

BEFORE THE HEARINGS PANEL FOR THE PROPOSED KAIPARA DISTRICT
PLAN

UNDER the Resource Management Act 1991

IN THE MATTER OF The Proposed Kaipara District Plan (Hearing 6 –
Hazardous Substances)

AND Silver Fern Farms Limited (submitter no. 287)

STATEMENT OF EVIDENCE BY STEVE TUCK (PLANNING)

10 FEBRUARY 2026

1. INTRODUCTION

- 1.1 My name is Steve Tuck. I am an Associate with Mitchell Daysh Limited, a nationwide resource management consultancy.
- 1.2 Silver Fern Farms Limited (“**Silver Fern Farms**”) has engaged me to prepare this statement of planning evidence in relation to the provisions it submitted on that are within the scope of this Hazardous Substances hearing topic.
- 1.3 I prepared Silver Fern Farms’s submission on the Proposed Kaipara District Plan (“**Proposed Plan**”). The Council has numbered those documents as submission no. 287, with submission points 287.3 – 287.6 and 287.36 – 287.37 being specific to Hazardous Substance provisions.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 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.
- 2.2 I have been engaged in public and private sector planning and resource management roles in New Zealand and Australia since 2011.
- 2.3 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 various regionally and nationally significant projects.
- 2.4 My relevant recent professional experience is summarised in Appendix 1 to this evidence.

3. CODE OF CONDUCT

- 3.1 Although this is not an Environment Court hearing, I have read, and agree to comply with, the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023.
- 3.2 I confirm that this evidence is within my area of expertise, except where I state that I am relying upon material produced by another person. I confirm that I have not omitted to consider any material fact known to me that might alter or detract from the opinions I express.

4. SCOPE OF EVIDENCE

- 4.1 In this statement of evidence, I address the recommendations of the Section 42A report author for Hearing 6 (Hazardous Substances) in relation to:
- > The definition of the term "Hazardous Facility" (submission point 287.4);
and
 - > The drafting of policy HS-P3 (submission point 287.5).
- 4.2 As the matters discussed in this evidence are straightforward, I propose to table this evidence for the Panel's consideration. No appearance is sought. Nonetheless, I will be happy to appear via teleconferencing (Zoom or Teams) to answer any questions from the Panel if it requires me to attend.

5. BACKGROUND

- 5.1 Silver Fern Farms owns the Dargaville Meat Processing Plant at Tuna Street, Dargaville (the "**Site**"). The Site is on the eastern side of Dargaville, south of State Highway 14. It is near the Dargaville Speedway (which is to the north), the District Council's wastewater oxidation ponds (located on a designated site to the east) and is located west of the confluence of the Awakino and Wairoa Rivers. The Site is bordered by other industrial, rural, residential and recreation zoned land.
- 5.2 The Site includes meat processing (slaughtering) facilities, ancillary offices and staff facilities, chemical storage facilities, boiler operations and waste

management facilities including treatment ponds, as well as land used for waste management, stock holding and hay production. The meat processing plant was commissioned in 1993 and operates five days per week for 11 months of the year, employing approximately 300 staff, most of whom live in or around Dargaville. As such, the Site is economically significant to Dargaville.

6. HAZARDOUS FACILITY DEFINITION

6.1 The Silver Fern Farms submission sought several changes to the “Hazardous Facility” definition, primarily to clarify the definition and to remove ambiguities in it. The submission point on the “Hazardous Facility” definition was noted as point 287.4 in the Summary of Submissions.

6.2 The Proposed Plan includes the following definition for “Hazardous Facility”:

Hazardous Facility

Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport located at a facility for more than short periods of time and excludes:

- *fuel stored in mobile plants,*
- *motor vehicles, boats and small engines;*
- *the incidental use and storage of hazardous substances in domestic scale quantities;*

activities involving sub-classes not included in the Activity Status Table.

6.3 The Summary of Submissions summarised submission point 287.4 as seeking the following relief:

Amend the definition of Hazardous Facility, as follows:

DELETE elements of the definition associated with the transport of hazardous substances (which are covered by HSNO), the

contradictory approach towards vehicles, which appear to be included and then excluded from the definition.

AND

DELETE the ambiguous reference to "short periods of time".

AND

AMEND the reference to "Activity Status Table" by deleting it and replacing it with reference to "HS-1" [sic].¹

AND

Rationalise the definition accordingly.

OR

Provisions or wording to similar effect.

AND

Any necessary and consequential amendments.

AND

All further relief necessary to give effect to the concerns raised in the submission.

6.4 There are four key elements to the submission point:

1. Deletion of reference to vehicles for transport (second sentence of the definition);
2. The contradictory approach which includes vehicles then excludes them (second sentence of the definition and bullet point one);
3. The ambiguity of the phrase "*short periods of time*" that appears in the second sentence of the definition; and
4. Reference to an "Activity Status Table" that does not exist in the Proposed Plan.

¹ The original Silver Fern Farms submission refers to **HS-S1**, the table of Hazardous substances permitted activity thresholds.

- 6.5 The definition of “Hazardous Facility” is discussed in paragraphs 63 – 79 of the Officer’s Section 42A Report² (**s42A Report**). A recommendation for amended wording for the definition to make it clear that the definition includes “Significant Hazardous Facilities” and to clarify the last bullet point of the definition is provided in paragraph 79 of the s42A Report. These changes do not address the matters identified in Silver Fern Farms submission.
- 6.6 Submission point 287.4 is mentioned once in the s42A Report, at paragraph 69 where the report states that six submitters, including Silver Fern Farms, “request that the definition of ‘Hazardous Facility’ be removed entirely from the PDP”. That is incorrect, as I note above. The Silver Fern Farms submission sought amendments to the definition, not its deletion. The matters identified in the Silver Fern Farms submission and submission point 287.4 are not discussed or referred to at all in the s42A Report.
- 6.7 Matters dealing with the transportation of hazardous substances are addressed in several Acts and Regulations, including the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work (Hazardous Substances) Regulations 2017 and various Land Transport Rules.
- 6.8 In my opinion, including “*Storage includes vehicles for their transport*” in the “Hazardous Facility” definition is unnecessary and duplicates other requirements relating to the transportation of hazardous substances. It also does not recognise that such vehicles may be empty (even though it may be a vehicle designed for transport of hazardous substances). I also note that the definition then excludes both “*fuel stored in mobile plants*” and “*motor vehicles, boats and small engines*” which contradicts the inclusion of vehicles for transport of hazardous substances.

² Section 42A Report, Hazardous Substances, Prepared for the Proposed Kaipara District Plan; Report prepared by: Sarah Horton, 30 January 2026.

- 6.9 The Proposed Plan definition provides no guidance as to what a “*short period of time*” is. In my opinion, “*a short period of time*” could be any length of time and is too uncertain for inclusion in a definition.
- 6.10 I also note that the term “Activity Status Table” is uncertain because there is no such table identified in the Hazardous Substances section of the Proposed Plan. I assume that the reference to a table is a reference to HS-S1 which sets out permitted activity thresholds for various classes of Hazardous Substances.
- 6.11 I consider that the “Hazardous Facility” definition should be amended as requested in the Silver Fern Farms submission, as follows (including the changes recommended in the s42A Report):

Hazardous Facility

*Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. **Storage includes vehicles for their transport located at a facility for more than short periods of time.** Includes any Significant Hazardous Facility.*

And excludes:

- *fuel stored in mobile plants,*
- *motor vehicles, boats and small engines;*
- *the incidental use and storage of hazardous substances in domestic scale quantities;*
- *activities involving sub-classes not included in **HS-S1the Activity-Status-Table.***

- 6.12 These changes would, in my opinion, resolve the matters identified in Silver Fern Farms submission point 287.4.

7. POLICY HS-P3

- 7.1 Policy HS-P3 as worded in the Proposed Plan is as follows:

Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully-established significant hazardous facilities.

- 7.2 Silver Fern Farms submission point 287.5 sought amendment to Policy HS-P3 to refer to avoiding reverse sensitivity effects on any lawfully established Hazardous Facility, as follows with underlining (or any amendments to like effect):

Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully-established hazardous facilities and significant hazardous facilities.

- 7.3 Submission point 287.5 is referred to in paragraph 147 of the s42A Report where the report states “*Ravensdown Limited [229.10] and Silver Fern Farms [287.5] both request amending HS-P3 to remove reference to significant hazardous facilities.*” That assessment is not correct. The Silver Ferns Farm submission point was not to remove reference to Significant Hazardous Facilities, rather it was to add reference to Hazardous Facilities. In my opinion, the policy as worded in the Proposed Plan does not recognise that reverse sensitivity effects would not be limited to Significant Hazardous Facilities and could equally be experienced by any Hazardous Facility.

- 7.4 Given the s42A Report proposed change to the “Hazardous Facility” definition (paragraph 79 of the s42A Report) to include Significant Hazardous Facility in the definition, I consider that Policy HS-P3 should be amended to refer simply to reverse sensitivity effects on any Hazardous Facility as follows:

*Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully-established **significant hazardous facilities**.*

- 7.5 This change would, in my opinion, resolve the matter identified in Silver Fern Farms submission point 287.5.

8. SECTION 32AA ASSESSMENT

8.1 The amendments I discuss above represent minor clarifications of the Hazardous Substances provisions to resolve uncertainties and inconsistencies in the Proposed Plan policy framework. They do not represent any significant shift in policy emphasis or approach. In that regard I consider that the changes are an appropriate, efficient and effective way to achieve the purpose of the Act. I consider that this assessment corresponds to the scale and significance of the changes I propose and that no further Section 32AA assessment is required.

Steve Tuck

10 February 2026

APPENDIX 1: SUMMARY OF RECENT PROFESSIONAL EXPERIENCE

- Silver Fern Farms Limited – preparation of submissions and planning evidence on proposed district plans and regional policy statements - Gore, Westland (Te Tai o Poutini), Timaru, Central Hawkes Bay and South Taranaki districts, Otago Region.
- Silver Fern Farms Limited – consenting of stormwater, air and greenhouse gas discharges and groundwater take and use activities – Taranaki and Hawkes Bay regions.
- Port of Tauranga Limited – consenting of the Stella Passage Development.
- Port of Tauranga Limited – comprehensive air discharge consenting.
- Port Marlborough New Zealand Limited – consenting of workshop development – Marlborough Region.
- Malaghans 704 Limited – residential consenting - Queenstown Lakes District.
- 100WPS (NZ) Limited – Lake Wakatipu marina consenting – Otago Region.
- Waiaua Bay Farm Limited - consenting of online dam and water storage reservoir, surface and groundwater takes – Northland Region.
- OceanaGold (New Zealand Limited) – Macraes Phase 4 gold mine project – Otago Region.
- Sanford Limited – marine farm consenting – Southland, Waikato and Auckland regions.
- OceanaGold (New Zealand Limited) – Waihi North gold mine project – Waikato Region.
- Manawa Energy Limited – hydroelectric power scheme consenting – Bay of Plenty and Manawatu regions.