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Change 60: Productive Potential vs Rural Residential Living and Business

Decisions and Reasons

Final Decision 601.1

C60.35.1	Randall, C W A	Allow
C60.336.1	Batten, Garrick	Disallow
C60.336.2	Batten, Garrick	Disallow
C60.336.3	Batten, Garrick	Disallow
<i>Allow</i>	FC60.2864.7	
C60.336.4	Batten, Garrick	Allow
C60.336.5	Batten, Garrick	Disallow
<i>Disallow</i>	FC60.4032.20	
C60.336.6	Batten, Garrick	Disallow
<i>Allow</i>	FC60.4032.7	
C60.806.2	NZ Transport Agency	Allow
<i>Allow</i>	FC60.806.1	
C60.806.4	NZ Transport Agency	Allow
C60.806.5	NZ Transport Agency	Allow
C60.806.6	NZ Transport Agency	Allow
C60.806.7	NZ Transport Agency	Allow
C60.806.8	NZ Transport Agency	Allow
C60.806.9	NZ Transport Agency	Allow
C60.806.10	NZ Transport Agency	Allow
C60.806.11	NZ Transport Agency	Allow
C60.806.12	NZ Transport Agency	Allow
C60.806.13	NZ Transport Agency	Allow
C60.806.14	NZ Transport Agency	Allow
C60.806.15	NZ Transport Agency	Allow
C60.806.16	NZ Transport Agency	Allow
C60.806.17	NZ Transport Agency	Allow
C60.806.18	NZ Transport Agency	Allow
C60.806.19	NZ Transport Agency	Allow
C60.806.22	NZ Transport Agency	Disallow
<i>Disallow</i>	FC60.806.5	
C60.806.24	NZ Transport Agency	Allow
<i>Allow</i>	FC60.806.7	
C60.806.29	NZ Transport Agency	Disallow
C60.1089.3	Nelson Forests Ltd	Disallow
C60.1188.6	Drummond, Wendy	Allow
C60.1188.8	Drummond, Wendy	Allow In Part
C60.1403.1	Muter, Frans	Allow
C60.1430.2	Royal Forest & Bird Protection Society (Nelson/Tasman)	Allow
C60.1430.3	Royal Forest & Bird Protection Society (Nelson/Tasman)	Allow
C60.1440.1	Vincent, S M	Allow
C60.1440.4	Vincent, S M	Allow In Part
C60.1521.1	Federated Farmers of NZ (Inc.)	Disallow
C60.1521.2	Federated Farmers of NZ (Inc.)	Disallow
C60.1521.4	Federated Farmers of NZ (Inc.)	Allow
C60.1521.5	Federated Farmers of NZ (Inc.)	Disallow
<i>Allow</i>	FC60.2864.21	
C60.1521.6	Federated Farmers of NZ (Inc.)	Allow
C60.1521.7	Federated Farmers of NZ (Inc.)	Allow
<i>Allow</i>	FC60.1076.3	

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C60.1521.9 <i>Allow</i>	Federated Farmers of NZ (Inc.) FC60.2864.24	Disallow
C60.1521.10 <i>Allow</i>	Federated Farmers of NZ (Inc.) FC60.1076.5	Allow
C60.1521.13	Federated Farmers of NZ (Inc.)	Allow In Part
C60.1521.14	Federated Farmers of NZ (Inc.)	Disallow
C60.2004.1	Thorpe, Helen	Allow
C60.2004.2	Thorpe, Helen	Allow In Part
C60.2649.1	Hoos, Yana	Allow
C60.2649.6 <i>Disallow</i>	Hoos, Yana FC60.4032.11	Disallow
C60.2849.1	Wedderburn, Jean	Allow
C60.2852.1	Riley, Trevor H	Allow In Part
C60.2864.1	Horticulture New Zealand	Allow
C60.2864.2	Horticulture New Zealand	Allow In Part
C60.2864.10 <i>Allow</i>	Horticulture New Zealand FC60.1089.1	Allow
C60.2864.11	Horticulture New Zealand	Allow
C60.2864.12	Horticulture New Zealand	Allow
C60.2864.13	Horticulture New Zealand	Allow
C60.2864.14	Horticulture New Zealand	Allow
C60.2864.15	Horticulture New Zealand	Allow In Part
C60.2864.17	Horticulture New Zealand	Allow
C60.2864.18 <i>Allow</i>	Horticulture New Zealand FC60.1076.4	Allow
C60.2864.20	Horticulture New Zealand	Allow
C60.2864.21 <i>Disallow</i>	Horticulture New Zealand FC60.4032.22	Disallow
C60.2864.22	Horticulture New Zealand	Allow
C60.2864.23 <i>Allow</i>	Horticulture New Zealand FC60.3974.5	Allow
C60.2864.24	Horticulture New Zealand	Allow
C60.2864.25 <i>Allow</i>	Horticulture New Zealand FC60.4032.21	Allow
C60.2864.27 <i>Disallow</i>	Horticulture New Zealand FC60.3974.6	Disallow
C60.2864.28	Horticulture New Zealand	Allow
C60.2864.30	Horticulture New Zealand	Allow
C60.2864.32	Horticulture New Zealand	Disallow
C60.2864.41	Horticulture New Zealand	Allow
C60.2864.46	Horticulture New Zealand	Allow
C60.2864.74	Horticulture New Zealand	Allow
C60.2864.75	Horticulture New Zealand	Allow
C60.2864.76	Horticulture New Zealand	Allow
C60.2864.77	Horticulture New Zealand	Allow
C60.3015.3	Hoddys Orchard Ltd	Allow
C60.3592.2	Golden Bay Community Board	Allow
C60.3939.1	Anonymous	Allow
C60.3969.1	Parkes, Claire	Disallow
C60.3969.4	Parkes, Claire	Allow

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C60.3974.18 <i>Allow</i>	Aggregate and Quarry Assn of NZ (AQA) FC60.4065.18	Allow
C60.3986.1	Anderson, Stuart	Disallow
C60.3986.2	Anderson, Stuart	Disallow
C60.3987.1	Angelo, Joseph	Allow
C60.3991.1	Bensemman, Alan	Allow
C60.3992.1	Bensemman, Roy	Allow
C60.3994.5 <i>Disallow</i>	Blackstock, Patsy FC60.4011.1	Allow
C60.3996.1	Boomerang Farm Ltd/M Wratten	Allow
C60.3996.2	Boomerang Farm Ltd/M Wratten	Allow
C60.3996.3	Boomerang Farm Ltd/M Wratten	Disallow
C60.3997.1	Borlase Transport Ltd	Allow
C60.3997.2	Borlase Transport Ltd	Allow
C60.3997.4	Borlase Transport Ltd	Disallow
C60.3999.1	Bradley, Ralph	Allow
C60.4000.1	Bryant, Murray & Stephanie	Allow
C60.4000.3	Bryant, Murray & Stephanie	Allow
C60.4001.1	Butts, Joan E	Allow
C60.4001.8	Butts, Joan E	Allow
C60.4002.2	Butts, Robert J	Allow
C60.4002.4 <i>Allow</i>	Butts, Robert J FC60.4032.23	Allow
C60.4005.2	Charlett, V Joan	Allow
C60.4008.1	Drummond, Stuart	Disallow
C60.4010.2	Eastman, Vic	Allow
C60.4011.1	Egg Producers Federation of NZ	Allow
C60.4011.5 <i>Allow in Part</i>	Egg Producers Federation of NZ FC60.2864.25	Allow In Part
C60.4011.6	Egg Producers Federation of NZ	Allow
C60.4011.7	Egg Producers Federation of NZ	Allow
C60.4011.8	Egg Producers Federation of NZ	Allow
C60.4013.4	Forest, Sage Joy	Allow
C60.4016.2	Golden Bay Surveyors	Disallow
C60.4017.1	GP Investments Ltd	Disallow
C60.4017.2	GP Investments Ltd	Disallow
C60.4018.2	Griffith, Graham & Anne	Allow
C60.4018.3	Griffith, Graham & Anne	Disallow
C60.4019.1	Halkin, Susan	Allow
C60.4021.1	Halliwell, Cathleen	Allow
C60.4021.3	Halliwell, Cathleen	Allow In Part
C60.4021.5	Halliwell, Cathleen	Allow
C60.4021.6	Halliwell, Cathleen	Allow In Part
C60.4022.3	Halliwell, Marlene	Disallow
C60.4023.3	Hancock Forest Management (NZ) Ltd	Disallow
C60.4023.9	Hancock Forest Management (NZ) Ltd	Allow
C60.4024.4	Hannah, Lynda	Allow
C60.4024.5	Hannah, Lynda	Disallow
C60.4025.1	Harwood, Geoffrey	Allow
C60.4027.1	Harwood, Shane	Allow

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C60.4028.1	Haugh, John	Allow
C60.4028.2	Haugh, John	Allow In Part
C60.4029.2	Hodgson, Antony	Allow
C60.4032.7	Jelf, Iona	Allow
C60.4032.8	Jelf, Iona	Allow
C60.4032.11	Jelf, Iona	Allow
C60.4034.8	Kebbell, John	Allow
<i>Allow</i>	FC60.4032.14	
C60.4034.9	Kebbell, John	Allow
<i>Allow</i>	FC60.4032.8	
C60.4034.15	Kebbell, John	Allow
C60.4034.18	Kebbell, John	Allow
C60.4036.1	Kerrisk, Billy	Allow
C60.4036.12	Kerrisk, Billy	Allow
C60.4037.6	Kingston, Derry	Allow
C60.4038.2	Koldau, Vanessa & Magnus	Allow
C60.4039.1	Landmark Lile Ltd	Disallow
<i>Allow</i>	FC60.2864.10	
C60.4045.2	Love, G	Allow
C60.4046.2	McCarthy, Beth	Allow
C60.4048.6	McMahan, Diana C	Allow
C60.4051.1	Mead, Donald J	Allow
<i>Allow</i>	FC60.4032.16	
C60.4052.2	Mitchell, Fran	Allow
C60.4056.2	Needham Rosemary	Allow
C60.4058.1	New Zealand Hops Ltd	Allow
<i>Disallow</i>	FC60.2864.15	
C60.4058.2	New Zealand Hops Ltd	Allow
<i>Disallow</i>	FC60.2864.16	
C60.4058.7	New Zealand Hops Ltd	Disallow
C60.4059.1	Osmaston, Richard	Allow
C60.4060.3	Osmers, John	Allow
C60.4065.6	Port Tarakohe Services Ltd	Allow
C60.4065.8	Port Tarakohe Services Ltd	Allow
C60.4065.9	Port Tarakohe Services Ltd	Allow
C60.4065.10	Port Tarakohe Services Ltd	Allow
C60.4065.12	Port Tarakohe Services Ltd	Allow
C60.4065.13	Port Tarakohe Services Ltd	Allow
<i>Allow</i>	FC60.3974.4	
C60.4067.4	Rowse, Chris & Schneider, Silvia	Allow
C60.4067.8	Rowse, Chris & Schneider, Silvia	Allow In Part
<i>Allow in Part</i>	FC60.4032.12	
C60.4068.1	Rural Contractors NZ Inc. (RCNZ)	Allow
C60.4068.5	Rural Contractors NZ Inc. (RCNZ)	Disallow
<i>Allow</i>	FC60.2864.19	
C60.4068.8	Rural Contractors NZ Inc. (RCNZ)	Allow
C60.4069.6	Santa Barbara, Jack	Allow
C60.4070.6	Santa Barbara, Jeff	Allow
C60.4071.3	Schwarz, Ursus	Allow
C60.4072.1	Scurr, Lorna	Allow

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C60.4072.10	Scurr, Lorna	Allow
C60.4073.6	Seligman, Katerina	Allow
C60.4074.1	Simon, Carolyn	Allow
C60.4077.9	Stephenson, Andrew	Allow
C60.4078.9	Stephenson, Petra	Allow
C60.4080.3	Thomas, Liz	Allow
<i>Allow</i>	FC60.4032.15	
C60.4080.4	Thomas, Liz	Allow
<i>Allow</i>	FC60.4032.9	
C60.4080.10	Thomas, Liz	Allow
C60.4084.3	Turner, Reginald E J	Allow
<i>Allow</i>	FC60.4032.10	
C60.4091.4	Wells, Ned	Allow
C60.4092.1	Wi Rutene, Simon L	Allow
C60.4094.1	Windle, Kate & Hambrook, Steve	Allow In Part
<i>Allow in Part</i>	FC60.4032.17	
C60.4095.1	Windle, Philip & Rose	Allow In Part
<i>Allow in Part</i>	FC60.4032.18	
C60.4096.1	Wislang, B A & A M	Allow In Part

Plan Amendments

Topic : 2.2

- Amend the definition of "plant and animal production" to:
"Plant and animal production" – means the use of land and buildings primarily for or associated with the production, preparation and packing (but not processing) of plant or animal products produced on site."
- Amend definition for 'high productive value' by:
 - amending clause (a) to "a climate with sufficient soil temperature and sunshine"
 - in clause (a), changing "13 degrees" to "15 degrees"
 - adding to clause (d) "and adequate available soil moisture".
 - amending start of clause (e) to "soil with no major fertility requirements ... "
 - adding new clause (f): "water available for irrigation".

Topic : 6.2.30

Amend the last sentence of the first paragraph by replacing the word "versatile" with "high productive value".

Topic : 7.0

- Amend the last sentence of the first proposed paragraph to:
"In these zones where that value is high, activities involving plant and animal production are prioritised above opportunities for rural residential housing, industry or commercial activity unless the activity is a rural industry directly associated with plant and animal production".
- Amend the end of the second sentence of the second paragraph to:
"This chapter deals with the fragmentation of rural land, the availability of rural land for a range of purposes, protection of rural character and amenity and reverse sensitivity."
- Amend the end of the first sentence of the fifth paragraph beginning "A further concern ..." by adding: "and so create reverse sensitivity effects".
- Amend the first sentence of paragraph 13 beginning, "An important aspect of managing rural environmental effects ..." by adding the phrase "particularly those that support the processing and transportation needs of plant and animal production".

Topic : 7.1

- Amend proposed text in 7.1.20.1 and 7.1.30 to replace "highest" with "high" where it appears within the context of productive values.

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2. Add new policy 7.1.3.6G:
 "To enable use of land for plant and animal production, by providing for associated accessory buildings and activities, including workers' accommodation."

Topic : 7.1.3.6E

Amend proposed policy 7.1.3.6E to read:

"To accommodate rural living, commercial and rural industrial activities in the Rural 1 Zone where the activity is wholly undertaken within existing buildings and the effects on plant and animal production are avoided."

Topic : 7.1.3.6D

Amend proposed policy 7.1.3.6D to include Rural 2 as well as Rural 1 in this policy.

Topic : 7.1.3.6F

Amend proposed policy 7.1.3.6F to delete the word "the" before "actual or potential productive value of the land".

Topic : 7.1.3.6B

Amend proposed policy 7.1.3.6B to read:

"To protect land of high productive value from residential activity, except for that directly associated with plant and animal production."

Topic : 7.1.3.4

Amend point (a) of proposed Policy 7.1.3.4 to delete the words "and the versatility of the land".

Topic : 7.1.20.1

Amend 7.1.20.1 to replace references to "highest" with "high".

Topic : 7.1.30

Add to the end of the first proposed paragraph:

"Availability of water is also an important attribute for high productive value."

Topic : 7.2

Amend objective 7.2.2.2 and policy 7.2.3.1A to add:

"and the Rural 3 Zone" after "Rural Residential Zone".

Topic : 7.2.3.1F

Amend policy 7.2.3.1F to read:

"To discourage residential activity in rural locations outside the Rural Residential Zone and the Rural 3 Zone, on land having high productive value in the Rural 1 and Rural 2 zones."

Topic : 7.2.3.1C

Amend policy 7.2.3.1C (b) to add the words "and adjacent plant and animal production".

Topic : 7.2.3.1

Amend policy criteria 7.2.3.1C(a) and 7.2.3.1D(b) to read, "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".

Topic : 7.2.30

Amend the sixth paragraph beginning, "A whole-catchment approach to stormwater drainage ..." to add the words:

"A whole of catchment approach is also relevant to a change in use of rural land from plant and animal production to rural residential, commercial or industrial activity."

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Other Action

No other actions are recommended by staff in this evaluation report.

Reasons

1. Improvements can refine meaning, consistency, and emphasis of the Plan's policy position.
2. Staff accept that the priority value of plant and animal production must be balanced against competing demands for land to be used for rural housing and rural-residential.
3. The Rural 3 Zone has its own set of policies and objectives in Chapter 7.3 and the Rural Residential Zone is covered within Chapter 6: Urban Environment Effects. New policy within the 7.1 and 7.2 sets is not necessary.
4. The issue of rural contracting and activity associated with plant and animal production is relevant to rural objectives and policies in Chapter 7 and is covered within subsequent policy sets.
5. The phrase "where the actual or potential productive value of the land is retained and further subdivision opportunities are avoided" is a qualifier to acceptable rural living opportunities in Rural 1 and Rural 2 zones and should not be deleted.
6. Council's policy position identifies the rural zones as working zones for plant and animal production, not for rural-residential activity; and, identifies cumulative fragmentation as a threat to long term plant and animal production through a loss of versatility and rural character and amenity values.
7. Land versatility is a concept inherent within the concept 'productive value', therefore it is not necessary to include within 7.1.3.4(a).
8. While it may be appropriate for a building conversion to a dwelling to go beyond the scope of an original building, this consideration is best taken into account on a case-by-case basis rather than blanket acceptance within a guiding policy.
9. It is not necessary to refer to a zone deferment as "current" as deferments are uplifted when they are no longer required. They are therefore always current when shown on a planning map.
10. Objectives, underpinning "non-rural" activities, such as rural-industry and rural-residential activity, provide overarching framework for considering the type, form and location of non-rural activity in the rural zones that might be appropriate.
11. High quality soils, including reference to appropriate classification system, are defined in Chapter 2 and this provides for the meaning of high productive value in section 7.1.30.
12. To add a new policy 7.2.3.1H concerning the review of inappropriate rural zoning is not supported as the suggestion is a management and project delivery matter, not a policy statement about resource management outcomes.
13. The form of housing "workers' accommodation" as an activity that has a direct relationship to rural land-based plant and animal production is recognised and supported by policies 7.1.3.6F and 7.1.3.6G and rules 17.5.3.2 and 17.6.3.2
14. The request to include a more sloping terrain of up to 15 degrees, and "Class D" soils, is not supported as land with these attributes is generally not considered to have HIGH productive value.
15. The definition of "high productive value" concerns the qualities of land to support plant and animal production, and does not concern itself with local, national and global economics associated with and affecting the profitability of plant or animal production.
16. It is not necessary to repeat the NZ soils classification system through the Plan text as this classification system is included in the definition of "high productive value" and has weight throughout the Plan where matters concerning land productivity are mentioned. It provides direct meaning to the definition of "high productive value".
17. It is appropriate to exclude processing activities from the definition of 'plant and animal production', and to simplify it by removing the listed examples.
18. The term "high productive value" is more meaningful than "versatile" in explanatory text because it is a defined term.

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19. Activities that are directly associated with plant and animal production are considered to be generally appropriate in the rural zones..
20. It is appropriate to consider any and all potential natural hazards when referring to the appropriateness or otherwise of Rural Residential Zone development.
21. Reverse sensitivity is a relevant consideration in managing development in the rural zones.
22. In the rural zones, priority is given to plant and animal production over housing and industrial or commercial activities.
23. It is appropriate to refer to "high" rather than "highest" in regards to productive values as this relates directly to the definition of "high productive value" in relation to land.
24. The word "avoid" is not more appropriate than "discourage" as it is a more onerous test, not appropriate for rural industrial-type activities.
25. It is an improvement to policies and objectives to qualify that residential activity in rural zones is appropriate when it is directly associated with plant and animal production.
26. Building conversions into residential or industrial activities may be appropriate where the proposed conversion will not have an adverse effect on plant and animal production.
27. Consistent terminology in regards to "plant and animal production" is appropriate.
28. Rural lifestyle living opportunities have been provided for in the Rural 3 Zone as well as the Rural Residential Zone.
29. It is appropriate to take into account adjacent plant and animal production activities when considering the further development of Rural Residential Zones.
30. The effects of commercial, industrial and rural industrial activities, unrelated to plant and animal production, are as potentially significant in the Rural 2 Zone as they are in the Rural 1 Zone.
31. Plant and animal production does include forestry activity, but milling of timber is considered to be a rural industrial activity.
32. A change in use of rural land, including the cumulative effects of incremental change, can have catchment-wide effects that must be considered holistically.
33. Case law has established that "avoid" is a more onerous test than "discourage" and therefore not appropriate to be used in the context of industrial or commercial activity which may be applied for on a case-by-case basis, and, while discouraged, are not prohibited activities.
34. The proposed new policy will provide formal recognition of the form of housing, "workers' accommodation", as an activity that has a direct relationship to rural land-based plant and animal production.