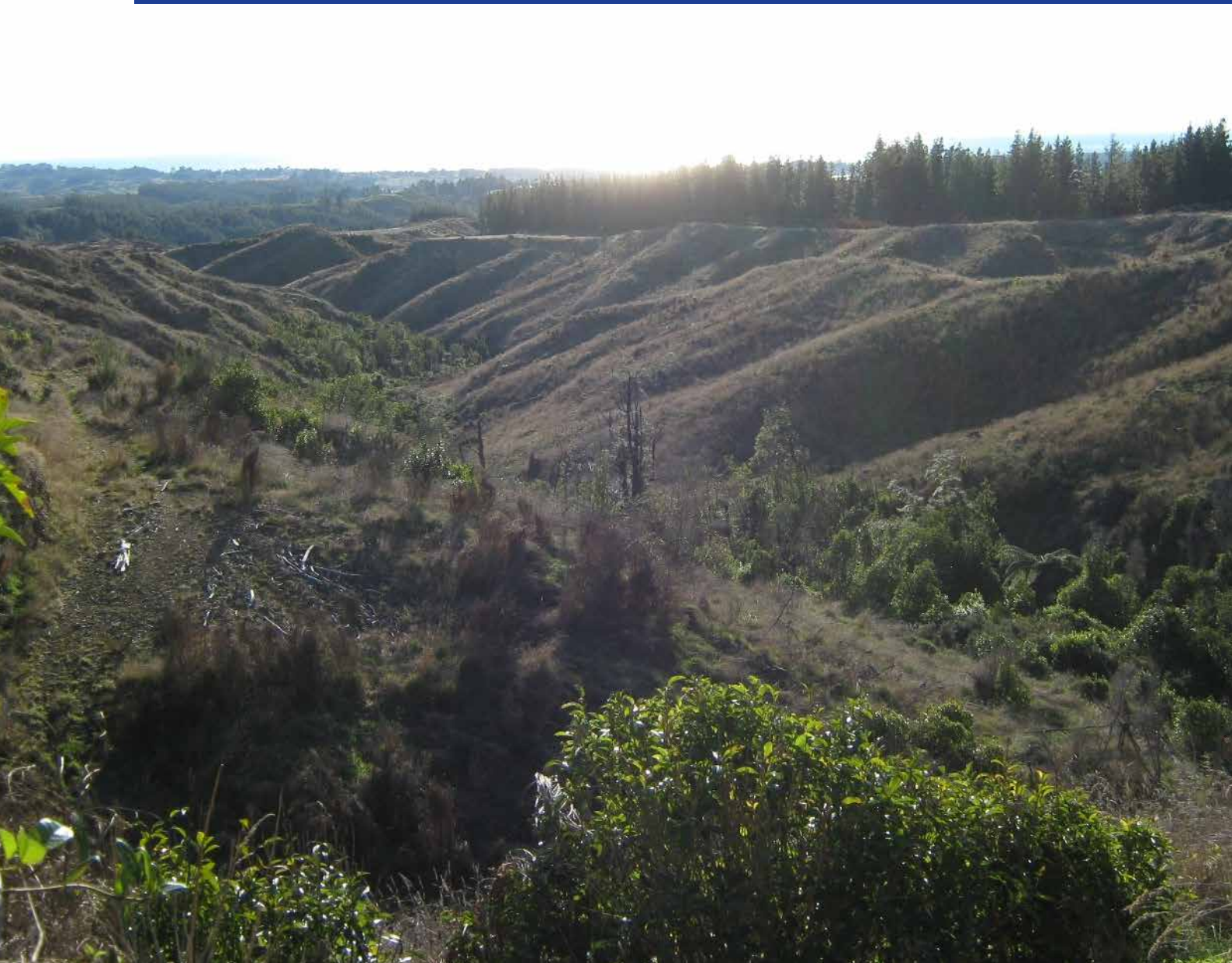


Rural Tasman: Protecting our productive land

Rural Land Use and Subdivision Policy Review
– Proposed Plan Change 60



We are changing the rules about rural subdivision and land use to ensure greater protection of productive capacity, allow for flexibility of use and maintain rural character – while offering greater choices for landowners.

BACKGROUND

A review of the current rules in the Tasman Resource Management Plan revealed some issues and challenges in the way we manage activities, such as:

- subdivision and development, especially on small lots and on existing and potentially productive land
- the impact of buildings on the 'ruralness' or character and amenity of rural areas
- business activities and their effects, such as noise and traffic, on plant and animal production and rural living
- technical issues affecting how effectively and efficiently the rules have been applied.

Community feedback confirmed the need for:

- more effective protection of high-quality productive land
- greater flexibility around housing provisions, particularly for the elderly, family groups and co-operative living
- better management of business activities
- flexible decision-making to cater for a wide range of circumstances and to reduce the uncertainty and costs of case by case decision-making
- a review of rural zoning.

The review and community feedback set the policy direction for the proposed plan change, which:

- 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)
- 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 Rural 1 and Rural 2 production zones are not lifestyle living areas, or suitable for commercial/business activities. The Rural Residential zone caters for rural lifestyle living, while the Rural Industrial and the Industrial, Commercial and Tourist Services Zones, located in or near rural production areas, cater for business activities in rural areas.



PROPOSED CHANGES

Rural 1 and 2 Zone subdivision

The proposed Plan Change:

- allows for one final subdivision opportunity as an 'as of right' Controlled activity under the current minimum lot size provisions. After this, further subdivision of any part of the same land will be discouraged. From 30 January 2016, second-generation or re-subdivision will become a Non-Complying activity in the Rural 1 and 2 zones
- introduces a minimum average lot size (as a Restricted Discretionary activity) in addition to the 'as of right' minimum size per lot provisions in the Rural 1 and 2 zones, but only for existing sites, with further subdivision of any part of this land also being discouraged.
- enables boundary adjustments that reduce the number of existing titles (as a Controlled activity)
- protects productive potential and rural character and amenity on small lot subdivisions
- guides the subdivision of Rural 1 and 2 zoned land for co-operative living (as a Discretionary activity if applied for at the same time as a co-operative living land use application).

This set of measures is expected to limit land fragmentation while acknowledging that, currently, landowners may subdivide 'as of right' (Controlled activity).

Introducing an average minimum lot size increases flexibility for landowners to rearrange their landholdings to suit social and economic circumstances.

Importantly, ongoing resubdivision of the same land is to be discouraged, in response to the proportion of productive rural land already in small site sizes.

Rural Residential Zone Subdivision

The proposed Plan Change:

- makes gaining consent for subdivision below the minimum threshold lot size simpler (changes from a Discretionary to a Restricted Discretionary activity)

- discourages the use of high-quality productive (Rural 1) land for rural residential (lifestyle) development.

These changes, with complementary changes limiting small lot subdivision in the Rural 1 and 2 zones, are expected to have some effect on directing demand for rural residential living away from the productive zones to the existing Rural 3, Rural Residential or urban Residential zones, and encouraging take-up and consolidation of development in the Rural Residential zones.

Multiple Housing and Co-operative Living

The proposed Plan Change introduces improved policy and rule guidance for co-operative living (Restricted Discretionary activity) in the Rural 1 and 2 zones. The changes are expected to provide a greater range of living opportunities in these zones.

All Rural Zones excluding Rural Industrial

The proposed Plan Change:

- removes the current floor limit of 60 square metres for attached housekeeping units
- clarifies that two sleepouts per dwelling are allowed
- includes dwellings in the existing building coverage limits.

Rural 1, 2 and Rural Residential Zones

The proposed Plan Change:

- provides for a detached minor dwelling (up to 80sqm in size or 120sqm if there is an attached garage) as an alternative to an attached housekeeping unit, regardless of lot size in the Rural 1 zone (as a Restricted Discretionary activity),
- and Rural 2 zone (as a Controlled activity),
- and for lots of at least 2 hectares in size in the Rural Residential zone (as a Controlled activity).

These changes are to accommodate modern family and living requirements with greater flexibility than the current provisions without compromising productive potential in the Rural 1 and 2 zones.



PROPOSED CHANGES (continued)

Business Activities

The proposed Plan Change:

- introduces guidance about what (new) commercial and industrial activities are appropriately located in the Rural 1 zone
- limits the parking and storage of more than one heavy vehicle (excluding agricultural machinery) being used for or in connection with any commercial, industrial or rural industrial activity in the rural productive and rural residential areas
- clarifies that the current exemption from the rural zone noise standards for 'intermittent or temporary rural activities' applies only to plant and animal production activities
- requires home occupation activities with the potential to generate particularly offensive effects, such as spray painting and fibre glassing, to be carried out indoors
- further discourages commercial, industrial and rural industrial activities from establishing in the Rural Residential zone.

These changes are intended 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.

Temporary Activities

The proposed Plan Change:

- clarifies that temporary activities are allowed in the Rural 1 and 2 zones subject to performance standards relating to scale and duration
- exempts public events from the zone noise rules for a maximum of two consecutive days per site per year between the hours of 8.00 am – 6.00 pm only, in the Rural 1 and 2 zones
- manages temporary military training activities.

These changes are expected to clarify the status of temporary activities and to contribute to social vibrancy, economic growth and employment in rural areas.

Character and Amenity

The proposed Plan Change:

- increases the weight of rural character protection in Rural 1 and 2 zones on small lot subdivision
- increases the setback for all habitable buildings from internal property boundaries from 5 metres to 30 metres (except where neighbour consent is obtained or a landowner owns adjoining titles)
- introduces a new setback of 300m from site boundaries for new intensive poultry farming activities; and a new setback for new habitable buildings of 300m from a lawfully established intensive poultry farm that existed on or before 30 January 2016
- defines or amends the definition of some terms, such as 'reverse sensitivity' and 'shelter belt', to clarify meaning and to reduce uncertainty and compliance issues
- defines the term 'rural residential character' which along with the new building setbacks from boundaries and coverage provisions for rural zones, are expected to maintain rural residential character and amenity in the Rural Residential Zone
- encourages low-impact design in rural areas.

These changes are expected to maintain rural amenity and reduce cross-boundary conflicts between incompatible uses.

What is not included

The review has focused primarily on the productive zones – chiefly Rural 1 and 2 – and the way that activities are managed within these zones.

The geographic extent of zones, the pattern of zoning around the District and small rural settlements zoned Rural 1 were not reviewed in this process. A zoning location review is expected to follow this Plan Change as a next phase of work.

Any changes to the recently adopted Rural 3 zone provisions were made to maintain consistency between zones. Changes to the existing rural character and amenity provisions relate directly to rural land use and subdivision only.

HAVE YOUR SAY

You are invited to make a submission on the proposed Plan Change. Submissions close at 4.00 pm on Monday 14 March, 2016.

A submission form is attached to this brochure or available from Council offices. Alternatively, you can complete your submission online or download the form from our website, www.tasman.govt.nz/link/trmp-proposed-changes.

NEXT STEPS

Submissions close on 14 March 2016. Council staff then will summarise the submissions and publicise the summaries. You will be able to view the summaries at the Council service centres, libraries and on our website.

Depending on your interest in the Change, there may be some opportunity to make a 'further submission' in support of or in opposition to any of the submissions first made. We will update the summaries and website accordingly.

If any submitters have requested an opportunity to speak, we will hold a hearing. Staff prepare reports on the matters raised in submissions which are available to all. The Council then makes decisions on the proposed Plan Change and an amended version of the Change is publicised.

At that stage, if as a submitter you do not agree with any decisions made, you will have an opportunity to appeal. The rules in the Change first take effect when decisions are released, and become fully operative when they are beyond contest.

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

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



WHAT DO THE CATEGORIES OF RESOURCE CONSENT MEAN?

Permitted – No resource consent required provided activity complies with the rules. No notification of public or affected parties (e.g. neighbours).

Controlled – Consent must be granted and may include conditions. Typically, these consents are not notified to the public or affected parties – although some limited special circumstances may see an activity notified.

Restricted Discretionary – Consent may be approved or declined, and conditions of consent limited to an identified set of matters. These consents may be notified.

Discretionary – Consent may be approved or declined, with open discretion on any conditions to mitigate, avoid or remedy effects. These consents may be notified.

Non-Complying – Activity must pass a ‘threshold test’ (i.e. not be inconsistent with the objectives of the Plan or have only minor adverse effects). The Council may approve or decline the application and impose conditions if approved. The application may be notified, and is more likely to be notified if inconsistent with the Plan’s objectives.

Prohibited – No resource application can be made.

WHAT IS NOTIFICATION ABOUT?

A consent application may be ‘notified’ when its effects are considered to be more than minor, or the application is contrary to the Plan.

A notified consent application is advertised in the local newspaper, has a notice erected at the site, and neighbours and other potentially affected parties (such as government departments, environment groups, iwi, etc) will be informed. If approval is given by all parties, the application is usually decided by Council officers. If not, a hearing is held and a decision is made by a panel of Councillors, or independent commissioner/s, or a combination of the two.

Decisions about a non-notified consent are typically made by Council officers without any third parties being involved in the approval process. The applicant can object to the conditions, and a further decision by Council is then required. Only the applicant can appeal the decision.

HAVE A SAY

You are invited to make a submission on the proposed Plan Change. Submissions close at 4.00 pm on Monday, 14 March, 2016.



Submission on a Variation/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 543-9524 OR Email steve.markham@tasman.govt.nz

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.

Submitter Name: _____
(organization/individual)

Representative/Contact: _____
(if different from above)

Postal Address: _____

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

IMPORTANT – Please state:

This submission relates to Variation/Change No.: _____

Variation/Change Title/Subject: _____

OFFICE USE

Date received stamp:

Initials: _____

Submitter No. _____

Home Phone: _____

Bus. Phone: _____

Fax: _____

Email: _____

Date: _____

Signature: _____
(Signature of person making the submission or person authorised to sign on behalf of person making the submission)

Total number of pages submitted: _____

- 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.

