

BEFORE THE HEARING PANEL FOR THE PROPOSED MACKENZIE DISTRICT
PLAN

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Plan Change 30 to the Mackenzie District Plan

**STATEMENT OF EVIDENCE BY STEVEN TUCK (PLANNING) ON BEHALF OF PŪKAKI
TOURISM HOLDINGS LIMITED PARTNERSHIP AND PŪKAKI VILLAGE HOLDINGS
LIMITED**

8 MAY 2025

1. INTRODUCTION

- 1.1 My full name is Steven John Tuck.
- 1.2 I am an associate with the firm Mitchell Daysh Limited, which practices as a resource management consultancy throughout New Zealand, with offices in Auckland, Hamilton, Tauranga, Napier, Nelson, Dunedin and Invercargill.
- 1.3 I hold a Master of Planning and Environment (Distinction) degree from the Royal Melbourne Institute of Technology. I have nearly 15 years' experience as a planner in New Zealand and Australia, in local government and consultancy roles.
- 1.4 I am an Intermediate member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 1.5 My specialist areas of practice include providing resource management advice to the private sector, undertaking planning analyses, managing resource consent acquisition projects, and developing resource consent conditions. A summary of my recent relevant professional experience is attached to this evidence as Appendix 1.
- 1.6 My involvement in this matter stems from my firms' engagement by Pūkaki Tourism Holdings Limited Partnership and Pūkaki Village Holdings Limited (PTHL & PVHL) over several years in relation to their landholdings at Lake Pūkaki.
- 1.7 I prepared the submission and further submission of PTHL & PVHL on proposed Plan Change 30, and on PTHL & PVHL's behalf, met with the section 42A reporting officer and Department of Conservation representatives in relation to this proposal.

CODE OF CONDUCT

- 1.8 While 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 dated 1 January 2023. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

1.9 In this statement of evidence, I:

- 1.9.1 Outline the process that was followed to develop the notified Pūkaki Downs Special Purpose Zone (PDSPZ) and the Pūkaki Village Special Purpose Zone (PVSPZ) (together, "the Pūkaki zones");
- 1.9.2 Summarise the submissions received on these zones and the recommendations of the section 42A reporting officer;
- 1.9.3 State my recommendations in relation to the Pūkaki zones; and
- 1.9.4 Provide a concluding comment.

2. DEVELOPMENT OF THE PŪKAKI SPECIAL PURPOSE ZONES

- 2.1 PTHL and PVHL own the land in the Pūkaki zones, excepting two parcels in the PVSPZ, at 4587 and 4589 State Highway 8¹. PTHL & PVHL and its consultants have worked with Council staff and consultants since 2023 to agree the Structure Plans for each zone, and to review draft versions of the Pūkaki zones before Plan Change 30 was notified.
- 2.2 The notified Pūkaki zones reflect the collaborative process above and were as anticipated by PTHL and PVHL, who submitted in support of the Pūkaki zones. The PTHL and PVHL submission did not seek any substantive changes and simply identified some minor corrections.

3. SUBMISSIONS ON THE PŪKAKI SPECIAL PURPOSE ZONES

- 3.1 The parties (aside from PTHL & PVHL) who submitted on Pūkaki zones were:

¹ No. 4587 is formally described as Lot 1 DP 432280. No. 4589 (Lakestone Lodge) is Lot 2 DP 432280.

- 3.1.1 Nova Energy Limited;
- 3.1.2 Canterbury Regional Council;
- 3.1.3 The Director-General of Conservation (DOC);
- 3.1.4 New Zealand Transport Agency Waka Kotahi (NZTA); and
- 3.1.5 Heritage New Zealand Pouhere Taonga (HNZPT).

3.2 Nova Energy Limited and Canterbury Regional Council supported, and did not seek amendments to, the notified zones.

3.3 The DOC submission sought the following amendments to the notified zones:

- 3.3.1 Amendment of the PDSPZ Structure Plan to remove any overlap between the “Built Development Areas” nominated on the Structure Plan with the extent of areas subject to conservation covenants²;
- and
- 3.3.2 Review of the approach taken in the PVSPZ, to ensure that the zone does not anticipate a level of development that would conflict with the ecological values of the land within this zone and adjoining land³.

3.4 The NZTA submission sought the following amendments to the notified zones:

- 3.4.1 Amendments to policies PDSPZ-P1 and PVSPZ-P1 to add a sub-clause requiring consideration of how development of the Pūkaki zones will affect the operation of the adjoining State Highways⁴; and
- 3.4.2 Amendments to rules PDSPZ-R1 and PVSPZ-P1 to add consideration of the “form” of state highway access to the Pūkaki zones as an additional consideration to the location of the access points⁵.

² Submission point 11.09.

³ Submission point 11.11.

⁴ Submission points 12.06 and 12.09.

⁵ Submission points 12.07 and 12.10.

- 3.5 HNZPT sought an amendment to matter of discretion PDSPZ-MD4(d) to expressly require the consideration of cultural heritage values and the outcome of any consultation with HNZPT in relation to earthworks, when an Outline Development Plan for the PDSPZ is considered under rule PDSPZ-R1⁶.
- 3.6 Excepting PTHL & PVHL, no further submitter addressed the Pūkaki zones.

4. ASSESSMENT OF THE SECTION 42A RECOMMENDATIONS

- 4.1 Section 8 (paragraphs 35 to 38) of the section 42A report addresses general submissions on the Pūkaki zones. It notes that various submitters (PTHL & PVHL; Nova Energy; Canterbury Regional Council; DOC) sought retention of the Pūkaki zones as notified, except where specific changes were sought. The reporting officer recommends accepting these submissions. Those provisions are not in contention, and I agree with the section 42A recommendation.

NZTA SUBMISSION

- 4.2 The section 42A report recommends accepting the submissions by NZTA on PDSPZ-P1, PDSPZ-R1, PVSPZ-P1 and PVSPZ-R1⁷.
- 4.3 I agree with the section 42A officer's recommendations on these submissions, and her reasons stated at paragraphs 56, 103 and 106 of the section 42A report, regarding the safe and efficient operation of the highways.

HNZPT SUBMISSION

- 4.4 The section 42A report assesses the HNZPT submission at paragraphs 57, 58 and 62. It recommends that PDSPZ-MD4(d) be retained as notified rather than amended in the manner sought by HNZPT.
- 4.5 I agree with the section 42A officer that adding reference to cultural heritage considerations to PDSPZ-MD4(d) would unnecessarily and inefficiently duplicate the consideration that appears at PDSPZ-MD4(e).

⁶ Submission point 08.02.

⁷ Paragraphs 45, 56, 103 and 106 of the section 42A report refer.

4.6 In relation to HNZPT's request for PDSPZ-MD4(d) to be amended to expressly refer to consultation with HNZPT, I agree with the reasoning at paragraph 58 of the section 42A report, which is:

...Adding a requirement to consult with HNZPT would potentially create an expectation that HNZPT should be consulted in all instances. This is an inefficient approach, as depending on specific effects, consultation may not be required. It is also noted that all earthworks are subject to EW-S4 Accidental Discovery Protocol, which sets out the appropriate process to be undertaken in the event of discovery of sensitive material.

4.7 On this basis I concur with the section 42A officer's recommendation to reject the relief sought by HNZPT's submission point no 08.02 regarding PDSPZ-MD4(d).

DOC SUBMISSION

4.8 After the submissions period closed, the section 42A officer met with PTHL & PVHL representatives (me and PTHL & PVHL's consulting ecologist, Mr Hooson from Boffa Miskell Ltd) and DOC representatives (including Mr Brass, DOC's Senior RMA Planner), to discuss DOC's submissions⁸.

4.9 The meeting and subsequent correspondence between the parties resulted in agreement that it would be appropriate to amend the extent of Built Development Area 3 shown on the PDSPZ structure plan in the manner shown at Figure 1 (paragraph 69) of the section 42A report (replicated below).

4.10 This amendment to the Structure Plan will exclude the areas subject to a conservation covenant from Built Development Area 3. Removing this overlap will ensure that Built Development Area 3 does not signal development in areas where the conservation covenant applies. I concur with the officer's recommendation at paragraph 70 of the section 42A report⁹ to accept this change.

⁸ As mentioned at paragraphs 68, 71 and 91 of the section 42A report.

⁹ Also noted on at *Figure PDSPZ-1: Structure Plan* at page 17 of the 24 April 2025 Section 42A Recommendations Version of the PDSPZ.

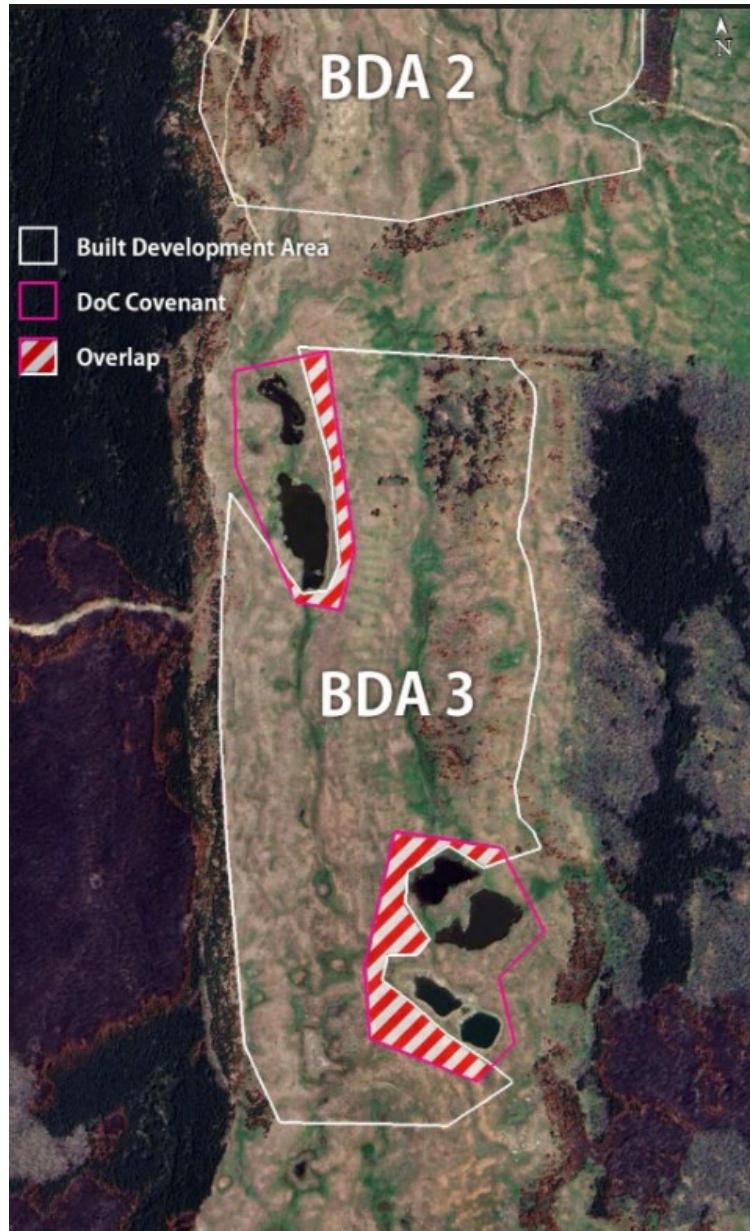


Figure 1: Amendment to PDSPZ Structure Plan.

4.11 Secondly, the meeting clarified DOC's view that the proximity of the Pūkaki Scientific Reserve to the PDSPZ, and the proximity of the Lake Pūkaki Terminal Moraine Conservation Area and separate Significant Natural Areas to the PVSPZ, warrant amendments to the zones to expressly require consideration of the effects of development on the ecological values of surrounding sites when an Outline Development Plan for each zone is applied for¹⁰.

¹⁰ Paragraphs 71 and 91 of the section 42A report refer.

4.12 Proposed amendments to achieve this were circulated to the parties by the section 42A officer. The amendments are shown in the recommended text of the Pūkaki zones appended to the section 42A report, at PDSPZ-R1(X), PDSPZ-MD5(X), PVSPZ-R1(X) and PVSPZ-MD5(X).

4.13 The additional clause (X) to rules PDSPZ-R1(X) and PVSPZ-R1(X) is:

1. *Any application for the approval of an Outline Development Plan submitted under this rule is accompanied by a comprehensive land use and subdivision consent application which covers the following:*

[other sub-clauses not shown here]

X. assessment of effects of the development on the ecological values of surrounding sites

4.14 The additional clause (X) to matters of discretion PDSPZ-MD5(X) and PVSPZ-MD5(X) is:

PVSPZ-MD5 Ecology

[other sub-clauses not shown here]

X. The extent to which effects of the development on the ecological values of surrounding sites have been avoided, remedied or mitigated.

4.15 The amendments require that when Outline Development Plans are prepared for each zone, potential effects on the ecology of neighbouring sites, such as the Pūkaki Scientific Reserve and the Lake Pūkaki Terminal Moraine Conservation Area must be considered.

4.16 These amendments were agreed by the parties during correspondence following the meeting, therefore, I agree with the section 42A officer's recommendation to make these amendments, for the reasons given at paragraphs 77 and 95 of the section 42A report.

5. EARTHWORKS

- 5.1 Paragraphs 51, 52, 55 and 59 of the section 42A report discuss PTHL & PVHL's submission on the need for a minor amendment to the "Note for Plan Users" that precedes the rule table in each of the Pūkaki zones.
- 5.2 This amendment is needed for logical consistency between the Earthworks chapter and the Pūkaki zones. I agree with the section 42A report officer's recommendation to amend the Note to specify that rules EW-R1 and EW-R2 do apply in the Pūkaki zones.

6. CONCLUSION

- 6.1 In my view the section 42A officer's recommendations on the Pūkaki zones are appropriate. I consider that those amendments will improve the efficiency and effectiveness of the provisions, for the reasons stated above and in the section 42A report.
- 6.2 As such I support the section 42A report officer's recommendations and do not recommend any further amendments to either of the Pūkaki zones.

Steven Tuck

8 May 2025

Appendix 1: S Tuck Relevant Professional Experience (2023 – current)

- Southern Serenity Limited – visitor accommodation consenting in Outstanding Natural Landscape - Mackenzie District.
- 100WPS Limited – residential and wastewater discharge consenting in High and Outstanding Natural Landscapes - Queenstown Lakes District.
- Port of Tauranga Limited – Stella Passage Development Fast-track Act 2024 application.
- Silver Fern Farms Limited – preparation of submissions and planning evidence on the proposed Timaru, Gore, Central Hawkes Bay and Te Tai o Poutini District Plans – various districts.
- Silver Fern Farms Limited – preparation of submissions and evidence on the proposed Otago Regional Policy Statement – Otago Region.
- Waiaua Bay Farm Limited - preparation of submissions and planning evidence on the proposed Far North District Plan – Far North district.
- Waiaua Bay Farm Limited - consenting of dam, water storage reservoir and reconsenting of surface water take – Far North District.
- Waiaua Bay Farm Limited - beach pavilion and staff accommodation consenting – Far North District.
- Waiaua Bay Farm Limited – consenting of walking trails – Far North District.
- Waiaua Bay Farm Limited - groundwater take consenting – Northland Region.
- Waiaua Bay Farm Limited - wastewater discharge reconsenting – Northland Region.
- Silver Fern Farms Limited – stormwater discharge and groundwater reconsenting – Hawkes Bay Region.
- Silver Fern Farms Limited – air discharge and greenhouse gas emissions consenting - Hawkes Bay Region.
- Port Marlborough New Zealand Limited – consenting of industrial development – Marlborough Region.
- Sanford Limited – marine farm reconsenting – Southland, Waikato and Auckland regions.
- Manawa Energy Limited – hydroelectric power scheme reconsenting – Bay of Plenty and Manawatu regions.