

PLAN CHANGE 60: RURAL LAND USE AND SUBDIVISION

Summary of Changes

Introduction

Plan Change 60 - Rural Land Use and Subdivision (the Plan Change) makes amendments to many provisions within the Tasman Resource Management Plan that affect rural land use and subdivision opportunity. Submitters requested a number of improvements to the proposed version of the Plan Change which was publicly notified for submissions in January 2016. These requests were evaluated and Council accepted many of the changes requested.

Background

A proposed version of the Plan Change was notified on 30 January 2016 and was open for written submissions until 14 March 2016. During this time the proposed Plan Change was made publicly available. Councillors and staff presented an overview of the content of the Change at three public meetings in Wakefield, Motueka and Takaka. A total of 145 written submissions were received on the Change and during August there was a three-day hearing. One of the hearing days was held in Takaka.

The proposed Plan Change was the outcome of the Council's review of the rural subdivision and land use objectives, policies and rules. The review process included a Plan effectiveness evaluation in 2012, community issues and options discussion in 2005 and 2013, and public discussion and responses to a draft plan change in 2013.

The process of development of the Plan Change up until the point of public notification is documented within the Section 32 evaluation report entitled "Report on the Assessment of Alternatives under Section 32 - Rural Land Use and Subdivision Policy Review – Proposed Plan Change 60". The Plan Change, Section 32 evaluation report and other background information is on the Council website at <http://www.tasman.govt.nz/link/trmp-proposed-changes>

The Staff Evaluation Reports (SERs) on the submissions built on the original section 32 evaluation in accordance with Sections 32AA and 42A of the Resource Management Act. These are also on the Council website.

Following the submission and hearing process, in September, Council made decisions on the plan change which are being publicly notified on 10 December.

The Decisions Version of Plan Change 60

Generally, the overall direction, and policy framework of the proposed Plan Change 60 has been retained. Some improvements were made at the request of submitters. More detail about the policy framework is set out below.

Rural Policy and General

The policies, objectives and definitions are the provisions that form the basis for rules affecting rural land use and subdivision. The Plan Change:

- Confirms that productive activities are the priority land use in the rural production zones (Rural 1, Rural 2 and Rural 3 land with high productive values) while the Rural Residential zone and Rural 3 zone - where the land does not have high productive value) cater for rural lifestyle living
- Introduces more flexible housing choices in rural areas, with regard to the primary production purpose of the zone

- Reaffirms the importance of maintaining the rural character (look and feel) of rural areas
- Confirms that the Industrial, Commercial and Tourist Services zones, located in or near production areas cater for business activities in rural areas.

Rural Subdivision

The proposed changes to Rural 1 and Rural 2 Zone subdivision are largely retained. The Plan Change:

- Provides for a final subdivision opportunity as a Controlled Activity which requires a low level of consent. After this further subdivision of the same area of land will be discouraged. From 30 January, 2016 second-generation or re-subdivision will be a Non-complying Activity in the Rural 1 and 2 zones. There are some exceptions relating to boundary adjustments and titles created through non Tasman Resource Management Plan / Resource Management Act processes;
- Introduction of a minimum average lot size as a Restricted Discretionary Activity in addition to the Controlled Activity minimum size per lot provisions in the Rural 1 and 2 zone. Re-subdivision of the same area of land will also have Non-complying Activity status.

This approach is expected to limit land fragmentation into the future while acknowledging that currently landowners may subdivide with a low level of consent. The introduction of an average minimum lot size increases flexibility for landowners to rearrange their landholdings to suit social and economic circumstances.

Improvements to the proposals that were requested by submitters and accepted by Council include encouragement for boundary adjustments and amalgamations which improve productive opportunity. There is greater flexibility where the number of titles is reduced or retained regardless of the age of a title.

Rural Housing

The proposed provisions relating to housing in the rural zones are largely retained. These include

- Provision for a detached minor dwelling as an alternative to an attached housekeeping unit (of any size), regardless of lot size in the Rural 1 zone as a Restricted Discretionary Activity and in the Rural 2 zone as a Controlled Activity. A detached minor dwelling is also available for lots of at least 2 hectares in size in the Rural Residential zone.
- Inclusion of dwellings in the building coverage limits in the rural zones.

The idea is to allow for more flexibility and choice of housing in rural areas without compromising the productive potential of the Rural 1 and 2 zones.

Improvements to the proposals requested by submitters and accepted by Council clarify that two sleepouts per principal dwelling are allowed but that the sleepouts may be located within 20 metres of any dwelling, including a minor dwelling.

Multiple Housing and Cooperative Living

The Plan Change introduces improved policy and rule guidance for co-operative living in rural areas

The idea is to allow for a greater range of living opportunities in rural areas without compromising productive potential.

Changes made to the proposed co-operative living provisions as a result of the submission requests include further strengthening of the policy support for co-operative living and alignment of the cooperative living consents framework with that of the general rural housing provisions. In addition, the Plan Change now provides rule guidance for co-operative living in the Rural Residential zone as well as in the Rural 1 and 2 zones.

Rural Character and Amenity

The Plan Change increases the weight of protection for rural character and amenity in the Rural 1 and Rural 2 zones by encouraging low impact design and adjusting boundary setbacks for dwellings and other rural activities.

The idea is to maintain amenity in rural areas and to reduce cross boundary conflicts between incompatible uses without wasting land.

Improvements to the proposals that were requested by submitters and accepted by Council include adjustments to the setback provisions for dwellings. The Plan Change now:

- Excludes Rural Residential and Rural 3 zoned sites located in a subdivision consented before 30 January 2016, from the proposed 30 metre setback for all habitable buildings from internal property boundaries
- Retains the 500m setback for habitable dwellings from a quarry site for all quarries, not only hard rock quarries as initially proposed
- Reduces the setbacks between intensive poultry farming activities and habitable buildings.

Rural Business

Rural business includes rural industrial, industrial and commercial activities in the rural zones, as well as quarrying and home occupations.

The Plan Change introduces guidance about what new commercial and industrial activities can establish in rural areas. Also the Change limits the parking and storage of heavy vehicles (other than those directly associated with plant and animal production) in rural areas and night time business traffic on local council owned rural roads. The Change also clarifies the noise standards for temporary rural activities and regulates some small business activities that may have noxious effects (spray painting and fibre glassing).

The idea is to reduce the effects of business activities on productive land and on rural residential areas, while continuing to provide for business activity and to allow most home occupation activity in rural zones.

Improvements requested by submitters and accepted by Council include refined policy to recognise appropriate rural business activity in rural areas, and an amendment to the provisions that regulate home occupations to allow for home kills.

Temporary Activities

The Plan Change manages the risk of wildfire in relation to temporary activities that are events. The Plan Change includes some improvements requested by submitters relating to wildfire risk, temporary activities and events.

The proposed provisions that limited temporary activities have been deleted while provisions that exempt temporary events from the zone noise rules for a maximum of two days per site per annum between the hours of 8.00 am – 6.00 pm have been retained. The Change also includes fire preparedness provisions where the activity is located in a high risk fire area during the summer months.

The idea is that these changes will contribute to social vibrancy, economic growth and employment in rural areas.

Miscellaneous

Changes requested by submitters have improved Plan Change provisions relating to the road network, wildfire and other natural hazards.

Issues Out of Scope

The Plan Change now incorporates many issues raised by submitters. However, not all requests were within the scope of the proposed Plan Change or within Council's powers under Plan Change process defined by the Resource Management Act. This does not mean that they have been disregarded, rather that this process is not the place for their consideration. Council has taken note of the issues as they reflect concerns of the rural community and will consider them in the context of the environmental policy work programme for 2107. These "out of scope" matters are listed below:

1. The request to review all rural zones, and/or re-zone specific locations on the basis of existing development patterns or land productivity values.
2. The request for more accessible information about the proposed Plan Change, particularly for older people who may not have access to internet resources.
3. An identified need for better information in the form of guidelines about consents processes and Council services.
4. Issues around the building consents processes, and Building Act requirements for building development, particularly in respect of alternative forms of housing including temporary dwellings.
5. The request for a rates review in respect of multiple houses and cooperative living.
6. Matters concerning the national electricity grid owned or used by Transpower.
7. Matters concerning the complexity and costs associated with building and resource management consenting processes, including the request to simplify and improve the user-friendliness of the TRMP.
8. Issues surrounding consultation of changes to and decisions made on applications for changes in land use and for additional buildings on property.
9. Requests for plan change processes to be simplified.

Next steps

If you made a submission on an issue and do not agree with the Council decision on that issue, you have an opportunity to appeal. An appeal must be lodged with the Environment Court within 30 working days of receipt of a letter from Council advising of the decisions on the Plan Change. The appeals process is outlined within Part II Schedule 1, of the Resource Management Act and a notice of appeal is available on the Council website.

The rules in the Plan Change first take effect when decisions are released and become fully operative when the Change is beyond contest.

For further information, check our website: <http://www.tasman.govt.nz/link/trmp-proposed-changes>

Alternatively, you can contact: Mary Honey or Steve Markham 03 543 8400 or email: Mary.Honey@tasman.govt.nz or Steve.Markham@tasman.govt.nz