works	Amend NH-P9	Accept	No further relief required
172.28	NH-P10 High Hazard Areas	Amend NH-P10	Accept in part	No further relief required
172.29	NH-R1 Earthworks, excluding land disturbance and for natural hazard mitigation works	Delete NH-R1 or amend NH-S2 to provide an increased earthworks allowance.	Accept in part	No further relief required
172.30	NH-R4 Natural hazard sensitive activities or structures and additions to such activities or structures with a ground floor area of 30m2 or more	Retain a permitted and restricted discretionary consenting pathway for land in a Flood Assessment Area. Amend NH- R4, and other provisions as necessary, to clarify that land in the Sea Water Inundation Overlay is not subject to a non-complying consenting pathway for development of >30m2.	Reject	No further relief required
172.31	NH-R7 Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m2 (excluding Regionally Significant Infrastructure)	Retain as notified.	Reject	No further relief required
172.32	NH-R8 Subdivision	Amend rule NH-R8	Accept in part	No further relief required



Point	Provision	Relief Sought	s.42A recommendation	Silver Fern Farms position
172.33	NH-S1 Flood Risk Certificate	Clarify whether the High Hazard Area Overlay includes land in the Sea Water Inundation Overlay	Accept in part	No further relief required
172.34	NH-S2 Volume of earthworks	Amend NH-S2	Reject	No further relief required
172.78	CE-O2 Quality of the Coastal Environment	Retain as notified.	Accept	No further relief required
172.79	CE-O5 Natural features and buffers	Retain as notified.	Accept in part	No further relief required
172.80	CE-O6 Existing urban activities	Amend CE-O6	Accept in part	No further relief required
172.81	CE-P1 Identifying the Coastal Environment	Retain as notified.	Accept in part	No further relief required
172.82	CE-P2 Identifying areas of high coastal natural character	Retain as notified.	Accept in part	No further relief required
172.83	CE-P4 Role of natural features and vegetation	Retain as notified.	Accept in part	No further relief required
172.84	CE-P7 Restoration or rehabilitation of natural character	Retain as notified.	Accept in part	No further relief required
172.85	CE-P9 Anticipated activities	Amend CE-P9	Accept in part	No further relief required
172.86	CE-P11 Preserve the natural character qualities of areas with Coastal High Natural Character	Amend CE-P11	Accept in part	No further relief required



Point	Provision	Relief Sought	s.42A recommendation	Silver Fern Farms position
172.87	CE-P12 Coastal Hazard Areas (excluding Regional Significant Infrastructure)	Amend CE-P12	Reject	No further relief required
172.88	CE-P14 Hard engineering natural hazard mitigation within the Coastal Environment	Amend CE-P14	Accept in part	No further relief required
172.89	CE-R4 Buildings and structures and extension (excluding Regionally Significant Infrastructure and fences)	Amend CE-R4	Accept	No further relief required
172.90	CE-R5 Earthworks, excluding: earthworks for natural hazard mitigation works; and any land disturbance	Amend CE-R5	Accept	No further relief required
172.91	CE-R9 Natural hazard mitigation works, including earthworks - maintenance, replacement and upgrading	Retain as notified.	Accept in part	No further relief required
172.92	CE-R12 Natural hazard mitigation works, including Earthworks - New	Amend CE-R12	Accept in part	No further relief required
172.93	CE-S1 Height of buildings and structures	Retain as notified.	Accept	No further relief required
172.94	CE-S2 Site coverage	Amend CE-S2	Accept in part	No further relief required
172.95	CE-S3 Building and structure external materials	Amend CE-S3	Accept	No further relief required

