



STAFF REPORT

TO: Environment & Planning Committee

FROM: Neil Jackson, Policy Planner

REFERENCE: R430-10

SUBJECT: **PLAN CHANGE 19: TECHNICAL AMENDMENTS TO TRMP - REPORT REP10-05-22** - Report prepared for meeting of 20 May 2010

1. PURPOSE OF REPORT

The purpose of this report is to recommend a series of amendments to land rules intended to make the rules easier to use. There is no change to the purpose of any plan provision.

1.1 Outline of Amendments

1. Replace any reference to “standards and terms” with “conditions”, where this has not already been done.

Reason:

The term “condition” is defined in the RMA to include “standards and terms”.

2. Adopt the term “Land Use General”, for general land use rules where a zone also includes separately labelled rules for specific classes of land use.

Reason:

This provides the context for amendment 3.

3. Where an activity is listed as a permitted activity with a specific set of conditions (such as home occupations in rural zones), expressly exclude that activity from the Land Use General rule but include a direction to the specific rule. For example, in the Rural 1 Zone:

“17.5.2.1 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:

Activities

- (a) The activity is not:

.....

- (xii) a home occupation (see rule 17.5.6.1)”

Reason:

This will avoid confusion about activity status and which conditions apply.

4. Amend the order of rules so that in any zone, all permitted activity land use rules are listed before any controlled or discretionary activity land use rules. In the example in 3. above, the permitted activity rule for home occupations in the Rural 1 Zone would become rule 17.5.2.2.

Reason:

This restores the hierarchy of activity classes, making the status of activities easier to find.

5. Remove condition (a) “the activity does not contravene any other applicable rule” from permitted activity rules.

Reason:

This condition was intended only as a reminder that other rules may apply to a proposed development. In some instances it has had the effect of changing the status of an activity. It is not a necessary provision, and TRMP section 1.10 explains the relationship between different rules in the plan.

6. Where a default rule (such as discretionary activity) is triggered by non-compliance with a prior rule (permitted or controlled activity), identify the prior rule by rule number rather than activity category, where this is not already the case. For example, Rule 16.2.6.1 (which is currently incorrect) should commence:

“Any land use that does not comply with the conditions of rules 16.2.2.1, 16.2.3.1, 16.2.4.1, or 16.2.5.1 is a restricted discretionary activity.”

Reason:

The amendment removes doubt about which prior rules trigger a default rule. It requires care that all relevant rules are identified.

7. Add a new condition “not building on the Ngarua Caves site (see rule 17.6.3.3)” to the Rural 2 Zone permitted and controlled activity rules 17.6.3.1 and 17.6.3.2.

Reason:

This condition is necessary to justify rule 17.6.3.3.

8. Replace all noise rule references to L_{10} with L_{eq} , and all references to the 1991 versions of NZS 6801 Measurement of Sound and 6802 Assessment of Environmental Sound with the 2008 versions.

Reason:

To bring the noise rules up-to-date with current standards and practice.

9. Replace reference to 50mm camlock couplings with requirement for a 100mm camlock coupling in rules 17.5.3.2 (d)(i), 17.6.3.1 (q)(i), 17.7.3.2 (c)(i), 17.8.3.1 (m)(i)

Reason:

The 50mm camlock coupling reflects the historic situation where rural fire fighting appliances have traditionally used this size fitting for rural fire fighting and where rural appliances would normally provide first response to fires.

Urban appliances operated by the NZ Fire Service (NZFS) use a 100mm size coupling, reflecting the slightly different high volume approach to fighting urban fires and use of reticulated water from fire hydrants.

In some situations however, NZFS appliances will be the first response to fires. In rural areas surrounding Murchison for example, where there is no rural fire unit, urban appliances are used.

The NZFS and the Waimea Fire Authority now advise that it is in fact easier and more appropriate that couplings for rural water storage tanks be standardised with a change to 100mm camlock couplings as it is technically easier, more effective and efficient for the rural fire appliances to carry equipment to adjust from a 100mm tank fitting down to the 50 mm fitting on their trucks than it is for an urban appliance to attempt to attach adjust from a 50mm tank fitting to a 100mm truck fitting.

2. RECOMMENDATION:

That Council make the nine amendments to TRMP listed in this report as Change 19 in accordance with the attached schedule of amendments.

Neil Jackson
Policy Planner

Item to be circulated under separate cover prior to the meeting

Schedule 1:
Proposed Change 19
Schedule of amendments