

SUPPLEMENTARY STAFF EVALUATION REPORT

TO: Environment & Planning Committee – TRMP
FROM: Sonya Leusink Sladen, planning consultant
FILE NO.: R430-6-2
SUBJECT: **SUPPLEMENTARY SER 601A TO SERS 601 AND 602**
Report prepared for meeting of 2 September 2016

“In Committee”

1. INTRODUCTION

This supplementary report by Council staff has been prepared following the hearing of submitter presentations. It addresses issues and options where a change in staff recommendation is being made. It does not address issues raised during the hearings generally, although staff wish to acknowledge the value of the submitter contributions during the presentations. It should be noted that many of the issues raised by submitters did result in significant debate among staff. These key points will be raised during deliberations, using the original staff recommendation as a starting point for discussion.

The purpose of this supplementary report is to provide additional staff advice in respect of staff evaluation reports 601 Rural Policy and General, and 602 Rural Subdivision.

1.1 Issues and Options — SER 601: Rural Policy and General

SER 601 dealt with submission requests affecting policies, objectives and definitions. Generally speaking, staff advice was well received, and the overall policy direction was largely supported through submissions, with some requested changes.

During submitter presentations at the three hearings, staff heard new information and insight was gained. Amendments to the original recommendations are considered necessary. They affect definitions and policy within chapters 2 and 7 of the TRMP.

1.1.1 Definition “Plant and animal production”

This supplementary advice relates to Chapter 2.2 definition of “plant and animal production”. The staff recommendation was for a change to the definition following submission request 2864.2 by Horticulture New Zealand (SER 601, p16). The same submitter presented an alternative recommendation for the definition at the hearing on 17 August (presented by Angela Halliday).

Staff considered this and, on reflection, recommend an alternative definition:

‘Plant and animal production’ - means the use of land and buildings primarily for or associated with the production and packing (but not processing) of plant or animal products produced on site.

This amended definition removes the list of example activities (e.g. viticulture, agriculture, pastoral, horticulture, etc) to simplify it. The request to include workers' accommodation is not supported, as it is an activity relating to a form of rural housing distinct from the definition of 'plant and animal production'. Workers' accommodation is supported elsewhere (see also 1.1.2).

The revised recommended definition also clarifies that the *processing* of plant and animal products on site is not within the scope of meaning of 'plant and animal production'. This latter concept was recommended by staff in the original recommendation but this recommendation is considered to be an error. Plant and animal product processing is considered to be a rural industrial activity.

1.1.2 New Policy 7.1.3.6G

This supplementary advice relates to chapter 7.1 and 7.2 policies and objectives. The staff recommendation was to disallow a request to include a reference to workers' accommodation in Objective 7.2.2.1 (2864.27, SER 601, p2).

The Council will recall that the set of objectives and policies within 7.1 focuses on plant and animal production, while the 7.2 set deals with other activities that may occur within the rural zones, including rural housing. Staff maintain the distinction between the two policy sets but do not believe workers' accommodation fits within Objective 7.2.2.1.

In hearing the Horticulture New Zealand submission, staff can accept that workers' accommodation is a distinct form of housing that has a direct relationship to and dependency on plant and animal production occurring on the land. For this reason, it is considered appropriate to include workers' accommodation within the 7.1 set. Staff accept the submission's requested policy as worded, with a minor amendment, as a new policy within 7.1:

To enable use of land for plant and animal production, by providing for associated accessory buildings and activities, including workers' accommodation.

This will give policy recognition of the form of housing, "workers' accommodation", as an activity that has a direct relationship to rural land-based plant and animal production, within the 7.1 set. This should address the issues raised by Horticulture New Zealand.

1.1.3 Recommendation 601.1

Submission Recommendations

C60.2864.2	Horticulture New Zealand	Allow in Part
C60.2864.27	Horticulture New Zealand	Allow in Part

Plan Amendments

Topic: 2.2

Amend proposed definition of "plant and animal production" to read:

Plant and animal production means the use of land and buildings primarily for or associated with the production and packing (but not processing) of plant or animal products produced on site.

Topic: 7.1

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"

Reasons

It is appropriate to exclude processing activities from the definition of 'plant and animal production', and to simplify it by removing the listed examples.

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.

2.1 Issues and Options — SER 602: Rural Subdivision

SER 602 dealt with submission requests affecting subdivision provisions. Overall it can be said that there is some degree of acceptance of the balance sought by Council between limiting rural land fragmentation and enabling the efficient use of rural land for a range of activities. Submitter presentations did provide a fair representation of the diversity of opinion around whether that balance was right. At one end of the spectrum, "no further subdivision at any cost" was a view held. The opposing point of view was also expressed, being "subdivision opportunities should be an activity supported by Council".

Overall, staff maintain the recommended stance, however submitter Golden Bay Surveyors (ref. submitter 4016, per. Martin Potter) raised a matter that staff wish to comment on, and amend their original recommendations respectively.

2.1.1 Subdivision through Non-RMA processes

The issue concerns non-complying subdivision of titles dated 31 January 2016 or later. While the proposed new rule was generally accepted, Golden Bay Surveyors raised the issue of titles created through Non-RMA subdivision processes, such as a road stopping or Public Works Act land title issue. It is considered that in situations where a new title is created without subdivision through the Resource Management Act, "first generation" subdivision rights should be allowable.

The recommended change to 16.3.5.3A (c) (and where it appears throughout the Plan) could read as follows:

The subdivision is of a title that existed on or before 31 January 2016, except where that title was created by way of subdivision decision not made under the Tasman Resource Management Plan.

2.1.2 Recommendation 602.1

Submission Recommendation

C60.4016.3 Golden Bay Surveyors Allow in Part

Plan Amendments

Topic: 16.3

Amend 16.3.5.3A(c) and where it appears elsewhere throughout the Plan to read:

The subdivision is of a title that existed on or before 31 January 2016, except where that title was created by way of subdivision approval process outside of the Tasman Resource Management Plan.

Reasons

In situations where a new title is created without subdivision approval through the Resource Management Act, it is appropriate to consider the new subdivision as a "first generation" one, exempt from the date restriction.