

604 Change 60: Co-Operative Living

Evaluation Overview

This report addresses submissions related to cooperative living.

In summary, the Plan Change proposes better policy support for co-operative living and new Plan provisions to guide co-operative living activities.

In total, 59 submitters submitted on this topic. The overwhelming majority of submitters (52 of 59) requested that the cooperative living provisions in the Plan be retained. In addition, about half of these submitters requested further flexibility to allow for increased habitable building opportunity for co-operative living activities or that co-operative living activity is provided for on any size site and in all zones. Three submitters requested more flexible provisions for multiple dwellings on land to facilitate land sharing and co-operative living initiatives. Four submitters requested that the provisions be 'tightened' or limited in some way.

Submissions requesting the deletion of a matter of discretion relating to effects on rural landscape and amenity values and coastal and natural character are addressed under the Staff Evaluation Report (SER) 606 – Character and Amenity.

In this report, 'regular' development refers to all applications for subdivision land use and building development that do not fall within the definition of 'co-operative living'.

Submissions Dealt with in this Report

C60.1188.4	Drummond, Wendy	7.2.3.1G	Retain proposed policy that enables co-operative living.
C60.1188.5	Drummond, Wendy	Chapter 17	Retain the proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A.
C60.1403.2	Muter, Frans	Chapter 17	Amend cooperative living rule to enable cooperative living proposals to be allowed with conditions as permitted or controlled activities.
C60.2649.2	Hoos, Yana	C60 GEN	Retain provisions that support cooperative living and low impact design.
C60.2649.5	Hoos, Yana	Chapter 17	Retain cooperative living and multiple housing opportunities on any sized rural land holding (not just large landholdings).
C60.2649.7	Hoos, Yana	C60 GEN	Policies need to acknowledge and provide for the large proportion of low income families and their needs, by enabling land-sharing, cooperative living and multiple housing.
C60.2799.5	Tasman District Council staff	2.2	Amend definition of "cooperative living" to better describe the nature and purpose of any legal arrangement.
<i>Oppose</i>		FC60.4032.1	
C60.2799.6	Tasman District Council staff	7.2.3.1G	Amend objective 7.2.3.1G to better articulate Council's vision for cooperative living in terms of the cooperative intention, scale, intensity and character, which can achieve the rural character and amenity, and plant and animal production objectives of the Tasman Resource Management Plan.
<i>Support</i>		FC60.2864.27	
C60.2799.7	Tasman District Council staff	Chapter 17	Amend rule 17.5.2.8A and 17.6.2.8A to introduce activity conditions that: <ul style="list-style-type: none"> - address the scale of a cooperative living proposal to provide an upper limit of acceptability - address the intensity of a cooperative living proposal, relative to the application site size.
<i>Oppose</i>		FC60.4032.2	
C60.2799.8	Tasman District Council staff	Chapter 17	Amend rule 17.5.2.8A and 17.6.2.8A to introduce assessment matters that specifically link the scale, intensity and character of the cooperative living proposal to the actual and potential adverse effect on:

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- i) rural character and amenity values; and,
- ii) the potential of the land to support plant and animal production.

C60.2849.2	Wedderburn, Jean	Chapter 7	Retain provisions for cooperative living and low impact design.
C60.3592.1	Golden Bay Community Board	Chapter 17	Retain provisions [policies & rules] for cooperative housing.
C60.3592.3	Golden Bay Community Board	Chapter 17	Amend to include cooperative housing opportunities in all appropriate zones.
C60.3987.6	Angelo, Joseph	C60 GEN	Retain provisions that encourage community living.
C60.3989.2	Astill, Rosie	17.8	Amend Rural Residential land use rules to include the same cooperative living provisions that are provided for elsewhere in the rural zones.
C60.3991.3	Bensemman, Alan	17.6.2.8A	Amend 17.6.2.8A cooperative living to tighten up the requirements around "legal arrangement" of a cooperative living group.
C60.3991.4	Bensemman, Alan	Chapter 17	Amend cooperative living rule so that a cooperative living activity is a Non-Complying Activity.
C60.3992.3	Bensemman, Roy	Chapter 17	Amend cooperative living rule so that a cooperative living activity is a Discretionary or Non-complying Activity.
C60.3994.1	Blackstock, Patsy	17.5.3.2	Amend 17.5.3.2(ka) to allow workers' accommodation opportunity as a Controlled Activity where there is an existing cooperative living activity on the same site.
C60.3994.6	Blackstock, Patsy	Chapter 17	Retain 17.5.2.8A and 17.6.2.8A cooperative living provisions.
C60.3994.9	Blackstock, Patsy	17.5.3.2	Amend 17.5.3.2(ea) to allow sleepout opportunities as Permitted Activities where there is an existing cooperative living activity on the same site.
C60.3998.2	Bourhis, Beatrice	C60 GEN	Retain references to cooperative living and low impact design.
C60.4004.1	Cartwright, James E	C60 GEN	Retain the proposed changes for low impact development, increasing dwelling sizes and providing for cooperative living.
C60.4009.5	Eastman, Liza	C60 GEN	Retain the proposed changes for low impact development, increasing dwelling sizes and providing for cooperative living.
C60.4013.2	Forest, Sage Joy	7.2.3.1G	Retain proposed policy that enables co-operative living in Rural 1 and 2 zones.
C60.4013.3	Forest, Sage Joy	7.2.3.1G	Extend proposed co-operative living policy to all rural zones.
C60.4014.2	Gall, Natasha	Chapter 17	Provide for cooperative housing in Rural 1 Zone and Rural 2 Zone where: (a) it only occurs on non-productive land; or (b) it occurs on productive land where common ownership and productive land use is proven.
C60.4016.1	Golden Bay Surveyors	2.2	Amend the proposed definition of "cooperative living" to include private, individual ownership within a cooperative housing development.
C60.4018.4	Griffith, Graham & Anne	Chapter 17	Retain the restricted discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A except for matter (8).

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C60.4018.6	Griffith, Graham & Anne	Chapter 17	Delete the proposed conditions 17.5.3.1(ea) and 17.6.3.1(gb) that excludes sleepouts from cooperative living activities and include sleepouts as a permitted co-operative living activity.
C60.4018.7	Griffith, Graham & Anne	17.5.3.2	Delete proposed condition 17.5.3.2(ka) that excludes workers' accommodation from cooperative living.
C60.4019.2	Halkin, Susan	C60 GEN	Provide for multiple dwellings and cooperative housing on sites in Rural Residential Zone.
C60.4019.3	Halkin, Susan	C60 GEN	Retain the proposed changes that enable multiple dwellings and cooperative housing on sites in Rural 2 Zone.
C60.4022.2	Halliwell, Marlene	C60 GEN	Enable multiple dwellings and cooperative housing on smaller sites.
C60.4024.1	Hannah, Lynda	17.5.3.2	Delete proposed condition 17.5.3.2(ka) that excludes workers' accommodation from cooperative living.
C60.4024.6	Hannah, Lynda	Chapter 17	Retain the restricted discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A except for matter (8).
Support		FC60.4032.32	
C60.4024.8	Hannah, Lynda	Chapter 17	Delete the proposed conditions 17.5.3.1(ea) and 17.6.3.1(gb) that excludes sleepouts from cooperative living activities and include sleepouts as a permitted co-operative living activity.
C60.4029.1	Hodgson, Antony	C60 GEN	Retain the proposed changes that increase the permissiveness of multiple housing, co-operative living, low impact development and increase in the size of additional dwellings.
Support		FC60.4032.35	
C60.4031.3	Jacobson, Julie	17.6.2.8A	Retain proposal for co-operative living as a Discretionary activity.
C60.4031.8	Jacobson, Julie	17.6.3.1	Delete proposed condition (gb) that does not permit sleepouts for co-operative living dwellings.
C60.4032.9	Jelf, Iona	7.2.3.1G	Retain proposed policy that provides for co-operative living, including large intentional communities.
C60.4032.15	Jelf, Iona	Chapter 17	Retain the proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A.
C60.4033.1	Jenkins, Barry	C60 GEN	Provide more enabling proposals for co-operative living activities that process their own waste.
C60.4033.2	Jenkins, Barry	C60 GEN	Provide more enabling proposals for multiple dwellings regardless of the size of the lot.
C60.4034.3	Kebbell, John	17.6.3.1	Delete proposed condition (gb) that does not permit sleepouts for co-operative living dwellings.
C60.4034.10	Kebbell, John	7.2.3.1G	Retain proposed policy that enables co-operative living and multiple housing.
C60.4034.17	Kebbell, John	Chapter 17	Retain provisions [policies & rules] for cooperative housing.
C60.4034.19	Kebbell, John	Chapter 17	Amend to include cooperative housing opportunities in all appropriate zones.
C60.4036.7	Kerrisk, Billy	7.2.3.1G	Retain policy that recognises co-operative living.

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C60.4036.8	Kerrisk, Billy	Chapter 17	Retain the restricted discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in rules 17.5.2.8A and 17.6.2.8A.
C60.4036.9	Kerrisk, Billy	16.3	Retain, in 16.3.5.4A and 16.3.6.4A, Discretionary level subdivision consent for co-operative living if applied for at same time as land use consent .
C60.4037.1	Kingston, Derry	17.5.2.8A	Retain the restricted discretionary land use proposal for co-operative living.
C60.4037.5	Kingston, Derry	17.5.3.1	Delete proposed condition (ea) that excludes a sleepout from a co-operative living activity.
C60.4038.4	Koldau, Vanessa & Magnus	Chapter 17	Retain the restricted discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A except for matter (8).
C60.4038.7	Koldau, Vanessa & Magnus	Chapter 17	Delete proposal that excludes a sleepout from a co-operative living activity in 17.5.3.1(ea) and 27.6.3.1(gb) and include sleepouts as a Permitted co-operative living activity.
C60.4041.1	Laing, Chris	Part II: Land	Retain the proposals that allow for co-operative living in 7.2.3.1G, 17.5.2.8A and 17.6.2.8A.
C60.4044.2	Lochner, Richard	C60 GEN	Retain proposals that enable multiple dwellings on rural land.
C60.4044.4	Lochner, Richard	7.2.3.1G	Retain proposals that enable co-operative living.
C60.4044.5	Lochner, Richard	Chapter 17	Retain proposals that enable co-operative living in 17.5.2.8A and 17.6.2.8A.
C60.4045.4	Love, G	Chapter 17	Retain the Restricted Discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A except for matter (8).
C60.4045.7	Love, G	Chapter 17	Delete proposal that excludes a sleepout from a co-operative living activity in 17.5.3.1(ea) and 17.6.3.1(gb) and include sleepouts as a Permitted co-operative living activity.
C60.4045.8	Love, G	Chapter 17	Delete proposal that excludes workers' accommodation from co-operative living activity in 17.5.3.2(ka) and 17.6.3.2(da), and permit workers accommodation for a co-operative living activity.
<i>Oppose</i>		FC60.2864.37	
C60.4046.1	McCarthy, Beth	7.2.3.1G	Retain proposed policy that provides for co-operative housing.
C60.4046.3	McCarthy, Beth	Chapter 17	Enable co-operative and multiple housing options in all zones in Golden Bay regardless of lot size.
C60.4048.3	McMahan, Diana C	7.2.3.1G	Retain proposed policy that provides for co-operative living as per Golden Bay County Transitional Plan.
C60.4050.1	Maurer, Joachim	7.2.3.1G	Retain proposals that enable co-operative living.
C60.4050.2	Maurer, Joachim	Chapter 17	Retain proposals that enable co-operative living in 17.5.2.8A and 17.6.2.8A.
<i>Oppose</i>		FC60.2864.39	
C60.4051.3	Mead, Donald J	7.2.3.1G	Retain proposed policy that enables co-operative living provided that infrastructure demands on the Council are not increased.
C60.4051.4	Mead, Donald J	Chapter 17	Retain proposals that enable co-operative living in 17.5.2.8A and 17.6.2.8A provided that infrastructure demands on the Council

are not increased.

C60.4052.4	Mitchell, Fran	Chapter 17	Retain the Restricted Discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A except for matter (8).
C60.4052.7	Mitchell, Fran	Chapter 17	Delete proposal that excludes a sleepout from a co-operative living activity in 17.5.3.1(ea) and 17.6.3.1(gb) and include sleepouts as a Permitted co-operative living activity.
C60.4052.8	Mitchell, Fran	Chapter 17	Delete proposal that excludes workers' accommodation from co-operative living activity in 17.5.3.2(ka) and 17.6.3.2(da) and permit workers' accommodation for a co-operative living activity.
<i>Oppose</i>		FC60.2864.41	
C60.4055.1	Nalder, Sheryl	C60 GEN	Retain proposals relating to multiple housing and co-operative living.
C60.4056.1	Needham Rosemary	7.2.3.1G	Retain proposed policy that provides for co-operative living.
C60.4060.1	Osmers, John	7.2.3.1G	Retain proposed policy that enables co-operative living.
C60.4060.2	Osmers, John	Chapter 17	Retain proposals in 17.5.2.8A and 17.6.2.8A that enable co-operative living.
C60.4061.1	Pearson, Debbie & Mark	7.2.3.1G	Retain proposed policy that enables co-operative living.
C60.4061.2	Pearson, Debbie & Mark	Chapter 17	Retain proposals in 17.5.2.8A and 17.6.2.8A that enable co-operative living.
C60.4067.2	Rowse, Chris & Schneider, Silvia	7.2.3.1G	Retain proposals that enable co-operative living.
C60.4067.3	Rowse, Chris & Schneider, Silvia	Chapter 17	Retain proposals in 17.5.2.8A and 17.6.2.8A that enable co-operative living.
C60.4067.9	Rowse, Chris & Schneider, Silvia	Chapter 17	Provide more flexible rules for multiple dwellings to facilitate land sharing and co-operative living.
C60.4069.1	Santa Barbara, Jack	Chapter 17	Delete proposal that excludes workers' accommodation from co-operative living activity in 17.5.3.2(ka) and 17.6.3.2(da) and permit workers accommodation for a co-operative living activity.
C60.4069.8	Santa Barbara, Jack	Chapter 17	Retain the restricted discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones.
C60.4069.10	Santa Barbara, Jack	Chapter 17	Delete the proposal that excludes a sleepout from a co-operative living activity in 17.5.3.1(ea) and 17.6.3.1(gb) and include sleepouts as a Permitted co-operative living activity.
C60.4070.1	Santa Barbara, Jeff	Chapter 17	Delete the proposal that excludes workers' accommodation from co-operative living activity in 17.5.3.2(ka) and 17.6.3.2(da) and permit workers accommodation for a co-operative living activity.
C60.4070.8	Santa Barbara, Jeff	Chapter 17	Retain the restricted discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones except for matter (8).
C60.4070.11	Santa Barbara, Jeff	Chapter 17	Delete proposal that excludes a sleepout from a co-operative living activity in 17.5.3.1(ea) and 17.6.3.1(gb) and include sleepouts as a Permitted co-operative living activity.

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C60.4071.7	Schwarz, Ursus	Chapter 17	Provide more flexible land use rules for communal living to facilitate land sharing and co-operative living.
C60.4072.11	Scurr, Lorna	7.2.3.1G	Retain proposed policy that recognises co-operative living.
C60.4072.12	Scurr, Lorna	Chapter 17	Retain the proposals in 17.5.2.8A and 17.6.2.8A that allow for co-operative living in the Rural 1 and 2 zones.
C60.4072.13	Scurr, Lorna	Chapter 17	Retain the proposals in 17.5.2.8A and 17.6.2.8A that allow for co-operative living in the Rural 1 and 2 zones in Golden Bay.
C60.4073.1	Seligman, Katerina	Chapter 17	Delete proposal in 17.5.3.2(ka) and 17.6.3.2(da) that excludes workers' accommodation from co-operative living activity and permit workers' accommodation for a co-operative living activity.
C60.4073.8	Seligman, Katerina	Chapter 17	Retain the restricted discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones except for in matter (8).
C60.4073.11	Seligman, Katerina	Chapter 17	Delete proposal in 17.5.3.1(ea) and 17.6.3.1(gb) that excludes a sleepout from a co-operative living activity and include sleepouts as a Permitted co-operative living activity.
C60.4074.2	Simon, Carolyn	Chapter 17	Provide greater flexibility for low impact development and multiple dwellings on shared co-operative land that is less than 2 ha in size.
C60.4077.1	Stephenson, Andrew	Chapter 17	Delete proposal in 17.5.3.2(ka) and 17.6.3.2(da) that excludes workers' accommodation from co-operative living activity and permit workers accommodation for a co-operative living activity.
C60.4077.11	Stephenson, Andrew	Chapter 17	Retain the restricted discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones except for matter (8).
C60.4077.14	Stephenson, Andrew	Chapter 17	Delete proposal that excludes a sleepout from a co-operative living activity in 17.5.3.1(ea) and 17.6.3.1(gb) and include sleepouts as a Permitted co-operative living activity.
C60.4078.1	Stephenson, Petra	Chapter 17	Delete proposal in 17.5.3.2(ka) and 17.6.3.2(da) that excludes workers' accommodation from co-operative living activity and permit workers' accommodation for a co-operative living activity.
C60.4078.11	Stephenson, Petra	Chapter 17	Retain the Restricted Discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones except for matter (8).
C60.4078.14	Stephenson, Petra	Chapter 17	Delete proposal that excludes a sleepout from a co-operative living activity in 17.5.3.1(ea) and 17.6.3.1(gb) and include sleepouts as a Permitted co-operative living activity.
C60.4080.5	Thomas, Liz	7.2.3.1G	Retain proposed policy that enables co-operative living and multiple housing.
C60.4081.1	Thorpe, Jonathan	17.6.2.8A	Retain the proposal for co-operative living in the Rural 2 zone.
C60.4082.1	Thorpe, R Joshua	17.6.2.8A	Retain the proposal for co-operative living in the Rural 2 zone.
C60.4083.1	Thorpe, William	17.6.2.8A	Retain the proposal for co-operative living in the Rural 2 zone.
C60.4083.2	Thorpe, William	17.5.2.8A	Retain the proposal for co-operative living in the Rural 1 zone.
Support			FC60.4032.27

C60.4084.2	Turner, Reginald E J	Chapter 17	Provide more flexible rules for multiple dwellings to facilitate land sharing for family groups and co-operative living.
C60.4090.4	Wells, Graeme	7.2.3.1G	Amend proposed policy to enable some co-operative living opportunities in the Rural Residential zone in addition to the Rural 1 and 2 zones.
C60.4091.3	Wells, Ned	7.2.3.1G	Retain proposed policy that enables co-operative living and multiple housing.
C60.4092.2	Wi Rutene, Simon L	7.2.3.1G	Retain proposed policy that enables co-operative living.
C60.4092.3	Wi Rutene, Simon L	Chapter 17	Retain the proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones.
C60.4093.1	Williams, Rose	17.6.2.8A	Retain the proposals for co-operative living in the Rural 2 zone.

Evaluation and Recommendations 604.1

A. Evaluation

1.0 Affected Plan Provisions

The proposed change provides better and more comprehensive policy support for co-operative living than the current operative plan (policy 7.2.3.1G). It also proposes a new Restricted Discretionary activity for land use consent with rule guidance and Discretionary activity for subdivision consent, where both land use and subdivision consents are submitted simultaneously. The provisions apply in the Rural 1 and 2 zones on any size site (17.5.2.8A and 17.6.2.8A).

Provisions for sleepouts and workers' accommodation (at Permitted or Controlled activity consent level respectively) that apply to 'regular' development are specifically excluded from the co-operative living provisions (sleepouts - 17.5.3.1(ea) and 17.6.3.1(gb), workers' accommodation - 17.5.3.2(ka) and 17.6.3.2(da)). Provisions for an attached secondary housekeeping unit are not.

By way of context, Change 60 also proposes that:

- subdivision of a Rural 1 site below 12 ha is a Non Complying activity and of a Rural 2 site below 50 ha is a Discretionary activity; subdivision of a Rural Residential zone site below minimum lot size is a Restricted Discretionary activity
- a second dwelling on a Rural 1 site above 24 ha is a Discretionary activity and below 12 ha is Non Complying activity
- a second dwelling on a Rural 2 site above 50 ha is a Restricted Discretionary activity and below 50 ha is a Discretionary activity
- a second dwelling on a Rural Residential site is a Restricted Discretionary activity
- a second minor dwelling as an alternative to a second housekeeping unit on a site with one main dwelling is a Controlled activity in Rural 2 and a Restricted Discretionary activity in Rural 1 on any size sites; and a Controlled activity on a site of at least 2 hectares in the Rural Residential zone.

Under the current operative Plan provisions, policy 7.2.3 2 enables co-operative living activity. The Plan provides no other guidance specifically for co-operative living. Currently co-operative living would likely require Discretionary level subdivision and land use consents.

2.0 Issues

2.1 Spectrum of Opinion

The submission requests range from, at the one end of the spectrum - making it easier for many people to share and live on land together, to mid spectrum - retaining the provisions as proposed, to at the other end of the spectrum - making it harder than it currently is in the operative plan for people to share and live on land together. The weight of opinion supports retaining and increasing the flexibility of the proposed co-operative living provisions.

2.2 Location of Submitters

The majority of submitters that requested flexible provisions for multiple dwellings on land to facilitate land sharing and co-operative living initiatives live in Golden Bay or the greater Motueka area. This weight of opinion from Golden Bay and the greater Motueka area raises the option of providing for co-operative living in certain areas of the District but not others. This issue is dealt with more fully under SER 609 - Miscellaneous.

2.3 Scale and Intensity of Housing in the Rural Area

Of the 52 submitters that requested that the proposed provisions be retained, just under half (25) requested modifications to the provisions to allow for increased opportunity for habitable buildings on shared land and increased locations for this opportunity i.e: (i) allowing co-operative dwellings to have the same opportunity for sleepouts and workers' accommodation as for regular development (14 requests); and (ii) that the opportunity for co-operative living be available on any size site in all rural zones (7 requests). One submitter requested the provisions be retained provided the demand for infrastructure is not increased. One submitter requested that the co-operative living provisions be more enabling for those co-operatives that process their own waste.

On the other hand, one submitter requested that co-operative living be restricted to non-productive land. The Council staff submission requested that the co-operative provisions be amended to better articulate Council's vision in terms scale, intensity and character in the context of the rural environment objectives that protect productive opportunity and maintain rural character and amenity.

In context of Council's objectives for rural areas, the co-operative living provisions form part of Council's response to providing for more flexible housing arrangements while retaining the productive capacity of the land and maintaining rural character and amenity. The scale and intensity of rural housing needs to be in keeping with these overall objectives for rural areas. In overall District context, Council provides for residential living that is not associated with plant and animal production activities in the Residential zone in its 17 urban settlement areas and, in rural areas, in the Rural Residential zone and Rural 3 zone - on land that does not have high productive value. In the Rural 1 and 2 zones, the priority land use is plant and animal production activity.

The proposed provisions exclude sleepouts and worker's accommodation as an 'as of right' Permitted or Controlled activity – being an activity that Council cannot refuse. The reason for the exclusion is that co-operative living land use provisions provide an opportunity for a unique multiple habitable building development. Sleepout and workers' accommodation could be applied for as part of that co-operative land use application initially, or at later stages.

The above exclusion reduces the risk that the scale and intensity of a consented co-operative living arrangement could be significantly increased beyond what was consented through ongoing development of additional sleepouts and 'as of right' workers' accommodation.

2.4 Permissive Nature of Co-Operative Living Provisions in the Context of the Regular Land Use and Building Provisions

One submitter requested that the definition of cooperative living specifically include 'individual or 'private title'. Another submitter requested a lower consent status for co-operative living (Permitted or Controlled activity status).

On the other hand, of the four submitters that requested that the cooperative living provisions be tightened, two suggested that the consent status for co-operative living applications be increased to Non-Complying and three requested that the definition be amended to tighten up on or clarify the nature and purpose of the activity or the 'legal arrangement' required.

The proposed definition of co-operative living provides limited guidance to the public and staff of what a co-operative living activity actually is and how it differs from any other land use arrangement that involves more than three persons. In addition, the proposed land use provisions for co-operative living, as a Restricted Discretionary activity, provide limited guidance over intention, scale and intensity for a co-operative living proposal. The permissive definition, coupled with a consenting pathway that is more permissive (lower level) than for regular land use and building activities, generates a risk that the pathway may be used for a wide range of activities, not necessarily co-operative in purpose over the long term. These activities may lead to the cumulative proliferation of any number of multiple dwellings on Rural 1 and 2 zoned land and development to a scale and intensity not in keeping with the overall plan objectives for rural areas.

3.0 Options

3.1 Option 1: Retain the proposed provisions

The benefits of this option is that it allows the requests of the majority of submitters on this topic who requested the provisions be retained.

There is a risk that due to the permissive Plan provisions that are more permissive than for regular land use and buildings in the Rural 1 and 2 zones, the consent pathway may be used for a wide range of activities that are not necessarily co-operative in purpose. In turn, these activities may result in the cumulative proliferation of any number of multiple dwellings on Rural 1 and 2 zoned land and development to a scale and intensity not in keeping with the overall plan objectives for rural areas.

3.2 Option 2: Amend the definition to prescribe more clearly the co-operative purpose and nature of the activity and the characteristics of the activity that differentiate co-operative activity from regular subdivision and land use activity, for example:

"'Cooperative living' – means the shared ownership and use of land and buildings, including three or more dwellings, for the shared profit and loss of the members, where a legal entity registered in a public office exists which:

- describes the main purpose and activity of the co-operative
- describes how the profits and losses of the co-operative will be distributed amongst the members;
- provides for a corporate body to manage the collective assets of the co-operative."

The benefits of Option 2 are that it narrows the gateway for applications. It provides clearer guidance to the public and decision makers about what type of activity falls within the parameters of the definition and aligns more closely with the more formal/'true' definition of co-operative activity. This option may limit applications to those that fall within the ambit of the narrower definition.

The risk that a more permissive consent status is likely to attract a wide range of activities that are not co-operative in purpose remains.

Also, it was not Council's intention to incentivise 'true' co-operative living above other forms of community living arrangements involving unit title or a combination of individual title with shared or corporate ownership of common areas.

3.3 Option 3: Retain a more permissive definition that envisages a range of co-operative living opportunities - but reduce the variance in the level of the consent pathway so that the consent status for both co-operative and 'regular' subdivision and land use activity is the same or similar – by changing the land use consent status from Restricted Discretionary to Discretionary level

The concept of unit title type development with individual titles and some common areas managed by the body corporate or even individual freehold title with a corporate body such as a managing company established to manage common areas has been widely discussed during Plan change consultation. A benefit of a more permissive definition is that it allows for these and other innovative ideas.

The issue then arises as to why a unit title or other co-operative living arrangement should receive preferential treatment above the more conventional forms of co-operative activity (a family of three plus children farming the land together for commercial purposes) or multiple dwelling arrangements (an individual landowner building additional dwellings to accommodate extended family or workers or for rental purposes).

This option addresses this issue in that the consent pathway is similar to the consent pathway for regular land use and building development. The benefit of this option is that it reduces the incentive for activities that are not co-operative in purpose to make use of the consent pathway for co-operative living while still providing guidance to both the public and decision makers about Council's assessment parameters.

3.4 Option 4: Introduce provisions that limit the scale and intensity of development commensurate with Councils objectives for rural production areas

This option would retain the Restricted Discretionary co-operative living land use provision but introduce a scale condition with a building coverage and scale trip to Non-Complying consent status. A scale threshold of 4-8 habitable buildings bears some relation to the scale envisaged through the regular habitable building pathway (2 main dwellings, 2 attached or minor dwellings and 4 sleepouts = 8 habitable buildings).

Intensity of built development is expected to be managed through the building coverage threshold for regular built development as proposed but for all lot sizes (per staff submission) coupled with the proposed setbacks of 30 metres for habitable buildings along with the other operative building restrictions.

The risk that a more permissive consent status is likely to attract a wide range of activities that are not co-operative in purpose remains.

3.5 Option 5: Delete the proposed exclusion for sleepouts as a Permitted or Controlled consent activity and workers' accommodation as a Controlled activity from co-operative living activity

The proposed provisions exclude sleepouts and workers' accommodation as 'as of right' Permitted or Controlled activities – being activities that, subject to the conditions being met, Council cannot refuse. The reason for the exclusion is that co-operative living land use provisions provide an opportunity for a unique multiple habitable building development. Sleepout and workers' accommodation could be applied for as part of that co-operative land use application initially, or at later stages.

The benefit of the option is that it would allow co-operative living activities to increase habitable buildings as needed with no (i.e. as a Permitted activity) or a low level (Controlled) consent requirement.

The risk of the option is that the scale and intensity of a consented co-operative living arrangement could be significantly increased beyond what was consented through ongoing development of additional 'as of right' sleepouts and workers' accommodation resulting in a scale and intensity of development not in keeping with the overall objectives for rural areas.

3.6 Option 6: Apply co-operative living provisions to all or some zones, that is, also to the Rural Residential zone, as well as to Rural 1 and 2 zones or to the Rural 2 and Rural Residential zones only

The proposed Change provides for co-operative living in the Rural 1 and 2 zones as the opportunity for people to share and co-operatively use the land for productive purposes occurs in those zones. The co-operative living assessment matters have regard to the policy framework for managing land in these zones, including the primary rural environment objective of retaining or enhancing the potential of the land to support plant and animal production.

PROTECTION OF PRODUCTIVE VALUE

In line with submission C60.4014.2 which requested that productive values are protected, staff suggest the addition of a criterion to assess the extent to which the buildings, associated structures and accessways minimise the physical fragmentation of a site located in the Rural 1 or 2 zone. Also, staff consider that the policy objective of particularly protecting high productive land associated with Rural 1 zone could be more articulated more clearly in the policy supporting the co-operative living framework.

RURAL RESIDENTIAL ZONE

Provision for co-operative living in the Rural Residential zone would provide for that form of living as a rural residential lifestyle option, not necessarily associated with plant and animal production.

The benefit of the option is a further increase in the range and flexibility of living opportunities in rural locations in keeping with the policy of consolidating lifestyle development that is not directly associated with plant and animal production in the Rural Residential zone.

The risks of the option are associated with the maintenance of the rural residential character and amenity of the Rural Residential zone location. In this regard, a minimum lot size of 2-4 ha is proposed.

3.7 Option 7: Non-regulatory options

Development of guidance material to assist people in making applications for co-operative living.

The benefit of producing user-friendly guidance material is that it increases lay persons' understanding of the resource management issues and Plan requirements and assists people to submit applications for consent that meet Council's criteria.

The costs are the cost to Council of producing the guidance material but this is offset by the savings in time spent by staff assisting applicants on a one-on-one basis.

4.0 Preferred Options

On consideration of the requests, further requests and the issues they raise, staff prefer a combination of the options:

- At policy level, further clarification that the productive potential of land in the Rural 1 and 2 zones, particularly high productive land in the Rural 1 zone, is to be maintained (option 6).
- Retention of the proposed 'permissive' definition of co-operative living but with a raised consent status for the land use activity from Restricted Discretionary to a full Discretionary activity (option 3).
- Provision for co-operative living in the Rural Residential Zone on sites of at least 2 hectares (option 6).
- Development of user-friendly guidance material to support the Plan provisions (option 7)

This combination of options is expected to:

- (a) better support the primary rural environment objective of retaining potentially productive land, particularly high productive land, for the purpose of plant and animal production;
- (b) reduce the incentive for activities that are not co-operative in purpose to make use of the consent pathway for co-operative living and to provide similar opportunities for both 'regular' and co-operative living land use and building activity;
- (c) retain guidance for both the public and decision makers about Council's assessment parameters; and
- (d) provide a further opportunity for co-operative living associated with lifestyle rather than plant and animal production in the Rural Residential zone.

B. Staff Recommendations

Amend the proposed co-operative living provisions as follows:

1. Amend policy 7.2.3.1G to clarify that the potential productive value of land in the Rural 1 and 2 zones, particularly high productive land in the Rural 1 zone, is to be maintained.
2. Raise the consent status of the co-operative living land use activity in the Rural 1 and 2 zones from Restricted Discretionary to Discretionary level with the retention of the proposed matters for restricted discretion as discretionary assessment criteria particular to co-operative living.
3. Provide for co-operative living in the Rural Residential Zone on sites of at least 2 hectares in size as a Discretionary level land use activity.
4. Add an additional criterion to assess the extent to which the buildings, associated structures and accessways minimize the physical fragmentation of a site located in the Rural 1 or 2 zone.

C. Reasons

1. The amended co-operative policy and additional assessment criterion will better support the primary rural environment objective of retaining potentially productive land, particularly high productive land, for the purpose of plant and animal production.
2. A Discretionary level consent pathway for a co-operative living land use application similar to the consent pathway for regular land use and building development reduces the incentive for activities that are not co-operative in purpose to make use of the consent pathway for co-operative living and provides equivalent opportunities for both 'regular' and co-operative living land use and building activity.
3. The retention of the proposed matters for Restricted Discretion as assessment criteria particular to co-operative living will provide guidance to both the public and decision makers about Council's assessment parameters.
4. The specific provision for co-operative living in the Rural Residential zone provides the opportunity for co-operative living associated with rural lifestyle rather than plant and animal production as for the Rural 1 and 2 zones.

D. Plan Amendments**Topic : 7.2.3**

Amend policy 7.2.3.1G as follows:

1. Amend line one of the policy to read:
"To enable some cooperative living opportunities in the Rural 1, Rural 2 and Rural Residential zones where:...."
2. Amend paragraph (a) to read:
"(a) the land is held collectively, wholly or in part, by one or more persons, including by way of unit titles; and"
3. Amend paragraph (c) to read:
"(c) the potential productive value of the land is maintained in the Rural 1 and 2 zones, particularly Rural 1 land of high productive value; and"

Topic : 16.3.8

Insert new rule:

"16.3.8.4B Discretionary Subdivision (Rural Residential Zone – Cooperative Living)

Subdivision in the Rural Residential Zone that does not comply with the conditions of rule 16.3.8.1 other than where it is only subject to rule 16.3.8.2, 16.3.8.3, 16.3.8.4 or 16.3.8.4A is a discretionary activity if it complies with the following conditions

(a) The subdivision is for the purpose of co-operative living and a land use consent application under rule 17.8.6A has been submitted with the application for subdivision consent.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act."

Topic : Chapter 17

Amend rules 17.5.2.8A and 17.6.2.8A as follows:

1. Delete the word "Restricted" from the heading.
2. Delete the word "restricted" from the first line under the heading.
3. Amend the phrase after condition (c) to read:
"A resource consent is required. Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to the following criteria and to other provisions of the Plan or Act:"
4. Insert an additional criterion for assessment as follows:
"(10) The extent to which buildings, structures and accessways minimise the physical fragmentation of a site."

Topic : 17.8

Insert new rule:

"17.8.2.6A Discretionary Activities (Cooperative Living)

Cooperative living is a discretionary activity if it meets the following conditions:

- (a) The activity meets permitted conditions (a) – (p) of rule 17.8.2.1.
- (b) All buildings, including dwellings, meet permitted conditions (e) – (q) of rule 17.8.3.1 where applicable.

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

- (1) The proposed legal arrangement regarding land and building ownership.
- (2) The extent to which the buildings and proposed land use are consistent with low impact design principles and methods.
- (3) Matters (1) - (5) and (7) - (11) in rule 17.8.3.1A."

E. Other Action

Council to develop guidance material for co-operative living.

F. Submission Recommendations

C60.1188.4	Drummond, Wendy	Allow
C60.1188.5	Drummond, Wendy	Allow In Part
C60.1403.2	Muter, Frans	Disallow
C60.2649.2	Hoos, Yana	Allow
C60.2649.5	Hoos, Yana	Allow In Part
C60.2649.7	Hoos, Yana	Allow In Part

C60.2799.5 <i>Allow</i>	Tasman District Council staff FC60.4032.1	Disallow
C60.2799.6 <i>Allow in Part</i>	Tasman District Council staff FC60.2864.27	Allow In Part
C60.2799.7 <i>Disallow</i>	Tasman District Council staff FC60.4032.2	Allow In Part
C60.2799.8	Tasman District Council staff	Allow In Part
C60.2849.2	Wedderburn, Jean	Allow
C60.3592.1	Golden Bay Community Board	Allow In Part
C60.3592.3	Golden Bay Community Board	Allow
C60.3987.6	Angelo, Joseph	Allow
C60.3989.2	Astill, Rosie	Allow In Part
C60.3991.3	Bensemman, Alan	Disallow
C60.3991.4	Bensemman, Alan	Allow In Part
C60.3992.3	Bensemman, Roy	Allow In Part
C60.3994.1	Blackstock, Patsy	Disallow
C60.3994.6	Blackstock, Patsy	Allow In Part
C60.3994.9	Blackstock, Patsy	Disallow
C60.3998.2	Bourhis, Beatrice	Allow
C60.4004.1	Cartwright, James E	Allow
C60.4009.5	Eastman, Liza	Allow
C60.4013.2	Forest, Sage Joy	Allow
C60.4013.3	Forest, Sage Joy	Allow
C60.4014.2	Gall, Natasha	Allow In Part
C60.4016.1	Golden Bay Surveyors	Allow In Part
C60.4018.4	Griffith, Graham & Anne	Allow In Part
C60.4018.6	Griffith, Graham & Anne	Disallow
C60.4018.7	Griffith, Graham & Anne	Disallow
C60.4019.2	Halkin, Susan	Allow
C60.4019.3	Halkin, Susan	Allow
C60.4022.2	Halliwell, Marlene	Allow
C60.4024.1	Hannah, Lynda	Disallow
C60.4024.6 <i>Allow in Part</i>	Hannah, Lynda FC60.4032.32	Allow In Part
C60.4024.8	Hannah, Lynda	Disallow
C60.4029.1 <i>Allow in Part</i>	Hodgson, Antony FC60.4032.35	Allow In Part
C60.4031.3	Jacobson, Julie	Allow
C60.4031.8	Jacobson, Julie	Disallow
C60.4032.9	Jelf, Iona	Allow
C60.4032.15	Jelf, Iona	Allow In Part
C60.4033.1	Jenkins, Barry	Disallow
C60.4033.2	Jenkins, Barry	Allow
C60.4034.3	Kebbell, John	Disallow

C60.4034.10	Kebbell, John	Allow
C60.4034.17	Kebbell, John	Allow In Part
C60.4034.19	Kebbell, John	Disallow
C60.4036.7	Kerrisk, Billy	Disallow
C60.4036.8	Kerrisk, Billy	Allow In Part
C60.4036.9	Kerrisk, Billy	Allow
C60.4037.1	Kingston, Derry	Allow In Part
C60.4037.5	Kingston, Derry	Disallow
C60.4038.4	Koldau, Vanessa & Magnus	Allow In Part
C60.4038.7	Koldau, Vanessa & Magnus	Disallow
C60.4041.1	Laing, Chris	Allow In Part
C60.4044.2	Lochner, Richard	Allow
C60.4044.4	Lochner, Richard	Allow
C60.4044.5	Lochner, Richard	Allow In Part
C60.4045.4	Love, G	Allow In Part
C60.4045.7	Love, G	Disallow
C60.4045.8	Love, G	Disallow
<i>Allow</i>	FC60.2864.37	
C60.4046.1	McCarthy, Beth	Allow
C60.4046.3	McCarthy, Beth	Allow
C60.4048.3	McMahan, Diana C	Allow In Part
C60.4050.1	Maurer, Joachim	Allow
C60.4050.2	Maurer, Joachim	Allow In Part
<i>Disallow</i>	FC60.2864.39	
C60.4051.3	Mead, Donald J	Allow
C60.4051.4	Mead, Donald J	Allow
C60.4052.4	Mitchell, Fran	Allow In Part
C60.4052.7	Mitchell, Fran	Disallow
C60.4052.8	Mitchell, Fran	Disallow
<i>Allow</i>	FC60.2864.41	
C60.4055.1	Nalder, Sheryl	Allow In Part
C60.4056.1	Needham Rosemary	Allow
C60.4060.1	Osmers, John	Allow
C60.4060.2	Osmers, John	Allow In Part
C60.4061.1	Pearson, Debbie & Mark	Allow
C60.4061.2	Pearson, Debbie & Mark	Allow In Part
C60.4067.2	Rowse, Chris & Schneider, Silvia	Allow
C60.4067.3	Rowse, Chris & Schneider, Silvia	Allow In Part
C60.4067.9	Rowse, Chris & Schneider, Silvia	Allow
C60.4069.1	Santa Barbara, Jack	Disallow
C60.4069.8	Santa Barbara, Jack	Allow In Part
C60.4069.10	Santa Barbara, Jack	Disallow
C60.4070.1	Santa Barbara, Jeff	Disallow
C60.4070.8	Santa Barbara, Jeff	Allow In Part

C60.4070.11	Santa Barbara, Jeff	Disallow
C60.4071.7	Schwarz, Ursus	Allow
C60.4072.11	Scurr, Lorna	Allow
C60.4072.12	Scurr, Lorna	Allow In Part
C60.4072.13	Scurr, Lorna	Allow In Part
C60.4073.1	Seligman, Katerina	Disallow
C60.4073.8	Seligman, Katerina	Allow In Part
C60.4073.11	Seligman, Katerina	Disallow
C60.4074.2	Simon, Carolyn	Allow In Part
C60.4077.1	Stephenson, Andrew	Disallow
C60.4077.11	Stephenson, Andrew	Allow In Part
C60.4077.14	Stephenson, Andrew	Disallow
C60.4078.1	Stephenson, Petra	Disallow
C60.4078.11	Stephenson, Petra	Allow In Part
C60.4078.14	Stephenson, Petra	Disallow
C60.4080.5	Thomas, Liz	Allow
C60.4081.1	Thorpe, Jonathan	Allow In Part
C60.4082.1	Thorpe, R Joshua	Allow In Part
C60.4083.1	Thorpe, William	Allow In Part
C60.4083.2	Thorpe, William	Allow In Part
<i>Allow in Part</i>	FC60.4032.27	
C60.4084.2	Turner, Reginald E J	Allow
C60.4090.4	Wells, Graeme	Allow
C60.4091.3	Wells, Ned	Allow
C60.4092.2	Wi Rutene, Simon L	Allow
C60.4092.3	Wi Rutene, Simon L	Allow In Part
C60.4093.1	Williams, Rose	Allow In Part