

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-W2017-

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of an Application for Resource
Consent

AND

IN THE MATTER of an Appeal under the Resource
Management Act 1991

BETWEEN

**MATTHEW WALTER
WRATTEN** of Moutere,
Company Director

AND

BOOMERANG FARM LIMITED
at Nelson

Appellants

AND

TASMAN DISTRICT COUNCIL
a Local Authority duly
constituted under the provisions
of the Local Government Act
2002

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON PROPOSED PLAN
CHANGE**

McFadden McMeeken Phillips
Barristers & Solicitors
187 Bridge Street
Nelson 7010
Telephone 03 548 2154
Facsimile 03 548 2157

Solicitor Acting: Nigel McFadden

To: The Registrar
Environment Court
Wellington

1. I, Matthew Walter Wratten of Moutere, Company director Hereby Appeal against part of a decision of Tasman District Council on the following proposed plan:

That part of Change 60 to the Tasman Resource Management Plan making change to Rule 17.5.3, 17.7.3, and to Rule 17.5.2.1 (a)(xiv).

2. The Appellant made a submission on Proposed Plan Change 60.
3. The Appellant is not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.
4. The Appellant received notice of the decision on the 10th day of December 2016.
5. The decision was made by Tasman District Council.
6. The part of the decision the Appellant is appealing is:
 - a. That part of the decision which disallowed the Appellant submission seeking:
 - i. The amendment of Rule 17.5.3.2(e) and 17.7.3.2(f) to replace the words "30 metres" with the words "10 metres", or in the alternative to delete rule 17.5.3.2(e), and rule 17.7.3.1(ga).
 - ii. The deletion of (a) of Rule 17.5.2.1.(a)(xiv).
7. The reasons for the appeal are:
 - a. As to Rule 17.5.2.1(a)(xiv);
 - i. The effect of the Rule is to preclude even a small scale contractor or landowner from housing/storing his own truck or digger on his own land.
 - ii. There is no proper resource management reason for the Rule.
 - iii. The Rule does not achieve the purpose of the Resource Management Act, and constitutes regulation for regulation's sake.
 - iv. The Rule offends against Part 2 of the Resource Management Act 1991.
 - b. As to Rule 17.5.3.2(e) and 17.7.3.1(ga);
 - i. The rules introduce new provisions for setbacks of 30 metres (for habitable buildings) from internal boundaries in the Rural 1 and 2 Zones (excepting where an alteration does not increase the level of

non compliance (17.5.3.1(kb)(i); 17.5.3.2(e)(i) and 17.6.3.1 (n)(i)), and introduces new provisions for habitable buildings in the Rural Residential and Rural 3 Zones to be set back 30 metres from boundaries to the Rural 1, 2 (and 3) Zones (17.7.3.1(ga)(i), 17.7.3.2(f)(i), 17.8.3.1(h)(i) and 17.8.3.2(e)(i)).

The Operative Plan (before the proposed Plan Change 60) required buildings, including habitable buildings, to be set back 5 metres from boundaries, unless the adjacent property contained horticultural plantings where pesticides may be discharged, in which case a setback of 30 metres from such adjacent boundaries, and from vineyard plantings, or 20 metres where a spray belt is established.

- ii. The approach by Tasman District Council seems to be that to impose the “*blanket setback rule*” will remove the “*first come first served*” principle (where the first to plant or to build traditionally controls the later planter/builder –) and it is said that “*limits productive opportunity*”, (says Council) the change

“... *improve[s] the protection of productive opportunity for the future, ...*”, and

“*Benefits include better use of land, improved amenity, reduced conflict for landowners and the community, reduced number of complaints about cross-boundary effects and reduced wish of reverse sensitivity effects*”.

In fact – none of those so called “*benefits*” have been in any way proven – and excluding the resource consent application issue (already addressed by the current Operative Plan) the blanket nature of the proposed 30 metre setback rule to all land (including Rural 1, 2 and 3 Zones) will:

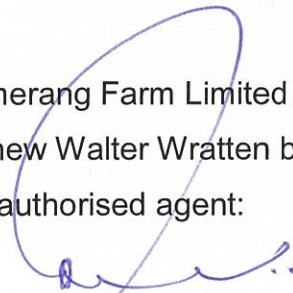
- (a) Compromise the use of the land;
- (b) Reduce the flexibility of location for houses in rural areas;
- (c) Creating the necessity for Resource Consents to depart from the rule and to cost;
- (d) Increase the risk of cross-boundary conflict;
- (e) Cause (potentially) a significant waste of rural land;

- (f) Negatively impact on the rural character by working against the “clustering” of habitable buildings (Change 60 seeks to introduce more flexible housing choices in rural areas ...);
- (g) Create tension with neighbours through a consent process;
- (h) Impose regulations where such as that proposed is not necessary, nor has it been shown to be so;
- (i) There are many properties in the Rural 1 and 2 (in particular) Zone when the imposition of a blanket rule as proposed will remove the opportunity to use, or effectively use the land for establishment of a habitable building;
- (j) The rule does not achieve the purpose of the Resource Management Act 1991;
- (k) The rule offends against Part 2 of the Resource Management Act 1991.

8. The Appellant seeks the following relief:

- a. As to Rule 17.5.2.1(a)(xiv) – the cancellation of the decision, and deletion of the rule.
- b. As to Rules 17.5.3.2(e) and 17.7.3.1(ga) – the cancellation of the decision, deletion of the rules and the consequent retention of the current operative plan rule.
- c. The costs of this Appeal;
- d. Such other consequential amendments to the change as may be occasioned by the granting of the above relief;
- e. Such further or other relief as the Court shall deem just.

Boomerang Farm Limited and
Matthew Walter Wratten by
their authorised agent:



Date: 18 / 1 / 2017

The Address for Service of
the Appellant is at the Offices
of:

McFadden McMeeken Phillips
Solicitors
187 Bridge Street
Nelson 7010
Telephone: (03) 548 2154
Facsimile: (03) 548 2157

Attached are the following:

1. A copy of the Appellants submission;
2. A copy of the Decision;
3. The persons to be served with a copy of this notice are:
 - a. The Registrar
Environment Court
PO Box 5027
Wellington 6145
(By email EnvironmentCourt@justice.govt.nz and post)
 - b. The Chief Executive
Tasman District Council
Private Bag 4
Richmond 7020
(By email info@tasman.govt.nz and post)
 - c. Federated Farmers of NZ (Inc)
PO Box 715
Wellington 6140

(By email: admin@fedfarm.org.nz and post)

Fulton Hogan Ltd
PO Box 39185
Christchurch 8545

(By email: info@fultonhogan.com and post)

Horticulture New Zealand
PO Box 10232
The Terrace
Wellington 6143

(By email: info@hortnz.co.nz and post)

NZ Transport Agency
Private Bag 6995
Wellington 6141

By email: (info@nzta.govt.nz and post)

Davis Ogilvie & Partners Ltd
First Floor
277 Hardy Street
Nelson 7010

(By email: nelson@do.co.nz and post)

Ralph Bradley
463 Wakefield-Kohatu Highway
R D 1
Wakefield 7095

(By post)

Golden Bay Surveyors
844 East Takaka Road
Takaka 7183

(By post)

Chris Laing
65 Battery Road
Patons Rock
Takaka 7182

(By post)

Diana C McMahon
32 Pakawau Bush Road
R D 1
Collingwood 7073

(By post)

Mark and Laura Manson
81 Back Road
Takaka 7183

(By post)

Joachim Maurer
65 Battery Road
Patons Rock
Takaka 7182

(By post)

Lorna Scurr
9 Boyle Street
Clifton
Takaka 7183

(By post)

Staig & Smith, Alandale & Vailima Orchards
PO Box 913
Nelson 7040

(By email enquiries@staigsmith.co.nz and post)

William Wallis
PO Box 84
Takaka 7142

(By post)

Note to Appellant

You may appeal only if-

- You referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- In the case of a decision relating to a proposed policy statement or plan (as opposed to variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under Section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,-

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under Section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

***How to obtain copies of documents relating to appeal**

Copies of the Annexures to this appeal may be obtained on request to the Appellant at the Appellants above address for service.

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,-

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

Submission on a Change to the Tasman Resource Management Plan

Return your submission by the advertised closing date to:

Manager, Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR Email steve.markham@tasman.govt.nz

Cover Sheet

OFFICE USE

Date received stamp:

Note:

This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.

Initials: _____

Submitter No. _____

Submitter Name: BOOMERANG FARM LIMITED / MATTHEW W WRATTEN
(organisation/individual)

Representative/Contact: As above
(if different from above)

Postal Address:

C/- McFadden McMeeken Phillips
P O Box 656
Nelson 7040

Home Phone: _____

Bus. Phone: 03 548 2154

Fax: 03 548 2157

Email: nigel@mmp.co.nz

Date: 14-Mar-2016

Postal address for service of person making submission:
(if different from above)

As above

Signature: _____

NOTE: A signature is not required if you make your submission by electronic means.

Total number of pages submitted (including this page): 3

IMPORTANT – Please state:

This submission relates to Change No.: _____

Change Title/Subject:

Change 60 to TRMP

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Please attach this cover sheet to your supplementary sheet(s) outlining your submission request(s).

Supplementary Sheet

OFFICE USE Submitter Number:

(1) My submission relates to: Provision No or Planning Map No. (Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)	(2) My submission is that: (State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)	(3) I seek the following decisions from the Tasman District Council: (Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)	OFFICE USE Submission No.
Section 7.0 7.2.2.2 7.2.3.1A	Refers to "Industrial living options" but refers only to the Rural Residential Zone	Add: "...and the Rural 3 Zone" to 7.2.2.2 and 7.2.3.1A ✓	
Section 7.0 7.2.3.1F	Refers to "Rural Residential Zone"	Add: "...and the Rural 3 Zone" offer the words "Rural Residential Zone"	
17.5.2 5.1.3(xiv)	This Rule precludes a small scale contractor or landowner storing his own trucks or diggers on his own land. There is no resource management reason for this.	Delete 5.1.3(xiv)	
5.1.2.6 (17.5.3.2(e))	<i>setback</i> Requiring a set back of 30 metres from any internal boundary does not enable an efficient use of a site - it is a setback for no reason, a 30m setback from horticultural plantings is acceptable but not just generally. This Rule could ruin the ability to efficiently use a site	Delete "30 metres from any horticultural plantings" in its stead or reduce to 10 metres from boundary.	
5.1.2.7 (17.5.3.2(f))	A set back of 500 metres generally is unreasonable - it would catch unauthorised and not currently operating quarries	Add "lawfully established and operating as at 20.1.2016" after the words "quarry site" - why tie it only to "hard rock"?	

Feel free to contact us:



Tasman District Council
 Email info@tasman.govt.nz
 Website www.tasman.govt.nz
 24 hour assistance

Richmond
 189 Queen Street
 Private Bag 4
 Richmond 7050
 New Zealand
 Phone 03 543 8400
 Fax 03 543 9524

Murchison
 92 Fairfax Street
 Murchison 7007
 New Zealand
 Phone 03 523 1013
 Fax 03 523 1012

Motueka
 7 Hickmott Place
 PO Box 123
 Motueka 7143
 New Zealand
 Phone 03 528 2022
 Fax 03 528 9751

Takaka
 14 Junction Street
 PO Box 74
 Takaka 7142
 New Zealand
 Phone 03 525 0020
 Fax 03 525 9972



Supplementary Sheet

OFFICE USE Submitter Number:

(1) My submission relates to: Provision No or Planning Map No. <i>(Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)</i>	(2) My submission is that: <i>(State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)</i>	(3) I seek the following decisions from the Tasman District Council: <i>(Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)</i>	OFFICE USE Submission No.
17.5.3.3 (bc) 5.1.36	This refers to "existing quarry site" 17.5.3.2(f) to "hard rock" quarry site. What is the reason for the difference?	Amend as for the relief sought for 17.5.3.2(f) above)	
17.6.3.1(o) <i>quarry</i>	As above for 17.5.3.3 <i>quarry</i>	Amend as for the relief sought for 17.5.3.2(f) above.	
17.7.3.2(f) (5.3.22)	As for 17.5.3.2(e) above	Amend as for the relief sought for 17.5.3.2(e) above.	
17.7.3.2(f)(iii) (5.3.22) ✓	As for 17.5.3.2 (f) above <i>quarry</i>	As for the relief sought for 17.5.3.2 (f) above <i>17.5.3.2 rel</i>	
17.7.2.1(b)	As for 17.5.2 (xiv) above	Delete 17.7.2.1(b)	
17.7.3.1(b) Qa(i) 5.3.14 ✓	As for 17.5.3.2(e) above	As for the relief sought for 17.5.3.2 (e) above	
17.7.3.1(b) Qa(iii) ✓	As for 17.5.3.2(f) above	As for the relief sought for 17.5.3.2 (f) above	
17.7.3.1 Qa(i) (5.3.14) and 17.7.3.2(f)(i)	As for 17.5.3.2(f) above	As for the relief sought for 17.5.3.2 (e) above	
17.7.3.1 Qa(iii) (5.3.14) and 17.7.3.2(f)(iii)	As for 17.5.3.2(f) above	As for the relief sought for 17.5.3.2 (f) above	

Feel free to contact us:



Tasman District Council
 Email info@tasman.govt.nz
 Website www.tasman.govt.nz
 24 hour assistance

Richmond
 189 Queen Street
 Private Bag 4
 Richmond 7050
 New Zealand
 Phone 03 543 8400
 Fax 03 543 9524

Murchison
 92 Fairfax Street
 Murchison 7007
 New Zealand
 Phone 03 523 1013
 Fax 03 523 1012

Motueka
 7 Hickmott Place
 PO Box 123
 Motueka 7143
 New Zealand
 Phone 03 528 2022
 Fax 03 528 9751

Takaka
 14 Junction Street
 PO Box 74
 Takaka 7142
 New Zealand
 Phone 03 525 0020
 Fax 03 525 9972

Banmerang / written

The particular parts of your submission which are relevant are listed as follows:
 (NOTE: "C60 = Change 43; FC60 = Further Submission to Change 60, etc.)

	Submission Point No.	Further Submission Point No.	Remedy Sought
Allow	C60.3996.1	✓	Amend objective 7.2.2.2 to add the words "and the Rural 3 Zone" after "...Rural Residential Zone".
Allow	C60.3996.2	✓	Amend policy 7.2.3.1A to add the words "and the Rural 3 Zone" after "...Rural Residential Zone".
Disallow	C60.3996.3		Amend policy 7.2.3.1F to add the words "and the Rural 3 Zone" after "...Rural Residential Zone".
Disallow	C60.3996.4		Delete proposed conditions 17.5.2.1(a)(xiv) and 17.7.2.1(b).
Disallow	C60.3996.5	x	Amend 17.5.3.2(e) and 17.7.3.1(ga)(i) to replace 30 metres with 10 metres; or delete 17.5.3.2(e).
Disallow	C60.3996.6		Amend 17.5.3.2(f) and where it similarly appears elsewhere in the Plan, to add "lawfully established and operating as at 20 January 2016" after the words "quarry site".
Allowed	C60.3996.7	✓	Amend 17.5.3.2(f) and where it similarly appears elsewhere in the Plan, to remove the words "hard rock".
Allowed	C60.3996.8	✓	Amend 17.5.3.3(bc), and where it similarly appears elsewhere in the Plan, to achieve consistency with 17.5.3.2(f) in respect of the reference to "existing quarry site".

Yours faithfully



Steve Markham
 Manager, Policy

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Change 60: Character and Amenity

Decisions and Reasons

Final Decision 606.1

C60.174.8	Transpower NZ Ltd			Disallow
C60.830.1	Fulton Hogan Ltd			Disallow
<i>Allow</i>	FC60.2864.9			
<i>Disallow</i>	FC60.174.1	FC60.806.21	FC60.3974.1	
C60.830.11	Fulton Hogan Ltd			Allow
C60.830.12	Fulton Hogan Ltd			Allow
C60.855.1	Cotton & Light Surveyors			Allow In Part
<i>Disallow</i>	FC60.2864.51			
C60.1076.1	Ravensdown Fertiliser Co-Operative Ltd			Allow
<i>Allow</i>	FC60.806.29			
C60.1089.10	Nelson Forests Ltd			Allow
C60.1089.11	Nelson Forests Ltd			Disallow
C60.1089.14	Nelson Forests Ltd			Allow
C60.1089.15	Nelson Forests Ltd			Allow
<i>Allow</i>	FC60.1076.9			
C60.1089.21	Nelson Forests Ltd			Disallow
C60.1089.33	Nelson Forests Ltd			Allow
C60.1188.2	Drummond, Wendy			Disallow
C60.1227.1	Davis Ogilvie & Partners Ltd			Disallow
<i>Allow</i>	FC60.2864.44			
C60.1227.2	Davis Ogilvie & Partners Ltd			Disallow
<i>Disallow</i>	FC60.4011.17			
C60.1440.3	Vincent, S M			Allow
C60.1521.3	Federated Farmers of NZ (Inc.)			Allow
C60.1521.8	Federated Farmers of NZ (Inc.)			Disallow
<i>Disallow</i>	FC60.1076.2	FC60.2864.23		
C60.1521.15	Federated Farmers of NZ (Inc.)			Allow
C60.1521.16	Federated Farmers of NZ (Inc.)			Allow
<i>Allow</i>	FC60.2864.1			
C60.2635.1	Ewing Poultry Ltd/Lloyd Ewing			Allow In Part
C60.2635.2	Ewing Poultry Ltd/Lloyd Ewing			Disallow
C60.2635.3	Ewing Poultry Ltd/Lloyd Ewing			Disallow
C60.2635.4	Ewing Poultry Ltd/Lloyd Ewing			Disallow
C60.2635.5	Ewing Poultry Ltd/Lloyd Ewing			Allow
C60.2799.10	Tasman District Council staff			Allow
C60.2864.3	Horticulture New Zealand			Allow
C60.2864.16	Horticulture New Zealand			Disallow
<i>Disallow</i>	FC60.1089.2	FC60.3974.2		
C60.2864.19	Horticulture New Zealand			Disallow
<i>Disallow</i>	FC60.1076.1	FC60.4032.24		
C60.2864.26	Horticulture New Zealand			Disallow
<i>Disallow</i>	FC60.1076.6	FC60.1089.3		
C60.2864.31	Horticulture New Zealand			Allow
C60.2864.34	Horticulture New Zealand			Disallow
C60.2864.35	Horticulture New Zealand			Allow
C60.2864.36	Horticulture New Zealand			Allow
C60.2864.37	Horticulture New Zealand			Disallow
<i>Disallow</i>	FC60.1076.8	FC60.3974.7	FC60.4011.2	
C60.2864.38	Horticulture New Zealand			Allow
<i>Allow</i>	FC60.3974.8	FC60.4011.3		
C60.2864.39	Horticulture New Zealand			Disallow

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Change 60: Character and Amenity

Decisions and Reasons

C60.2864.40	Horticulture New Zealand	Allow
C60.2864.43	Horticulture New Zealand	Allow
<i>Allow</i>	FC60.4011.6	
C60.2864.44	Horticulture New Zealand	Allow
C60.2864.47	Horticulture New Zealand	Allow
<i>Allow</i>	FC60.4011.4	
C60.2864.50	Horticulture New Zealand	Disallow
C60.2864.51	Horticulture New Zealand	Allow
C60.2864.54	Horticulture New Zealand	Disallow
C60.2864.55	Horticulture New Zealand	Allow
<i>Allow</i>	FC60.4011.9	
C60.2864.56	Horticulture New Zealand	Allow
C60.2864.59	Horticulture New Zealand	Disallow
C60.2864.60	Horticulture New Zealand	Allow
C60.2864.62	Horticulture New Zealand	Allow
<i>Allow</i>	FC60.4011.10	
C60.2864.63	Horticulture New Zealand	Allow
C60.2864.66	Horticulture New Zealand	Allow
C60.2864.69	Horticulture New Zealand	Allow
<i>Allow</i>	FC60.4011.15	
C60.2864.71	Horticulture New Zealand	Allow
C60.3660.1	St Leger Group	Allow In Part
C60.3660.2	St Leger Group	Disallow
C60.3660.3	St Leger Group	Disallow
C60.3660.4	St Leger Group	Disallow
C60.3974.19	Aggregate and Quarry Assn of NZ (AQA)	Allow
<i>Allow</i>	FC60.4065.19	
C60.3974.20	Aggregate and Quarry Assn of NZ (AQA)	Allow
<i>Allow</i>	FC60.1076.10 FC60.4065.20	
C60.3974.21	Aggregate and Quarry Assn of NZ (AQA)	Allow
<i>Allow</i>	FC60.4065.21	
C60.3974.22	Aggregate and Quarry Assn of NZ (AQA)	Allow
<i>Allow</i>	FC60.4065.22	
C60.3974.23	Aggregate and Quarry Assn of NZ (AQA)	Allow
<i>Allow</i>	FC60.4065.23	
C60.3974.24	Aggregate and Quarry Assn of NZ (AQA)	Allow
<i>Allow</i>	FC60.4065.24	
C60.3991.2	Bensemman, Alan	Disallow
<i>Allow</i>	FC60.2864.47	
C60.3996.5	Boomerang Farm Ltd/M Wratten	Disallow
C60.3996.6	Boomerang Farm Ltd/M Wratten	Disallow
C60.3996.7	Boomerang Farm Ltd/M Wratten	Allow
C60.3996.8	Boomerang Farm Ltd/M Wratten	Allow
C60.3999.2	Bradley, Ralph	Disallow
<i>Allow</i>	FC60.2864.34	
C60.4002.1	Butts, Robert J	Allow
C60.4011.2	Egg Producers Federation of NZ	Allow
C60.4011.3	Egg Producers Federation of NZ	Allow
C60.4011.11	Egg Producers Federation of NZ	Allow
C60.4011.12	Egg Producers Federation of NZ	Allow
C60.4011.13	Egg Producers Federation of NZ	Allow
C60.4011.17	Egg Producers Federation of NZ	Allow In Part
C60.4011.18	Egg Producers Federation of NZ	Allow In Part

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Change 60: Character and Amenity**Decisions and Reasons**

C60.4011.18	Egg Producers Federation of NZ	Allow In Part
C60.4016.5	Golden Bay Surveyors	Disallow
<i>Allow</i>	FC60.2864.35	
C60.4023.6	Hancock Forest Management (NZ) Ltd	Allow
<i>Allow</i>	FC60.806.41	
C60.4023.10	Hancock Forest Management (NZ) Ltd	Allow
C60.4023.11	Hancock Forest Management (NZ) Ltd	Disallow
C60.4023.14	Hancock Forest Management (NZ) Ltd	Allow
C60.4023.30	Hancock Forest Management (NZ) Ltd	Allow
C60.4034.4	Kebbell, John	Disallow
<i>Allow</i>	FC60.2864.48	
C60.4035.1	Kelsall, Julia	Disallow
<i>Allow</i>	FC60.2864.49	
C60.4036.2	Kerrisk, Billy	Allow
C60.4041.2	Laing, Chris	Disallow
<i>Allow</i>	FC60.2864.36	
C60.4048.5	McMahan, Diana C	Disallow
C60.4049.2	Manson, Mark & Laura	Disallow
<i>Allow</i>	FC60.2864.38	
C60.4050.8	Maurer, Joachim	Disallow
C60.4057.2	New Zealand Defence Force	Allow
C60.4057.3	New Zealand Defence Force	Allow
C60.4063.1	Pons, Rodger	Allow
<i>Disallow</i>	FC60.2864.53	
C60.4063.2	Pons, Rodger	Disallow
C60.4065.1	Port Tarakohe Services Ltd	Allow
C60.4065.2	Port Tarakohe Services Ltd	Allow
C60.4065.3	Port Tarakohe Services Ltd	Allow In Part
C60.4065.5	Port Tarakohe Services Ltd	Allow
C60.4068.9	Rural Contractors NZ Inc. (RCNZ)	Allow
C60.4072.6	Scurr, Lorna	Allow In Part
C60.4085.2	Staig & Smith and Alandale & Vailima Orchards	Disallow
<i>Allow</i>	FC60.2864.43	
C60.4086.3	Wallis, William G	Disallow

Plan Amendments**Topic : 16.3.7.1**

Amend condition 16.3.7.1(d) by adding to the end: "which is set back 30 metres from internal boundaries where those boundaries are to the Rural 1 or Rural 2 Zone."

Topic : 16.3.8.1

1. Insert a new condition in 16.3.8.1 as follows:
"Building Location Area"
(bb) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries where those boundaries are to the Rural 1, Rural 2 or Rural 3 Zone."
2. Insert a new matter of control:
"(11B) Potential for reverse sensitivity effects on plant and animal production activity in an adjoining Rural 1, 2 or 3 zone."
3. Insert a new matter of control:
"(11C) Potential for reverse sensitivity effects on an existing, lawfully established quarry which was a quarry on or before 30 January 2016."

Topic : Sch. 16.3A

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Change 60: Character and Amenity**Decisions and Reasons**

Amend Schedule 16.3A to add an additional criterion as follows:
 "Potential for reverse sensitivity effects on plant and animal production activity."

Topic : Chapter 17

1. Amend conditions 17.7.3.1(ga)(i), 17.7.3.2(f)(i) and 17.8.3.1(h)(i) by adding the following words to the end of the sentence: "except for a habitable building on a site located in a subdivision that was consented before 30 January 2016 where the setback is 5 metres".
2. Amend 17.5.3.1(h)(i) and 17.6.3.1(j)(i) to move proposed additional wording from before the word "and" to after the same word "and".
3. Amend the proposed conditions 17.5.2.1(n), 17.6.2.1(n) and 17.7.2.1(i) by:
 - adding the words "including poultry body part and poultry offal processing and composting," after the words "poultry farming";
 - replacing the word "300m" with "170m".
4. Amend proposed conditions 17.5.3.1(kb)(ii), 17.5.3.2(e)(ii), 17.6.3.1(n)(ii); 17.7.3.1(ga)(ii), 17.7.3.2(f)(ii), and 17.8.3.1(h)(ii) by replacing the word "300m" with "200m" and adding to the end: "except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.
5. Amend conditions 17.5.3.2(f) and 17.6.3.1(o) to:
 "Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
6. Amend condition 17.7.3.1(ga)(iii) to:
 "(gb) Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
7. Amend condition 17.7.3.2(f)(iii) to:
 "(fa) Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
8. Amend matters 17.5.3.2(5A), 17.6.3.2(5A), 17.8.3.1A(5) to include the following words "potential for reverse sensitivity effects on" before the words "plant and animal production".
9. Insert a new matter into rule 17.7.3.2 as follows:
 "(5B) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character, and potential for reverse sensitivity effects on plant and animal production."
10. Add new proposed conditions 17.6.3.4(da) and 17.7.3.3(e):
 "Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
11. Amend 17.8.2.1(j) to read:
 "A residential activity is set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
12. Amend 17.5.3.1(kb)(i), 17.5.3.2(e)(i) and 17.6.3.1(n)(i) to add the following words to the end of the sentence: "except where the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres" to read as follows:
 "Habitable buildings are set back:
 (i) at least 30 metres from any internal boundary, except where the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced and except where the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres".
13. Revert to operative condition 17.8.3.2(e) but amend to delete sub-condition (iii) and include the words "including vineyards" after the words "horticultural plantings" wherever it occurs in condition (e).
14. Amend conditions 17.6.3.4(d) and 17.7.3.3(d) to delete sub-condition (iii) and include the words "including vineyards" after the words "horticultural plantings" wherever it occurs in condition (d).

Decisions and Reasons**Topic : 17.5.2**

Insert a new rule 17.5.2.8B:

17.5.2.8B Restricted Discretionary Activities (Intensive Livestock Farming - Poultry Farming)
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:

- (1) Effects on amenity, including:
 - (a) ability to mitigate offensive odour,
 - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
 - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
 - (d) ability to manage effluent and waste generated as part of the activity."

Topic : 17.5.3.3

1. Revert to operative condition 17.5.3.3(d) but amend to delete sub-condition (iii) and include the words "including vineyards" after the words "horticultural plantings" wherever it occurs in condition (d).
2. Amend proposed condition 17.5.3.3(bc) to add reference to: "conditions 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)".

Topic : 17.6.2

Insert a new rule 17.6.2.8B:

17.6.2.8B Restricted Discretionary Activities (Intensive Livestock Farming - Poultry Farming)
Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.6.2.1 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:

- 1) Effects on amenity, including:
 - (a) ability to mitigate offensive odour,
 - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
 - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
 - (d) ability to manage effluent and waste generated as part of the activity."

Topic : 17.7.2

Insert a new rule 17.7.2.5A:

17.7.2.5A Restricted Discretionary Activities (Intensive Livestock Farming - Poultry Farming)
Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.7.2.1 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:

- (1) Effects on amenity, including:
 - (a) ability to mitigate offensive odour,
 - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
 - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
 - (d) ability to manage effluent and waste generated as part of the activity."

Topic : 17.7.3.1

Amend proposed condition 17.7.3.1(ga)(i) to include the following words at the end of the sentence: "(except) and where the activity is an alteration to a dwelling, and the existing setback to the boundary is not thereby reduced."

Topic : 17.7.3.2

Amend proposed condition 17.7.3.2(f)(i) to include the following words at the end of the sentence: "(except) and where the activity is an alteration to a dwelling, and the existing setback to the boundary is not thereby reduced."

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Change 60: Character and Amenity**Decisions and Reasons****Topic : 17.8.3.1A**

Amend matter of control (2) by replacing the words "productive activities" with the words "plant and animal production activities".

Topic : 17.8.3.2

Delete proposed condition 17.8.3.2(e) and revert to the operative condition (e).

Topic : 18.7.2.1

1. Amend condition 18.7.2.1(a) to read: "Dwellings or residential activities are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
2. Amend matters 18.7.2.1(1), (3) and (4) to delete references to the words "hard rock".

Topic : 18.7.20

1. Amend Principal Reasons for Rules 18.7.20 to delete proposed changes which insert the words "hard rock"

Other Action

None.

Reasons

1. In general terms, the recommendations uphold the principles of minimising conflict between incompatible activities by way of setbacks and provisions that account for the risk of reverse sensitivity.
2. The setbacks for habitable buildings are retained for the reason that then the 'first come, first served' principle and its potential to limit productive opportunity is removed. Benefits include better use of land in the future, improved amenity, reduced conflict for landowners and the community, a reduced number of complaints about cross boundary effects and reduced risk of reverse sensitivity effects. Intensive poultry farming activity is likely to generate adverse effects related to noise, odour, lighting, visual effects of sheds and buildings and the effects of the management of waste and effluent on the amenity of the surrounding area.
3. The reasons for the reduction in setback width from 300m to 170m for intensive livestock farming that is poultry farming, which includes animal body part processing and composting, from all boundaries is that: (i) modern day shed technology in which intensive poultry is usually kept, has reduced the need for such a wide separation distance; and (ii) the setback, which takes account of the 30m setback for all habitable buildings from boundaries, is considered wide enough to mitigate odour from animal body part processing and composting from most of the farms in the district.
4. Habitable buildings located on the same site on which the intensive livestock farm (that is a poultry farm) occurs are generally used by persons associated with the activity.
5. It is accepted that the 500m setback applies to all quarries as forms of quarrying, other than hard rock quarrying, may also generate these effects.
6. The new matter for Controlled subdivision in the Rural Residential zone will enable assessment of reverse sensitivity effects at the time of subdivision in addition to that of building construction.
7. Associated consistency and consequential amendments will improve Plan readability and effectiveness.
8. Consistency will improve Plan readability and effectiveness.
9. The risk of reverse sensitivity to existing plant and animal production activities within the Rural 1 and 2 zones is addressed generally in policy set 7.1.3 which provides for the protection of productive land for plant and animal production purposes.

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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
Allow	FC60.4032.15	
C60.4080.4	Thomas, Liz	Allow
Allow	FC60.4032.9	
C60.4080.10	Thomas, Liz	Allow
C60.4084.3	Turner, Reginald E J	Allow
Allow	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
Allow in Part	FC60.4032.17	
C60.4095.1	Windle, Philip & Rose	Allow In Part
Allow in Part	FC60.4032.18	
C60.4096.1	Wislang, B A & A M	Allow In Part

Plan Amendments

Topic : 2.2

1. 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."
2. Amend definition for 'high productive value' by:
 - (a) amending clause (a) to "a climate with sufficient soil temperature and sunshine"
 - (b) in clause (a), changing "13 degrees" to "15 degrees"
 - (c) adding to clause (d) "and adequate available soil moisture".
 - (d) amending start of clause (e) to "soil with no major fertility requirements ... "
 - (e) 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

1. 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".
2. 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."
3. Amend the end of the first sentence of the fifth paragraph beginning "A further concern ..." by adding: "and so create reverse sensitivity effects".
4. 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

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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Change 60: Productive Potential vs Rural Residential Living and Business

Decisions and Reasons

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 criterions 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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Change 60: Productive Potential vs Rural Residential Living and Business

Decisions and Reasons

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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Decisions and Reasons

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.

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Change 60: Rural Business

Decisions and Reasons

Final Decision 607.5

C60.806.41	NZ Transport Agency	Allow
C60.806.44	NZ Transport Agency	Allow In Part
<i>Disallow</i>	FC60.1076.13	
C60.806.47	NZ Transport Agency	Allow In Part
C60.806.48	NZ Transport Agency	Allow In Part
C60.830.5	Fulton Hogan Ltd	Disallow
<i>Allow</i>	FC60.806.23	
<i>Disallow</i>	FC60.3974.9	
C60.830.6	Fulton Hogan Ltd	Disallow
<i>Allow</i>	FC60.806.24	
<i>Disallow</i>	FC60.1076.12	FC60.3974.10
C60.830.7	Fulton Hogan Ltd	Disallow
<i>Allow</i>	FC60.806.25	
<i>Disallow</i>	FC60.3974.11	
C60.830.8	Fulton Hogan Ltd	Disallow
<i>Allow</i>	FC60.806.26	
<i>Disallow</i>	FC60.3974.12	
C60.1076.2	Ravensdown Fertiliser Co-Operative Ltd	Disallow
<i>Allow</i>	FC60.806.30	
C60.1521.27	Federated Farmers of NZ (Inc.)	Allow In Part
<i>Disallow</i>	FC60.806.34	
C60.1521.28	Federated Farmers of NZ (Inc.)	Allow In Part
<i>Disallow</i>	FC60.806.35	FC60.1076.11
C60.1521.29	Federated Farmers of NZ (Inc.)	Allow In Part
<i>Disallow</i>	FC60.806.36	
C60.3996.4	Boomerang Farm Ltd/M Wratten	Disallow
<i>Allow</i>	FC60.2864.33	

Plan Amendments

Topic : 17.5.2.1

Amend condition (a)(xiv) to:

"the maintenance, repair, storing, or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production), that are being used for or in connection with any commercial, industrial or rural industrial activity."

Topic : 17.6.2.1

Amend condition (a)(xii) to:

"the maintenance, repair, storing, or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production), that are being used for or in connection with any commercial, industrial or rural industrial activity."

Topic : 17.7.2.1

Amend condition (b)(xii) to:

"the maintenance, repair, storing, or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production), that are being used for or in connection with any commercial, industrial or rural industrial activity."

Topic : 17.8.2.1

Amend condition (a)(vi) to:

"the maintenance, repair, storing, or parking of more than one heavy vehicles with a gross laden weight of 3,500 kilograms or more that are being used for or in connection with any commercial, industrial or rural industrial activity."

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Change 60: Rural Business

Decisions and Reasons

Reasons

The increase in vehicle numbers serves to reduce risk of increasing dispersed heavy vehicle usage on site connected with other sites as part of a rural business, with its associated risk of cross-boundary noise and traffic movements.