

Tasman Resource Management Plan

PROPOSED VARIATION 2 TO PLAN CHANGE 60 Rural Land Use Amendments

Section 32 Evaluation Report

1. Introduction

Variation 2 proposes a number of small changes to the TRMP within the scope of a single variation which relate to four topics.

The changes (a) and (b) below arise from the implementation of Plan Change 60: Rural Land Use and Subdivision (PC60) provisions that require adjustment to clarify meaning and achieve PC60 objectives:

- (a) Use of one or more buildings for residential activity; and
- (b) Management of business activity in the Rural Residential zone.

The changes (c) and (d) below arise from PC60 appeals settled by an Environment Court consent order that have resulted in amendments to one of the rural zones (e.g. Rural 1) but due to the limited scope of appeal, were not carried through to the other rural zones (e.g. Rural 2, 3 and the Rural Residential zone):

- (c) Setbacks for intensive poultry farming; and
- (d) Management of heavy vehicles in rural zones.

Without a change to the above two topics, the inconsistent approach between zones will be difficult to defend through consents.

As each topic in Variation 2 is discrete from the others, the section 32 report supporting Variation 2 assesses the topics in turn.

2. Resource Management Act 1991 (the Act)

2.1 Section 32 Evaluation Report

Before a proposed change to a plan is publicly notified, the Council is required under Section 32 of the Act to evaluate whether the objectives of the proposal are the most appropriate way of achieving the purpose of the Act; whether the provisions in the proposal are the most appropriate way to achieve the objectives; to assess the efficiency and effectiveness of the options considered; and to consider the costs and benefits of implementation.

Section 32 states:

- (1) *An evaluation report required under this Act must –*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

- (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection 1(b)(ii) must –*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risks of acting or not acting if there is insufficient information about the subject matter.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect*

Clause (4) is not relevant to this plan change; however, Clauses (4A), (5) and (6) are:

- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must –*
- (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
 - (b) *summarise the response to that advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (5) *The person who must have particular regard to the evaluation report must make the report available for public inspection –*
- (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation); or*
 - (b) *at the same time as the proposal is notified.*
- (6) *In this section, –*
- objectives** *means, –*
 - (a) *for a proposal that contains or states objectives, those objectives;*
 - (b) *for all other proposals, the purpose of the proposal*
 - proposal** *means a proposed standard, statement, National Policy Standard, regulation, plan or change for which an evaluation report must be prepared under this Act*

provisions means, –

- (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:*
- (b) *for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

3. List of Variation Topics

The following table is a list of the Variation topics for reference. The evaluation of these topics then occurs in the following section of this report.

Variation 2 to PC60	Title
5.1	Use of one or more buildings for residential activity
5.2	Management of business activity in the Rural Residential zone
5.3	Setbacks relating to intensive poultry farming
5.4	Management of heavy vehicles in rural zones

4. Consultation

A workshop was held with the Tasman District Councillors to discuss the changes proposed and refine some of the possible options for the changes.

No preliminary general public consultation has been carried out in regard to proposed Variation 2 as the changes proposed retain the same intent as expressed in the decisions version of PC60 and, in some cases, are less restrictive.

Prior to notification of this Variation, general advice about the proposed Variation will be included within TDC's fortnightly publication 'Newslines.'

Iwi have been consulted about this Variation as required under Clauses 3 and 4A of Schedule 1 of the Resource Management Act. Council received feedback from three Iwi, Te Atiawa, Ngati Kuia and Ngati Apa ki te Ra To) that they had no comment on the Variation.

5. Evaluation of the Variation

This evaluation is undertaken in three main steps for each of the topic changes proposed. These steps are:

- The first step **describes the provisions**, and background to the Variation item and for context any relevant objectives and policies from the TDC Plan or Regional Policy Statement and from any relevant National planning instruments.
- The second step evaluates whether the proposed Variation 2 provisions are the most appropriate way to achieve the purpose of PC60 **by considering other reasonably practicable options**.
- Taking into account the actual and potential effects of each option, the third step looks at the **costs, benefits and risks associated with alternative ways of implementing the provisions**. As there are no new objectives proposed in this Variation, we are required to evaluate whether the provisions achieve the purpose of PC60.
- The fourth step sets out the proposed amendments to the Tasman Resource Management Plan (TRMP).

5.1 Topic One – Use of One or More Buildings for a Residential Activity

5.1.1 Step 1: Description of the Provisions

Amend the wording of the Building Construction and Alteration (BCA) rules that manage the number of dwellings or buildings used for the purpose of a dwelling on a site in the rural zones by adding the words, “or for the purpose of a dwelling”.

The construction of the relevant rules varies slightly from zone to zone and for different levels of activity within a zone. The following amendment to Rural 1 rule 17.5.3.1(b) illustrates the nature of the amendment proposed:

Any building that is constructed is not:

- (i) a dwelling; ~~or~~*
- (ii) part of any workers’ accommodation; ~~and~~ or*
- (iii) ~~any building is not~~ altered to become a dwelling; ~~not~~ or*
- (iv) used ~~as~~ for the purpose of a dwelling.*

Why the change is necessary and what is the objective?

PC60 amended the definition of ‘dwelling’ to require that a ‘single integrated set of sleeping, ablution, and cooking facilities’ be ‘under a continuous roof and fully enclosed walls’. PC60 also amended the rural zone rules by deleting the Permitted land use activity limit on more than one residential activity per site.

The combined effect of the two amendments is that in the rural zones (Rural 1, 2, 3 and Rural Residential) when a cluster of separate buildings that individually do not constitute a dwelling (as defined), but which in combination, provide for the usual components of a dwelling (a cooking, sleeping and ablution facility) are used as a separate dwelling or for a separate residential activity, there is no plan provision to manage this situation. As the clear intention of the rule framework is to manage the number of dwellings or buildings used for the purpose of a dwelling on a site, the current rule framework is not achieving its purpose.

Both of the PC60 amendments described in the first paragraph above are effectively operative and both have value. Thus the remedy lies in providing that one or more buildings used for the purpose of a dwelling, although not falling within the definition of dwelling, are managed effectively in the TRMP.

The objective of this amendment is to ensure that the TRMP provisions effectively manage the number of buildings on a property that are a dwelling or used for the purpose of a dwelling.

Consultation

No targeted consultation has been carried out in regard to this item as the change is considered to retain the same intent as expressed in PC60.

Cultural Considerations

There are no cultural matters considered to be relevant to this change.

5.1.2 Step 2: Options, and their Appropriateness in Achieving the Purpose of the Plan Change

Option 1: Amend the wording of the Rural 1, 2, 3 and Rural Residential zone Building Construction and Alteration (BCA) rules that manage the number of dwellings per site to address the issue of the use of buildings for the purpose of a dwelling

This option involves amending the wording of the Building Construction and Alteration (BCA) rules in the Rural 1, 2, 3 and Rural Residential zones that manage the number of dwellings or buildings used

for the purpose of a dwelling per site by adding the following words to the relevant rules: “or for the purpose of a dwelling”.

The option addresses the use of buildings (that do not fall within the definition of a dwelling) for the purpose of a dwelling.

The option also adopts a drafting approach that avoids the risk of conflict between the consent status of activities that potentially can occur when ‘residential activity’ is regulated in the land use rules and ‘dwellings/habitable buildings’ are regulated in the zone BCA rules.

This option is preferred.

Option 2: Reinstate the deleted land use provision which provided that more than one residential activity is not a Permitted activity

The disadvantage of this option is that there is the potential for conflict between the activity status of ‘residential activity’ under the land use rules and the status of ‘dwelling’ under the BCA rules. The risk of conflict is increased by the additional dwelling opportunities provided for in PC 60.

Option 3: Delete the words ‘under a continuous roof and fully enclosed walls’ from the definition of dwelling

Amend the definition of ‘dwelling’ (which currently has ‘effectively operative’ status) to delete the phrase ‘under a continuous roof and fully enclosed walls’ to read as follows:

“Dwelling – means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where “single self-contained housekeeping unit” means a single integrated set of sleeping, ablution, and cooking facilities ~~under a continuous roof and fully enclosed walls~~). A minor dwelling is a dwelling that is up to 80 square metres in area excluding any garage. Where any garage is attached to the minor dwelling the total area of the building is no more than 120 square metres.”

For operational purposes, clarity about what is a dwelling as well as what is not a dwelling is needed. Dwellings have an associated suite of effects that differ from buildings with other uses (such as a shed) and thus have a specific status in the TRMP. The purpose of the definition is to clarify what is or is not a dwelling.

The disadvantage of deleting the above phrase is that it assists to clarify what falls within the definition of dwelling. The phrase clarifies that a covered walkway connecting two buildings or dwellings does not constitute ‘one dwelling’ and that a dwelling does need to be under a continuous roof with fully enclosed walls.

Option 4: Amend the definition of dwelling to include the words ‘buildings used for the purpose of a dwelling’

This option has similar disadvantages as Option 3.

It does not differentiate between a dwelling and a cluster of buildings, possibly built or consented for other purposes, that together make up or provide for the elements of a dwelling (sleeping, ablution and cooking facilities).

Option 5: No change

The disadvantage of this option is that the situation described in step 1 above, which occurs from time to time, is not being managed by the TRMP rules and the rules are not achieving their intention.

Recommendation: Option 1

Step 3 below sets out the benefits and costs of implementing this recommended option.

5.1.3 Step 3: Benefits, Costs and Risks associated with Alternative Ways of Implementing the Provisions

The benefits, costs and risk assessment are based on the change option determined to be the most appropriate way of achieving the objectives of PC60. The benefits and costs encompass environmental, economic, social and cultural effects.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Amend the wording of the Building Construction and Alteration (BCA) rules in the Rural 1, 2, 3 and Rural Residential zones that manage the number of dwellings or buildings used for the purpose of a dwelling by adding the following words: 'or for the purpose of a dwelling' to the relevant conditions.	<p>The option addresses the use of one or more buildings (that do not fall within the TRMP definition of a dwelling) for the purpose of a dwelling.</p> <p>The option adopts a drafting approach that avoids the risk of conflict between the consent status of activities that potentially can occur when 'residential activity' is regulated in the land use rules and 'dwellings / habitable buildings' are regulated in the BCA rules.</p> <p>The option ensures that the TRMP achieves its intention of managing the number of buildings on a site that are dwellings, or buildings used for the purpose of a dwelling.</p>	The cost to Council of preparing the amendment	Adequate information is available to make the recommendation to add the proposed amendment to the TRMP. No risk therefore remains based on the adequacy of the information.

5.1.4 Step 4: Proposed amendments to the Tasman Resource Management Plan (TRMP)

Please refer to the schedule of amendments for Proposed Variation 2.

5.2 Topic Two - Management of business activity in the Rural Residential zone

5.2.1 Step 1: Description of the Provisions

This change corrects an error in the Rural Residential zone land use cascade which affects the status of business activity in that zone so that the intended PC60 objectives are achieved.

The stated intention of PC60 was that business activity (commercial, industrial and rural industrial) has Non-complying activity status in the Rural Residential zone (PC60 Section 32 report page 45, paragraph 9.1.4(4) and page 46 paragraph 9.1.5 (b) and Updated Topic Option Papers, June 2014, bundle page 79 Option 3A refer). Inadvertently, the current rules do not carry this intention out.

There were no submissions or appeals on the proposed Non-Complying status for commercial, industrial and rural industrial activity) so the original proposed provisions remain.

The RMA requires that a District Plan specifically provides for an activity to be classed as a Non-complying. Currently the Rural Residential zone Discretionary rule states that that commercial, industrial and rural industrial activity is not a Discretionary activity, but does not specify a consequential activity status. A Non-complying rule is required to complete the cascade. The lack of a Non-complying rule means that the activities fall to (innominate) Discretionary status.

The change amends the Chapter 17.8.2 Rural Residential Land Use rules to clarify that the activity status of business (commercial, industrial and rural-industrial activity) in the Rural Residential zone is Non-Complying.

The additional text to be included in the Variation 2 schedule of amendments to the TRMP is set out below.

17.8.2 Rural Residential – Land Use

[Unchanged text omitted]

17.8.2.7 Non-Complying Activities (Land Use)

Any activity in the Rural Residential Zone that does not comply with the conditions of rule 17.8.2.6 is a non-complying activity.

A resource consent is required. Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to any provisions of the Plan or Act.

Why the change is necessary and what is the objective?

The rationale for Non-complying activity status was to give effect to the PC60 policy intent that the Rural Residential zone is to provide primarily for rural ‘lifestyle’ living rather than for business or productive activity and to avoid cross boundary effects between incompatible activities.

This approach aligns with the changes PC60 made to the TRMP Chapter 7 Rural Environment policy framework that direct lifestyle living to the Rural Residential zone rather than the productive Rural 1 and 2 zones and that provide for intensification of residential activities in the Rural Residential locations where appropriate.

5.2.2 Step 2: Options, and their Appropriateness in Achieving the Purpose of the Plan Change

Option 1: No change

No change means that the Rural Residential zone rules will have (innominate) Discretionary rule status.

No change means that the Rural Residential zone rules will not align with the Chapter 7 policy provisions that provide that the purpose of the zone is to provide primarily for rural ‘lifestyle’ living activity rather than for business or productive activity.

No change also means that the rule framework does not align with the changes PC60 made to the TRMP Chapter 7 Rural Environment policy framework that direct lifestyle living to the Rural Residential zone rather than the productive Rural 1 and 2 zones and that provide for intensification of residential activities in the Rural Residential locations where appropriate.

Finally, no changes means that an error in the Plan is not rectified and this creates uncertainty for plan users.

This option is not recommended for the above reasons.

Option 2: Amend the rules to clarify that the activity status of business (commercial, industrial and rural-industrial activities) in the Rural Residential is Non-Complying.

The advantages of this option are that:

- (i) Most small scale business activity i.e. home occupations continue to be permitted in the Rural Residential zone, including visitor accommodation.
- (ii) Adverse effects of business activity on rural lifestyle living, which is the activity that is prioritised in that zone, are avoided.

- (iii) The option gives effect to the policy intention of PC60 to avoid cross boundary effects between incompatible activities in line with policy 7.2.3.1E below:
- 7.2.3.1E To minimise the potential for conflict between rural and residential activities by way of setbacks from boundaries and separation between incompatible uses.*
- (iv) The option gives effect to the policy intention of PC60 to direct further rural lifestyle development to the Rural Residential zone rather than the Rural 1 or Rural 2 zones in line with policy 7.2.3.1C below:
- 7.2.3.1C To enable further subdivision and residential development within any existing Rural Residential Zone location where the land:*
- (a) is not affected by natural hazards, within and beyond the boundaries of the site, including wildfire risk, and coastal, flood, stormwater, geotechnical or earthquake hazards; and*
 - (b) can accommodate the proposed development without adverse effects on landscape, or rural, rural residential or coastal character and amenity values and adjacent plant and animal production; and*
 - (c) can be adequately serviced for water, wastewater, stormwater and road access and by the road network.*
- (v) The option avoids unserviced locations or locations with limited services being used for business activities.

Recommendation: Option 2

5.2.3 Step 3: Benefits, Costs and Risks associated with Alternative Ways of Implementing the Provisions

The benefits, costs and risk assessment are based on the Variation option determined to be the most appropriate way of achieving the objectives of the PC60. The benefits and costs encompass environmental, economic, social and cultural effects.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Amend the rules to clarify that the activity status of business (commercial, industrial and rural – industrial activities) in the Rural Residential zone is Non-complying	<ul style="list-style-type: none"> (i) Most small scale business activity i.e. home occupations continue to be Permitted in the Rural Residential zone, including visitor accommodation. (ii) Adverse effects of business activity on rural lifestyles living, which is the activity that is prioritised in that zone are avoided. (iii) Gives effect to the policy intention of PC60 to avoid cross boundary effects between incompatible activities in line with TRMP policy 7.2.3.1E. (iv) Gives effect to the policy intention of PC60 to direct further rural lifestyle development to the Rural Residential zone rather than the Rural 1 or Rural 2 zones in line with policy 7.2.3.1C (v) Avoids unserviced locations or locations with limited services being used for business activities. (vi) Corrects an error in the Plan. 	The cost to Council of preparing the amendment.	Adequate information is available to make the recommendation to add the proposed amendment to the TRMP. No risk therefore remains based on the adequacy of the information.

5.2.4 Step 4: Proposed amendments to the Tasman Resource Management Plan (TRMP)

Please refer to the schedule of amendments for Proposed Variation 2.

5.3 Topic Three – Setbacks relating to intensive poultry farming

5.3.1 Step 1: Description of the Provisions

This change amends the Rural 2 and 3 zone setback rules for intensive poultry farming from site boundaries to align with the changes made to the equivalent provisions in the Rural 1 zone which were amended by Environment Court consent order resulting from the appeal process.

There are two parts to this amendment.

Part one amends the Rural 2 and 3 zone setback rules for intensive poultry farming from site boundaries in line with the changes made to the Rural 1 zone by the appeal process, i.e.:

- (i) poultry body part, offal processing and composting activity is setback 170m from site boundaries (in line with the decisions version of PC60); and
- (ii) barn, shed or roofed enclosures which house poultry on an intensive poultry farm are setback 100m from site boundaries (reduces the decisions version of PC60 setback from 170m to 100m).

Part two amends the Rural 1, 2, 3 and the Rural Residential zone rules to make complementary changes to the setback required for dwellings and habitable buildings from existing barn, shed or roofed enclosures which house poultry on an intensive poultry farm.

Why the change is necessary and what is the objective?

PC60 introduced provisions that set back:

- (i) intensive poultry farm activities from site boundaries in the Rural 1, 2 and 3 zones; and
- (ii) habitable buildings from buildings or enclosures that house intensive poultry in the Rural 1, 2 and 3 and Rural Residential zones.

The provisions were substantially the same for all of the above mentioned zones.

Ewing Poultry Ltd appealed the Rural 1 setback provisions, only. As a result of the appeal process, the Rural 1 zone rules have changed, but not the rules in the Rural 2 and 3 zones. For consistency purposes the same changes need to be made to the equivalent provisions in these latter two zones.

The appeal by Ewing Poultry to the PC60 Rural 1 setback rules has resulted in the PC60 setback of 170m for intensive poultry activity from site boundaries being:

- (i) retained for the “noxious ” activities (poultry body part, offal processing and composting) with potential odour effects; and
- (ii) reduced for barn, shed or roofed enclosures which house intensive poultry for the reason that modern day shed technology has reduced the need for such a wide separation distance.

Due to the limited scope of the appeal, complementary changes to the setbacks for dwellings and habitable buildings from existing barn, shed or roofed enclosures that house intensive poultry were not included in the consent order.

In line with the reasoning that modern day shed technology for intensive poultry farming has reduced the need for such wide separation distance between intensive poultry sheds and off-site sensitive activities due to reduced odour effects, a corresponding or complementary reduction in the setback for habitable buildings from existing intensive poultry barn, shed or roofed enclosures is considered appropriate.

The objective of this change is to ensure that the TRMP rules for setbacks relating to intensive poultry farming are managed consistently and appropriately in the rural zones.

The construction of the relevant rules varies slightly from zone to zone. The following amendments to Rural 2 zone rules 17.6.2.1(n), 17.6.2.8B and 17.6.3.1(n)(ii) and (na) illustrate the nature of the amendments proposed.

17.6 Rural 2 Zone

17.6.2 Land Use

17.6.2.1 Permitted Activities (Land Use - General)

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (n) ~~Intensive livestock farming which is poultry farming, including Any poultry body part and poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming,~~ is set back at least ~~300~~ 170 metres from any boundary of the site.

17.6.2.8B Restricted Discretionary Activities (Intensive Livestock Farming — Poultry Farming)

~~Any poultry body part or poultry offal processing and composting activity for or in connection with~~ intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.5.2.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

17.6.3.1 Permitted Activities (Building Construction, ~~or~~ Alteration, or Use)

Construction, ~~or~~ alteration, or use of a building is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (n) *Habitable buildings are set back at least:*
- (i) ...
 - (ii) ~~300~~ 200-130 metres from any ~~building or barn, shed or roofed~~ enclosure that houses poultry on an existing lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.
- (na) Any barn, shed, or roofed enclosure which houses poultry on an intensive livestock farm that is a poultry farm is setback at least 100 metres from any boundary of the site.'

Consultation

There has been no preliminary consultation on this topic as the proposed changes have the same intent as the relevant provisions of PC60 but are less onerous than the decisions version of PC60 regarding setbacks i.e.:

- (i) for a barn, shed or roofed enclosure which houses poultry from a site boundary; and
- (ii) for a habitable building from an existing barn, shed or roofed enclosure which houses intensive poultry.

The Egg Producers Federation of New Zealand (EPANZ) submitted on PC60 on the topic of setbacks related to intensive poultry farming. Due to the particular interest of EPFNZ in this topic, the federation will be individually notified on publication of the Variation.

Cultural Considerations

There are no cultural matters considered to be relevant to this change.

5.3.2 Step 2: Options, and their Appropriateness in Achieving the Purpose of the Plan Change

Option 1: No change

No change means that the Rural 2 and 3 zone rules will not align with the equivalent Rural 1 zone rules as determined by the consent order. This means intensive poultry farming will be managed differently in the Rural 1 to the Rural 2 and 3 zones.

No change is not a recommended option for the following reasons:

- (i) The outcome is inconsistent management of the effects of intensive poultry farming across the District's rural zones where plant and animal production activity is prioritised.
- (ii) The intention of PC60 was that intensive poultry farming would be managed similarly in the rural zones where plant and animal production activity is prioritised.

Option 2: Amend the setbacks for poultry farming activities from site boundaries in the Rural 2 and 3 zones to be consistent with those in the Rural 1 Zone

The advantages of this option are that it:

- (i) results in consistent management of the effects of intensive poultry farming across the District's rural zones where plant and animal production activity is prioritised;
- (ii) gives effect to the intention of PC60 that intensive poultry farming would be managed consistently in the rural zones where animal and plant production activity is prioritised;
- (iii) differentiates between intensive poultry farming activities that have a high risk of generating adverse effects (poultry body part, offal processing and composting) and those where the risk is less (barn, shed or roofed enclosures which house poultry) i.e. a lesser setback is appropriate for activities likely to generate less adverse effects;
- (iv) follows good practice in that, where possible, the burden of a setback is reduced.

This option is preferred.

Option 3: In addition to option 2 above, make complementary changes to the setbacks for dwellings and habitable buildings from existing barn, shed or roofed enclosures which house poultry on an intensive poultry farm in the Rural 1, 2, 3 and the Rural Residential zone rules

As it is accepted that modern day shed technology has reduced the need for such a wide separation distance between incompatible activities, the advantages of this option are that it:

- (i) extends the benefit of the reduced setback for barn, shed or roofed enclosures which house intensive poultry to site boundaries - to the setback for habitable buildings from such activities;
- (ii) follows good practice in that, where possible, the burden of a setback is reduced;
- (iii) of minimal cost extra administration cost to Council as it is already processing changes to the setback rules related to intensive poultry farming.

This option is preferred.

Recommendation: Options 2 and 3

Step 3 below sets out the benefits and costs of implementing the recommended options.

5.3.3 Step 3: Benefits, Costs and Risks associated with Alternative Ways of Implementing the Provisions

The benefits, costs and risk assessment are based on the Variation option determined to be the most appropriate way of achieving the objectives of PC60. The benefits and costs encompass environmental, economic, social and cultural effects.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
<p>Amendment to:</p> <p>(a) the Rural 2 and 3 zone setback rules for intensive poultry farming from site boundaries in line with the changes made to the equivalent provisions in the Rural 1 zone by the appeal process, i.e.:</p> <p>(i) 'poultry body part, offal processing and composting activity' is setback 170m from site boundaries (in line with the decisions version of PC60)</p> <p>(ii) barn, shed or roofed enclosures which house poultry on an intensive poultry farm are setback 100m from site boundaries (reducing the decisions version of PC60 setback from 170m to 100m).</p> <p>(b) Rural 1, 2, 3 and the Rural Residential zone rules to make complementary changes to the setback required for dwellings and habitable buildings from existing barn, shed or roofed enclosures which house poultry on an intensive poultry farm.</p>	<p>(i) Results in and gives effect to the intention of PC60 that the effects of intensive poultry farming are managed consistently in the rural zones where animal and plant production activity is prioritized.</p> <p>(ii) Differentiates between intensive poultry farming activities that have a high risk of generating adverse effects (poultry body part, offal processing and composting) and those where the risk is less (barn, shed or roofed enclosures which house intensive poultry).</p> <p>(iii) Extends the benefit of the reduced setback for barn, shed or roofed enclosures which house intensive poultry to site boundaries - to the setback for habitable buildings from such activities, i.e. a lesser setback is appropriate <u>for</u> and <u>from</u> activities likely to generate less adverse effects.</p> <p>(iv) Follows good practice in that, the burden of a setback that is considered unnecessary due to modern day shed technology is reduced.</p>	<p>The cost to Council of preparing the amendment.</p>	<p>Adequate information is available to make the recommendation to add the proposed amendment to the TRMP. No risk therefore remains based on the adequacy of the information.</p>

5.3.4 Step 4: Proposed amendments to the Tasman Resource Management Plan (TRMP)

Please refer to the schedule of amendments for Proposed Variation 2.

5.4 Topic Four – Management of Heavy Vehicles in Rural Zones

5.4.1 Step 1: Description of the Provisions

This change amends the Rural 2, 3 and Rural Residential zones rules to align with the changes made to the equivalent provision in the Rural 1 zone by the Environment Court consent order resulting from the appeal process.

The rule in question limits the number of heavy vehicles permitted to be maintained, repaired, stored or parked (subject to two exceptions) that are being used for or in connection with any commercial, industrial or rural industrial activity.

The two exceptions to the rule referred to above relate to heavy vehicles directly associated with:

- (i) plant and animal production; or
- (ii) any temporary construction, maintenance or demolition work.

Alignment with the Rural 1 rule is achieved by amending the equivalent rules in the Rural 2, 3 and Rural Residential zones to include 'home occupation' activity within the ambit of the rule. The following amendment to the Rural 2 Permitted activity rule 17.6.1(a)(xii) shows the change:

*“(xii) the maintenance, repair, storing or parking of more than ~~one~~ **two** heavy vehicles ~~(excluding agricultural machinery)~~ with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, ~~or~~ rural industrial or home occupation activity.”*

The construction of the relevant rules varies slightly from zone to zone.

Why the change is necessary and what is the objective?

PC60 introduced the above mentioned rule for the Rural 1, 2, 3 and the Rural Residential zones. The rule is substantially the same for all of these zones except that in the Rural 1, 2 and 3 zones, the limit on the number of heavy vehicles is two and in the Rural Residential zone, the limit was one.

The rule was appealed by Fulton Hogan and Boomerang Farms Ltd.

Fulton Hogan requested that the exception for heavy vehicles directly associated with plant and animal production be extended to include vehicles being used for temporary construction, maintenance or demolition work in Rural 1, 2, 3 and Rural Residential zones. They also requested that the limit on the number of vehicles be raised from one to two in the Rural Residential zone. The appeal requests, which made reference to all of the relevant rural zones were accepted and the rules are being updated in accordance with the court consent order.

Boomerang Farms Ltd appealed the rules in Rural 1 only. The appeal requested that rule be deleted to enable heavy vehicles to be stored for the purpose of operating a small business not directly associated plant and animal production. The addition of 'home occupation' to the types of business activity mentioned in the rule permits a small business to keep up to two vehicles and thus resolved this appeal.

The objective of the change is that that the use of heavy motor vehicles for business purposes is managed consistently and appropriately in the relevant rural zones.

Due to scope of the Boomerang appeal which was limited to the Rural 1 zone, the consent order did not provide for changes to the equivalent provisions in Rural 2, 3 and Rural Residential zones.

The addition of 'home occupation' to the types of business activity permitted to keep up to two vehicles in the Rural 2, 3 and Rural Residential zones is necessary to achieve consistency and the objective of the PC60 change.

5.4.2 Step 2: Options, and their Appropriateness in Achieving the Purpose of the Plan Change

Option 1: No change

No change means that the Rural 2, 3 and Rural Residential zone rules will not align with the Rural 1 zone rule as determined by the consent order. This means that heavy vehicle activity will be managed differently in the various rural zones.

This option is not recommended for the reasons that:

- (i) no change results in inconsistent management of the effects of heavy vehicles across the District’s rural zones where plant and animal production activity or in the case of the Rural Residential zone, rural living is prioritised; and
- (ii) the intention of PC60 was that this issue would be managed similarly in the rural zones where animal and plant production activity or, in the case of the Rural Residential zone, rural living is prioritized.

Option 2: Amend the rules that manage heavy vehicle activity in the Rural 2, 3 and Rural Residential zones to align with the Rural 1 rule

The advantages of this option are that the change:

- (i) results in consistent management of the effects of heavy vehicles across the District’s rural zones where plant and animal production activity, or in the case of the Rural Residential zone, rural living, is prioritized.
- (ii) gives effect to the intention of PC60 that the above effects would be managed consistently in the rural zones where animal and plant production activity, or in the case of the Rural Residential zone, rural living is prioritized.
- (iii) clarifies that home occupations are subject to the same heavy vehicle management provisions as commercial, industrial and rural industrial activities, as currently, there is no limit to heavy vehicle activity for home occupations on rural sites.

Recommendation: Option 2

5.4.3 Step 3: Benefits, Costs and Risks associated with Alternative Ways of Implementing the Provisions

The benefits, costs and risk assessment are based on the Variation option determined to be the most appropriate way of achieving the objectives of the PC60. The benefits and costs encompass environmental, economic, social and cultural effects.

Topic	Benefits	Costs	Risk of Acting or Not Acting Based on Adequacy of Information
Amendment to the Rural 2, 3 and Rural Residential zones rules that limits the number of heavy vehicles maintained, repaired, stored or parked (subject to two exceptions) that are being used for or in connection with any commercial, industrial or rural industrial activity to include ‘home occupation’ activity.	(i) Results in and gives effect to consistent management of the effects of heavy vehicle use across the District’s rural zones where plant and animal production activity, or in the case of the Rural Residential zone, rural living is prioritized. (ii) Clarifies that home occupations are subject to the same heavy vehicle management provisions as commercial, industrial and rural industrial activities, as currently, there is no limit to heavy vehicle activity for home occupations on rural sites.	The cost to Council of preparing the amendment.	Adequate information is available to make the recommendation to add the proposed amendment to the TRMP. No risk therefore remains based on the adequacy of the information.

5.4.4 Step 4: Proposed amendments to the Tasman Resource Management Plan (TRMP)

Please refer to the schedule of amendments for Proposed Variation 2.