

Report on Assessment of Alternatives under Section 32 of the Resource Management Act

Rural Land Use & Subdivision Policy Review Plan Change 60

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1. Executive Summary

1.1 Introduction

This proposed Plan change is the outcome of the Council's review of the rural land use and subdivision objectives and provisions of the Tasman Resource Management Plan (the Plan).

The RMA requires Council to review the Plan's provisions every 10 years to keep them relevant and effective.

An evaluation of the effectiveness of the rural parts of the Plan undertaken during 2012 and the consultation feedback highlighted four key issues in need of review, namely:

- the management of the effects of subdivision and development, especially of small lots, on existing and potentially productive land and on rural character and amenity;
- the management of current rural living opportunities and provision for more diverse living opportunities in rural areas;
- the management of the effects of business activities in rural zones;
- fixing technical problems within the Plan that reduce its effectiveness and efficiency.

This section 32 evaluation of the proposed Plan change follows the layout of the current Plan chapter 7 which manages the effects of activities on the rural environment.

Key issues and the proposed Plan change provisions identified to address these issues and achieve Plan objectives more effectively are summarised below.

The scope of the proposed Plan change does not include the rezoning of rural land. The 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 are for the purpose of maintaining existing consistencies between zones, only, and any changes to the existing rural character and amenity provisions relate directly to land use and subdivision, only.

1.2 Plan Objectives

The current Plan objectives for managing the rural land resource sustainably provide for the:

- protection of the productive capacity of land, especially land with high productive value;
- flexible use of land (for rural living and rural business opportunities) while retaining the productive capacity of land; and
- maintaining rural character and amenity values while providing for resource use and development.

The current Plan objectives are still considered appropriate and relevant but could achieve Plan outcomes more effectively.

The proposed provisions that link Plan objectives and Plan methods (zoning and rules) more directly are expected to improve Plan effectiveness by reducing conflicts between the components of the Plan and increasing understanding of how the Plan objectives and provisions work together to achieve Plan outcomes.

1.3 Protecting Productive Opportunity

Issues

The productive potential of land is largely being retained but the historical legacy of land fragmentation has resulted in the productive rural zones containing a significant proportion of small titles below 5 ha in size (Rural 1, 2 and 3 – 64%, 34% and 31%, respectively). This has resulted in on-going demand for small lot subdivision and dwellings on land with productive value, especially Rural 1 lots with high productive value (TRMP Effectiveness Evaluation report, 2013).

The Plan is limited in its effectiveness in managing small and below threshold subdivision (12 ha in Rural 1 and 50 ha in Rural 2 zones) in the productive rural zones so that productive opportunity and rural character and amenity are not compromised, and conflicts between incompatible activities and demand for scattered and inefficient services are reduced.

The Plan is limited in its effectiveness in managing Rural 2 zone subdivision so that the creation of any unviable farming units is avoided and productive potential is retained.

The lack of policy guidance in the Plan for boundary adjustments (that constitute about half of all subdivisions in the District) that further reduce below threshold lot sizes; for re-subdivision of amalgamated lots and for subdivision for non-productive purposes, has the potential to compromise productive potential.

Proposed Provisions

Rural 1 and 2 Zone Subdivision

- Provision for a final subdivision opportunity as an 'as of right' Controlled activity. After this, further subdivision of the same site 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
- Introduction of an average minimum 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
- Encouragement for boundary adjustments that reduce the number of existing titles (as a Controlled activity)
- Protection of productive potential and rural character and amenity on small lot subdivision
- Guidance for 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)

Collectively these proposed provisions are expected to reduce the fragmentation of land into the future and to maintain the availability of high productive land by discouraging future subdivision while acknowledging the current 'as of right' (Controlled) subdivision opportunity which has existed since the inception of the TRMP and which is tantamount to a subdivision right for longstanding property owners.

1.4 Providing for Rural Living Opportunities without diminishing the Productive Land Resource

Issues

Council information and community feedback shows that demand for rural living opportunities is changing.

The Plan is limited in its ability to manage the cumulative effects of residential development in rural areas, including the rural production areas, due to the lack of a policy framework to manage issues related to their distribution and location, either: (i) in the Rural Residential zone locations (Mapua, Waimea Inlet Rural Residential zone excepted); or (ii) in rural areas outside the Rural Residential zone namely, Rural 1 and 2 (Takaka-Eastern Golden Bay and Rural 3 excepted). Also, currently

the Rural Residential zone is managed as a rural zone although the use of a rural residential site is primarily for residential rather than productive purposes.

Diversity in community interests for housing options, decreasing housing affordability and an ageing population means that Council is under pressure to provide relevant and appropriate Plan provisions to cater for changes in rural housing demands. The costs of resource and building consents; uncertainty around obtaining affected party approvals during the resource consent process and the associated costs of a hearing where approval is not given; lack of policy support for alternative housing and housing that supports co-operative production methods; and environmental compliance costs, have all been cited as barriers for people wanting to establish multiple houses on a property.

Demands for additional housing need to be weighed against:

- (i) Council's statutory responsibility to protect the limited amount of high value soils;
- (ii) the risk of land fragmentation;
- (iii) increased housing on the land which over time may reduce the range of productive opportunities and over capitalise or drive up the value of land;
- (iv) community and neighbours' concerns about the impact of housing on rural character and amenity;
- (v) farmers' concerns that more housing increases the risk of cross-boundary conflicts and limits the range of farming activities that can be undertaken.

The Plan currently provides opportunities for rural residential development in the Rural Residential zone locations in rural, peri-urban and coastal areas of the District and the Rural 3 zone in the Coastal Tasman Area close to Richmond and Motueka. These zones have the capacity to absorb more of the demand for lifestyle living.

Proposed Provisions

Rural Residential Zone Locations

- A decrease in the activity status of below threshold subdivision from Discretionary to Restricted Discretionary; and
- Policy discouragement for the use of high productive (Rural 1) land for rural residential (lifestyle) development.

The proposed provisions above together with the complementary proposed provisions 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 the consolidation of development in these zones.

- A new definition of 'rural residential character' (in addition to the current definition of rural character); and
- New and amended zone performance standards appropriate to rural residential living (building setbacks from boundaries, building coverage).

The proposed provisions above are expected to guide the definition and maintenance of an appropriate level of rural residential character and amenity within the zone locations as they consolidate.

Multiple Housing and Co-operative Living in Rural Zones

- For the Rural 1 and 2 zones, new improved policy and rule guidance for co-operative living activities.

The proposed provision above is expected to provide a greater range of living opportunities associated with plant and animal production opportunity in the Rural 1 and 2 zones.

- For all rural zones except for the Rural Industrial zone:
 - amendment to the current provisions for attached housekeeping units by removing the current floor limit of 60 sqm;

- amendment to the current sleepout provisions to clarify that two sleepouts per dwelling are allowed;
- amendment to the current provision for building coverage to include dwellings in the coverage limit.
- For the Rural 1, 2 and Rural Residential zones:
 - provision for a detached minor dwelling (up to 80 sqm in size or 120 sqm if there is an attached garage) as an alternative to an attached housekeeping unit (of any size), regardless of lot size in the Rural 1 and 2 zones and for lots of at least 2 hectares in size in the Rural Residential zone.

The proposed provisions above are expected 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.

1.5 Providing for Rural Business Opportunities without diminishing the Productive Land Resource

Issues

The Plan is limited in its effectiveness in managing:

- the effects of business activities in rural areas without diminishing the productive land resource, due to Plan provisions that do not account for the varying productive potential of rural land as indicated by the different zones (Rural 1 and 2 and Rural Residential);
- the cross boundary/reverse sensitivity effects associated with home occupations in the rural production zones (Rural 1 and 2 and for lots 4 ha and above in Rural 3), as the Plan provisions provide no guidance on (i) appropriate and less appropriate activity types; (ii) gross site coverage (indoor and outdoor) of the activity; and (iii) traffic related to the home occupation other than for a shared access/private right-of-way; and
- temporary activities that occur in the rural areas of the District due to the lack of Plan provision for these activities which may have effects that temporarily exceed Plan performance standards but with no lasting impact.

Proposed Provisions

Business Activities

- New (Discretionary) matters of assessment that will guide what (new) commercial and industrial activities are appropriately located in the Rural 1 zone, namely: (i) activities that re / use an existing building; (ii) activities that support or are substantially connected with plant and animal productive activities;
- New rules limiting the parking and storage of more than one heavy vehicle (excluding agricultural machinery) that is being used for or in connection with any commercial, industrial or rural industrial activity in the rural productive and rural residential zones; and
- Clarification that the current rural zone rule that excludes noise from 'intermittent or temporary rural activities' from the zone noise standards applies only to plant and animal production activities.

The proposed provisions above are expected to reduce the effects of business activities on the high productive land resource of the Rural 1 zone and more generally on rural productive opportunity while continuing to provide for suitable new business opportunities and existing business in the rural production zones, particularly Rural 2.

- New rules:
 - limiting night time business traffic on local rural roads;
 - restricting or limiting 'to the in-doors' the types of home occupations activities with the potential to generate particularly offensive effects; and

- further discouraging commercial, industrial and rural industrial activities from establishing in the Rural Residential zone.

The proposed provisions above are expected reduce the effects of business activity on the character and amenity of rural production and rural residential areas while continuing to accommodate business activity in the rural production zones (Discretionary level consent required), particularly in the Rural 2 zone, and to allow most home occupation activity in all rural zones.

Temporary Activities

- New provisions that allow temporary activities for all purposes subject to performance standards relating to the scale and duration, in the Rural 1 and 2 zones; and
- New provision that allows public events that are exempt from the zone noise rules for a maximum of 2 consecutive days per site per annum between the hours of 8.00 am – 6.00 pm, only, in the Rural 1 and 2 zones.
- New provisions for managing temporary military training activities in the District.

The proposed provisions above are expected to clarify the status of much of this type of activity and may increase the opportunities for temporary activities to contribute to social vibrancy, economic growth and employment in rural areas.

1.6 Maintaining Rural /Rural Residential Character and Amenity

Issues

Boundary Setbacks

Currently the 5m setback for buildings, including habitable buildings, from boundaries limits the Plan's effectiveness in:

- protecting productive potential on Rural 1, 2 and 3 land as 'the first come, first served' principle has the potential to constrain the productive use of land where dwellings are located between 5 - 30 metres from the boundary; and
- protecting and maintaining amenity in that the setback, together with permissive land use options in rural zones, causes conflicts between neighbours and incompatible activities.

The Plan's effectiveness is also limited by the ambiguous and inconsistent use of terms relating to 'Rural Areas' and 'Rural Zones', particularly for the Rural Residential and Rural 3 zones.

Rural and Rural Residential Character and Amenity

As mentioned above, the current Plan rules are limited in their effectiveness in maintaining rural character and amenity for small lot subdivision.

The current Plan rules are limited in their effectiveness in maintaining appropriate character and amenity in the Rural Residential and Rural 3 zones. This is likely due to the definition of 'rural character'. The definition refers to a predominance of rural productive activities. This conflicts with expected outcomes for rural residential-style development.

Proposed Provisions

- New policy to increase the weight of rural character protection in Rural 1 and 2 zones on small lot subdivision;
- New definition of 'Rural Residential Character' that complements the definition of 'Rural Character';
- New provision that increases the setback for all habitable buildings from internal property boundaries from 5m to 30m (with some notable exceptions for existing dwellings, where neighbour consent is obtained and a landowner owns adjoining titles);

- New provision for intensive poultry farming activities to be set back 300m from the boundaries of the site; and for new habitable buildings to be set back 300m from a lawfully established intensive poultry farm that existed on or before 30 January 2016;
- Improved definition of 'shelter belt' and new definition of 'reverse sensitivity' to clarify meaning and to reduce uncertainty and compliance issues.
- Improved policies that provide stronger direction for and encouragement of Low Impact Design for land use and subdivision in rural areas.

Collectively, the proposed provisions above are expected to improve the opportunities to:

- define and maintain an appropriate level of rural residential amenity as development in the Rural Residential and Rural 3 zones will no longer be assessed against an inappropriate definition of rural character;
- maintain rural character and amenity in rural areas and reduce cross-boundary conflicts and reverse sensitivities between incompatible activities through increased separation distances between new dwellings and neighbouring rural activities; and between intensive poultry farming activities and site boundaries; and
- protect productive opportunity for the future by removing the 'first come, first served' principle.

1.7 Economic Growth and Employment

Economic growth and employment in rural areas is expected to be maintained and supported by proposed provisions that:

- protect the productive land resource, especially high value productive land, for the benefit of current and future generations;
- retain productive opportunity and enable co-operative and more diverse rural living opportunities;
- continue to enable business activities in rural productive zones but with reduced opportunities for conflicts between incompatible activities and diminished plant and animal productive activity;
- enable temporary activities subject to performance standards limiting scale and duration in the Rural 1 and 2 zones; and
- enable temporary military training activities subject to performance standards limiting proximity to other activities and noise in the District.

1.8 Plan Effectiveness and Efficiency

Plan Effectiveness and Efficiency is expected to be improved by the various proposed provisions that:

- improve alignment between the components of the Plan framework (objectives, policies and regulatory methods (zones and rules));
- improve clarity and transparency of Plan provisions; and
- improve management consistency by introducing explicit provisions for managing boundary adjustments and rural residential development.

2. Introduction

The purpose of this report is to meet Council's requirements under Section 32 of the Resource Management Act 1991 (the RMA) by recording Council's assessment of the proposed changes to the current Tasman Resource Management Plan (the Plan) provisions for managing rural land use and subdivision.

This report supports the Council's proposed Plan change 60 to the Tasman Resource Management Plan.

3. Legislative Requirements

Council has to carry out an evaluation under Section 32 of the Resource Management Act 1991 (RMA) before Council publicly notifies any proposed variation or plan change. An evaluation made under Section 32 must examine the extent to which each objective and proposed plan provision is the most appropriate way to achieve the purpose of the RMA. The evaluation must also assess the effectiveness and efficiency (benefits and costs) of the proposed provisions and the risk of acting or not acting.

Following the recent 2013 amendment to the RMA, the Section 32 evaluation is also now required to quantify benefits and costs, if practicable, and within the assessment of economic effects to consider economic growth and employment.

This report contributes to the reporting duties under Section 32. The record of other relevant planning assessments is set in section 4.3 below.

This Section 32 evaluation report assesses whether the proposed objectives and provisions are an appropriate way of achieving the objectives of the proposed Plan change. The assessment of legislative requirements (attached to this report as Annexure A) considers whether, overall, the objectives of the proposed Plan change comply with the legislative requirements of the RMA.

4. Background

4.1 Introduction

This proposed Plan change 60 is the outcome of the Council's review of the rural land use and subdivision objectives and provisions of the Tasman Resource Management Plan (the Plan).

The Plan is the primary way that Council manages land use activities and subdivision in the Tasman District. The Plan has guided what, where and how some land use activities and subdivision can occur in the rural zones for the past 20 years, since 1996.

The RMA requires Council to review the Plan's provisions every 10 years to keep them relevant and effective. An evaluation of the effectiveness of the rural parts of the Plan was undertaken during 2012. The evaluation highlighted that some parts of the Plan have been more effective than others. It also identified issues that needed particular attention.

The planning and consultation processes have highlighted four key issues as needing review, namely:

- management of the effects of subdivision and development, especially of small lots, on existing and potentially productive land and on rural character and amenity;
- management of current rural living opportunities and provision for more diverse living opportunities in rural areas;
- management of the effects of business activities in rural zones;

- fixing technical problems within the Plan that reduce its effectiveness and efficiency.

4.2 Planning Process

Key steps in the Rural Land Use and Subdivision Policy Review planning process are summarised below:

Planning Process to Date

- Rural Futures consultation conducted by Council during 2004-2005.
- Council approved a review of some of the rural zone provisions in 2006.
- Project placed on hold between 2007 and 2011 due to urban planning priorities.
- Tasman Resource Management Plan - Effectiveness Evaluation report finalised in 2013¹.
- Workshops held with Councillors mid 2013 on planning options.
- Rural land use and subdivision consultation process conducted by Council during the second half of 2013 to receive feedback on the key issues and options for better managing rural land use and subdivision in the District.
- Workshops held with Councillors in the first half of 2014 to report on the community feedback received and to reconsider the planning options.
- Draft Plan change developed for public consultation during the first half of 2015.
- Workshops held with Councillors in the second half of 2015 to report on the community feedback on the draft change and to review the planning options.

Next Steps

- Notification of the proposed Plan change marks the commencement of the formal RMA plan change process which gives the public the opportunity to make submissions on the change and be heard.

Scope of the Proposed Plan Change 60

The scope of the proposed Plan change does not include the rezoning of rural land. Any changes to the recently adopted Rural 3 zone provisions are for the purpose of maintaining existing consistencies between zones, only, and any changes to the existing rural character and amenity provisions relate directly to land use and subdivision, only.

4.3 Planning Information

Initially Council gathered information from the Rural Futures consultation process conducted by Council during 2004 – 2005. Information gathered more recently, for the 'Evaluation Report on the Effectiveness of the Plan Policies relating to Rural Land Management and Subdivision' and after its release for public discussion, is of particular relevance to this Plan change.

A list of the various reports that have contributed to the pool of planning information is set out below. In addition to these references, community discussion, anecdotal evidence, Council planning and management files, historical archives and previous reports (including planning studies) have also contributed to the process.

¹ The Scope of the Effectiveness Evaluation was largely limited to rural housing and subdivision, and rural business opportunities. The Coastal Tasman Area and Rural 3 zone provisions were largely excluded because they only became Operative in 2008. Also, rural character was assessed only in so far as it related to the scope of the evaluation.

	Name of Report	Description of Report/Document	Date
1	Rural Land Use and Subdivision Policy Review: Draft Change 54 – Feedback Response Options paper	This report contains a record of the option workshops held with Councillors to consider the community feedback on the draft change and to provide drafting instructions for the proposed Plan change.	October 2015
2	Policy Review: Rural Land Use and Subdivision Draft Plan Change 54 – Assessment of Feedback	This report assesses the community feedback received on the draft plan change 54 and from the community engagement process conducted to discuss the draft change during the first half of 2015.	July 2015
3	Summaries of responses on the Draft Change 54 per topic and per submitter	These reports summarise the written responses that Council received to the draft plan change in order of topic and per submitter.	June 2015
4	Draft Plan Change 54 – Rural Subdivision and Land Use Policy Review	Council prepared this draft plan change for community discussion and feedback.	February 2015
5	Report on alternatives under section 32 of the RMA for Draft Plan Change 54	The Section 32 evaluation report lists all options considered during the planning process and assesses whether the draft changes to the plan are appropriate, effective and efficient as well as whether the changes are likely to achieve their intended outcomes.	February 2015
6	Rural Land Use and Subdivision Policy Review - Rural Residential Zone Locations: Suitability for Development Consolidation	The report presents a policy direction for changes to Rural Residential zone living provisions in the Tasman Resource Management Plan.	October 2014
7	Policy Review: Rural Land Use and Subdivision - Updated Topic Option Papers, Volume 2	This report contains a record of the option workshops held with Councillors to consider the community feedback on policy options and to provide drafting instructions for the draft plan change 54.	June 2014
8	Policy Review, Rural Land Use and Subdivision - Assessment of Feedback	This report assesses the feedback received from the Rural Land Use and Subdivision Community Engagement Process conducted during the latter half of 2013.	February 2014
9	Rural Land Use and Subdivision Discussion Document	This document was prepared for the 2013 community consultation process. It contains an introductory overview of the Plan provisions; key issues and options for discussion. Also the document requested feedback on key issues.	August 2013
10	Background Paper to the Rural Land Use and Subdivision Discussion Document	This document was prepared for the 2013 community consultation process. It contains a summary of the key findings of the TRMP Effectiveness Evaluation.	August 2013
11	Evaluation Report on the Effectiveness of the Tasman Resource Management Plan	A detailed technical analysis of how well the current Tasman Resource Management Plan policy framework is working. This technical report underpins the draft Plan change proposals.	August 2013
12	Policy Report: Rural subdivision and land use: REP11-10-01	This report obtained Council approval for the scope and re-commencement of the review.	September 2011
13	Update on the Rural Futures Community Engagement Process	This Update summarised the community responses to the engagement process conducted during 2004-2005.	March 2006

4.4 Planning Context

In order to assess the proposed Plan change provisions, it is important to have a broad understanding of the Plan and its objectives for each of the rural zones. Currently the Plan's objectives for rural areas are to:

- avoid the loss of land with productive value, particularly high productive value;
- provide for other activities in rural areas such as tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value;
- maintain rural character and amenity values.

The Plan uses a variety of methods to achieve these objectives and manage activities in rural areas in a sustainable way. Zoning and rules which regulate activities within zones are key methods.

The zone framework within the District's rural areas is based on the productive potential of the District's land and soil resources. The rural production zones are primarily the Rural 1 and Rural 2 Zones, and the Rural 3 Zone where that zone contains high productive value land. In these zones, plant and animal based production activities are prioritised above opportunities for housing, industry or commercial activity.

The demand for rural-living opportunities is also recognised within the rural zone framework. In the Tasman District, a range of Rural Residential zone locations are provided in rural, coastal and peri-urban areas. The Rural 3 Zone also provides some rural living options within the productive landscape of the Coastal Tasman Area.

The rural zones, as currently managed in the Plan, are described below:

a) Rural 1 Zone

This zone covers land areas identified as having generally the highest existing and potential productive value. The land is dominated by horticulture and is generally located on the better quality soils in the river valleys and plains. The zone constitutes about 4% of the 35% of the District's rural land area.

In this zone, rules for subdivision and development have been developed primarily to protect the high productive value on a long-term basis, while allowing for reasonable use and development of the land resource. The high productive value mean land areas can be smaller than in the Rural 2 zone. Subdivision standards require a minimum of 12 ha per lot. It is notable that land within the Rural 1 zone is already highly fragmented. There are a significant number of small land titles - 64% of Rural 1 zone land titles are less than 5 ha in land area. Most of the land area, however, is held in larger landholdings. Over 70% of the land area in Rural 1 zone is contained in titles 10 ha and above. Since 1997, the subdivision data for Tasman District shows titles with 10 ha or more increasing in number and size.

In the Rural 1 zone, housing is a Controlled activity for properties with 12 ha or more. Properties can also apply for a consent for an attached secondary housekeeping unit, and workers' accommodation. Properties over 24ha can apply for consent for two houses per certificate of title.

Business opportunities are limited to those directly associated with farming activities, home occupations and rural selling places. Resource consent is required for rural industrial, commercial or industrial activities.

b) Rural 2 Zone

This zone covers land areas which do not have the highest productive value, and commonly requires larger landholdings to support viable farming units. The land tends to be the rolling

and steep hill country within the District. Sheep farming, beef and forestry dominate this zone. The zone constitutes most (about 30% of the 35%) of the District's rural land area.

Rules in this area recognise the land's potential for a wide range of productive activities, generally based on a lower intensity of use and development than in the Rural 1 Zone.

Subdivision of land in the Rural 2 zone needs a minimum of 50 ha. As for the Rural 1 zone there are a significant range of title sizes in the District. 34% of Rural 2 zone land titles contain less than 5 ha of land area. Again, the majority of land area is held in larger landholdings. Over 80% of the land area in Rural 2 zone is contained in titles 50 ha and above.

Housing rules in the Rural 2 zone are more relaxed than the Rural 1 zone. A house, attached secondary household unit and sleepout are all Permitted activities. Consent is required for workers' accommodation. The Plan enables second dwellings where the property is greater than 50 ha.

Business opportunities are managed in much the same way as in the Rural 1 zone.

c) Rural 3 Zone

This zone covers a specific part of the Coastal Tasman Area within the District. This area contains land of high productive value - generally the more coastal land, and also land of lesser productive value. The intention of this zone is to absorb the demand for rural lifestyle living on the less productive land, while enabling farming to continue on the more productive land.

The Rural 3 zone has largely been excluded from this proposed Plan change as the rules are relatively new and have been the subject of significant earlier consultation.

d) Other rural zones: Rural Residential Zone, Papakainga Zone, Rural Industrial Zone and the Tourist Services Zone

These zones cover small parts of the wider rural environment. Most of the areas occupied by these zones are of low productive value and the Plan provisions have not been developed to protect or maintain any such value within the zoned areas.

4.5 Understanding the Levels of Consent: Activity Status Categories

Permitted

No resource consent required provided activity complies with 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 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 are limited to an identified set of matters. These consents may be notified or not.

Discretionary

Consent may be approved or declined with open discretion on any conditions to mitigate, avoid or remedy effects. These consents may be notified or not.

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) and then Council may approve or decline the application and impose conditions if approved. The application may be notified or not – but is more likely to be notified if not consistent with the Plan's objectives.

Prohibited

No resource application can be made.

5. Issues, Objectives and Options Assessment

The assessment is organised into the following key objectives and topics:

Objectives/Themes		Topics
Managing the District's rural land resource sustainably		Overview – Objectives of Rural Zones
Protecting productive opportunity		Rural 1 Zone Subdivision
		Rural 2 Zone Subdivision
		Boundary Adjustments
Providing opportunities for plant and animal production in rural areas without diminishing the productive land resource: (i) Rural living (ii) Rural business	Rural Living	Rural Residential Development
		Multiple Dwellings & Co-operative Living
	Rural Business	Home Occupations
		Commercial, Industrial & Rural Industrial Activities
		Temporary Activities
		Temporary Military Training Activities
Managing rural/rural residential character, amenity and cross-boundary effects		Boundary Setbacks
		Rural / Rural Residential Character

Each topic or sub-topic is assessed in terms of the:

- 1) key issues;
- 2) objectives of the proposed provisions;
- 3) options identified to achieve the objective(s), including the proposed provisions;
- 4) effects of the proposed provisions;
- 5) assessment of the efficiency and effectiveness of the proposed provisions; and
- 6) reasons for proposing the proposed provisions.

6. Managing the District's Rural Land Resource Sustainably

6.1 The Objectives of Rural Zones

6.1.1 Introduction

The Plan's expected outcomes for the rural areas of the District are:

- Minimal cumulative loss of rural land for productive purposes, and maintenance of a sustainable level of availability of land of high actual or potential productive value.
- Limited or no increase in conflicts between rural-residential development and adjacent activities, hazard or contamination risks, amenity or natural heritage values.

- The continuing availability and accessibility of particular rural resources, such as quarry resources, to meet present and future needs.
- Maintenance of rural character and rural amenity values throughout the District's rural areas.

The current Plan objectives (set out in section 6.1.4 below) for rural areas are generic in nature and relate to these outcomes in a generic way.

Zones are the planning tool used to define areas where particular land use activities can be most appropriately located. As mentioned above, the zones are delineated on the basis of actual and potential productive capacity of the land. Each zone has been developed with an over-arching planning purpose. The policies and rules that apply to each zone provide the mechanisms for achieving that wider purpose. They also regulate the types of activities and their effects. An activity may be permitted when it is consistent with the purpose of the zone and environmental effects are minor. Once an activity may have more than minor effects or the activity is not necessarily appropriate for the zone, a resource consent may be required.

6.1.2 Key Issues

- a) The Plan is limited in its effectiveness in achieving the objectives for rural areas due to the conflicts within the policies/rules/definitions for managing similar activities across the various zones in rural areas, which may provide primarily for rural living (Rural Residential zone) or primarily for rural production activities (Rural 1 & 2 zones) or both (Rural 3). The conflict may be due to the Plan approach of managing rural areas through providing zones for different purposes in conjunction with an effects-based approach to activity management. Sometimes, this management approach leads to the application of the same standards/definitions or assessment criteria to similar activities across all the zones in rural areas. This may not always be appropriate given the different purposes of the zones. For example:
 - (i) the application of the same zone boundary setbacks to activities locating on a boundary between Rural 1 and 2 zone to those locating on a boundary between the Rural Residential and Rural 1 zone;
 - (ii) the Plan defines the term "rural residential" as being the use of a site primarily for residential purposes. This renders the definition of rural character which is associated with rural production activity, inappropriate to the assessment of activities in Rural Residential zones (TRMP Effectiveness Evaluation report, 2013, refers).
- b) The Plan is limited in its ability to manage the cumulative effects of residential development on the:
 - productive potential of rural land, particularly high productive land;
 - reverse sensitivity effects on land with productive potential;
 - rural character and rural amenity;
 - sustainable on-site servicing in rural zones;
 - demand for inefficient extension of services and facilities in rural zones (TRMP Effectiveness Evaluation report, 2013, refers).

6.1.3 Objectives of Proposed Provisions

- a) Achieve the expected outcomes for rural areas more effectively by better aligning Plan objectives and methods (zone purposes) (proposed provision 2)).
- b) Improve Plan efficiency and effectiveness through:
 - introducing a new objective that acknowledges that rural residential living opportunities are provided for in rural areas in the Rural Residential zone;
 - improving the alignment between the components of the Plan framework (objectives, policies and regulatory methods (zones and rules));
 - reducing the conflicts between Plan objectives and provisions;
 - improving the relationship between the objectives and outcomes for rural areas and the zone purposes (proposed provision 2)).

6.1.4 Options Identified to Achieve the Objectives, including Proposed Provisions

Options identified to manage the issues are listed below. The proposed provisions are shaded blue and listed last.

1) Status Quo Option

- (a) Retain the current objectives which are generic in nature and relate to the issues and effects and are not linked to the purposes of the zone (Takaka-Eastern Golden Bay and Rural 3 excepted), namely:
 - Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.
 - Provision of opportunities to use rural land for activities other than plant and animal production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.
 - Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.
- (b) Retain the current (three) Chapter 7 explanations of zone purposes in the “Methods of Implementation”

2) Reorganise chapter 7 of the Plan so that the current rationale for and primary purposes of the rural zones is set out explicitly and in positive terms and so that the objectives and Plan provisions (policy and rules) align with the zone purposes, by:

- (a) Introducing new objectives to better explain the purposes of and account for the existing rural zones (Rural 1, 2, 3 and the Rural Industrial and Rural Residential).

New objectives relating to productive potential in the Rural 1 and 2 zones (Plan section 7.1.2)

- Retention and enhancement of opportunities for plant and animal production on land with the highest productive value in the District, identified as the Rural 1 Zone.
- Retention of opportunities primarily for plant and animal production on land that has varying productive values, identified as the Rural 2 Zone.

New objectives relating to activities other than plant and animal production in the Rural Residential and Rural Industrial zones

- Retention of opportunities to use rural land for activities other than plant and animal production, namely rural-residential, rural industrial, tourist services, and papakainga activities in restricted locations, while avoiding the loss of land of high productive value.
 - Provision of opportunities for a range of residential living options within rural locations, including coastal and peri-urban areas, in the form of the Rural Residential Zone.
 - Retention of existing rural industrial locations that provide an appropriate location for production-related industries in rural areas, in the form of the Rural Industrial Zone.
- (b) Move the four Chapter 7 explanations of zone purposes in the “Methods” to the Chapter 7 Introduction and retain the references to the zones in the Methods of Implementation only in so far as relevant to that particular policy objective.
 - (c) Expand the explanation of the zone framework to describe that the zones with:
 - plant and animal production purposes are: Rural Production Zones: Rural 1, 2 and 3 - high productive land areas;
 - rural residential purposes are: the Rural Residential zone and Rural 3 zone - excluding high productive land areas.

- (d) Introduce new proposed provisions (policies and rules) to:
 - to further encourage a long term approach to the protection of productive land;
 - specifically manage rural residential development within the Rural Residential zone and rural living in the plant and animal production zones including co-operative living;
 - further encourage low impact design and low impact building design in rural areas.

6.1.5 Effects of the Proposed Provisions

a) Achievement of Plan Outcomes

Reorganising Chapter 7 of the Plan so that the current rationale for and primary purposes of all the rural zones is expressed in the objectives explicitly and, in positive terms, is expected to achieve Plan outcomes more effectively in that the relation between the outcomes, objectives and zone purposes is expected to be better understood and the provisions applied more consistently.

Benefits

The zones are more likely to be managed and used for their intended primary purposes. This is expected to result in the more sustainable use of natural and physical resources in rural areas. More specifically:

- For the Rural Residential zone, the Plan provides for a range of rural residential living opportunities in appropriate zoned locations to cater for the demand for rural living; and this zone is designed to avoid the adverse effects of scattered rural residential development on rural productive activities.
- For the Rural 1 and 2 zones - the Plan provides for production purposes (of high intensity for Rural 1 and low intensity for Rural 2) and for residential activity only in so far as it is directly associated with plant and animal production activities.
- For the Rural Industrial Zone - historical industrial activities located in the rural area are acknowledged and defined new rural industrial activities are provided for that, on assessment, are considered more appropriately located in a rural rather than an urban context.

Costs and Risks

Non identified.

b) Plan Effectiveness and Efficiency

Plan effectiveness is expected to be improved through better alignment between the components of the Plan framework (objectives, policies and regulatory methods (zones and rules)).

Benefits

Conflict within the Plan policies/rules/definitions for managing the effects of similar activities across different zones with different purposes in rural areas is expected to be reduced. It is expected to be clearer to Plan users and decision-makers that the zone framework provides for the full complement of opportunities generally associated with rural areas (plant and animal production, rural residential and business), but that some activities are more suitable in certain zones than in others.

Costs and Risks

The process of implementing and adapting to the proposed provisions is expected to result in minor costs to Council and the community.

There is a risk of repetition within the Plan's Rural Environment Effects chapter 7 which currently is effects based.

e) Economic Growth, Employment and Quantification

It is not practicable to quantify the effects of the Proposed Provisions. The proposed provisions are expected to have minimal effects on economic growth and employment.

6.1.6 Assessment of the Efficiency and Effectiveness of the Proposed Provisions

Tables 6.1A and 6.1B below compare the efficiency and effectiveness of the effects of the proposed objectives with the existing Plan objectives by rating the packages in terms of significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 6.1A

Chapter 7: Re-Organisation and New Objectives - Proposed Package of Provisions - Efficiency & Effectiveness Assessment						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
1	Sustainable management of District rural land resource	4	2	4	3	
2	Protecting productive opportunity	3	3	4	3	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	4	3
		3.2 Rural business	3	3	4	3
4	Maintaining rural and /or rural residential character and amenity	3	3	4	3	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	4	2	4	3	
7	Plan effectiveness and efficiency	4	2	4	3	
	Total	27	21	31	24	

Table 6.1B

Chapter 7 Re-Organisation and New Objectives - Existing Package of Provisions - Efficiency & Effectiveness Assessment						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
1	Sustainable management of District rural land resource	4	4	2	4	
2	Protecting productive opportunity	3	3	3	3	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and /or rural residential character and amenity	3	3	3	3	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	4	4	2	4	
7	Plan effectiveness and efficiency	4	4	2	4	
	Total	27	27	21	27	

Efficiency

Although the effects are not considered quantifiable, the table comparison shows that the benefits of improving Plan effectiveness by aligning objectives and methods more closely and clarifying the purposes of the zones exceed the costs of the proposed provisions and the benefits of the current provisions in that the Plan outcomes are likely to be achieved more efficiently.

Effectiveness

The proposed provisions are expected to result in an improved understanding of the link between Plan outcomes, objectives and methods and consequently the anticipated outcomes for rural areas being achieved more effectively.

The proposed package is also effective in that the methods are transparent (Plan objectives that relate to zone purposes) and implementable by Council. The consultation feedback indicates that the package will be acceptable to the community.

Significance

The contribution of the proposed provisions to Plan effectiveness are considered to be of some significance to the wider community in that they are expected to result in better management of the rural land resource.

6.1.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource for the following reasons:

- Plan outcomes are expected to be achieved more effectively in that the zones are more likely to be managed and used for their intended primary purposes.
- Plan effectiveness and efficiency will be improved and conflict reduced through better alignment between the components of the Plan framework (objectives, policies and regulatory methods (zones and rules)).
- The proposed provisions are expected to be acceptable to the community as they will clarify for Plan users and decision-makers that the zone framework provides for the full complement of opportunities generally associated with rural areas (plant and animal production, rural residential and business) but that some activities are more suitable in certain zones than in others.

7. Protecting Productive Opportunity

The **current** Plan Objective 7.1.2 — managing the effects of land fragmentation on the productive values of land — is of relevance to the topics of Rural 1 and 2 zone subdivision and boundary adjustments. Maintaining the productive potential of land within the District has been a key focus of Council for many years and, as a consequence, Council has strongly discouraged further subdivision of not only Rural 1 high productive land but also Rural 2 productive land.

7.1 Rural 1 Zone Subdivision

7.1.1 Introduction

As mentioned above, this zone covers the 4% of the land area in the District identified as generally having the highest existing and potential productive value.

The TRMP Effectiveness Evaluation report of 2013, showed there is some cumulative loss of Rural 1 land, but the potential of most productive land is being retained. Trends observed were that: small lots are getting smaller and larger lots are getting larger (via title amalgamation).

7.1.2 Key Issues

- a) The Plan is limited in its potential effectiveness as the objective of retaining productive opportunity in the face of rural land fragmentation is not supported by adequate controls on rural subdivision for land with high productive value.
- b) The historical legacy of land fragmentation (64% of Rural 1 lots are below 5 ha in size) has resulted in on-going demand for small lot subdivision and dwellings on land with high productive value. This has adverse effects on productive opportunity and rural character. It creates adverse cross-boundary and cumulative-servicing effects. Better direction is needed so that demand is managed more effectively.

7.1.3 Objectives of Proposed Provisions

- a) Minimise the loss of productive land, especially high productive land through fragmentation, and maintain the availability of this land (proposed provisions 9), 10), 11), 12), 14), 15)).
- b) Reduce the costs to Council and the general ratepayer of managing the demand for subdivision of productive land (proposed provision 12)).
- c) Retain economic flexibility for owners regarding the arrangement of high productive landholdings (proposed provision 10), 11)).
- d) Reduce the adverse effects of small lot subdivision on rural character and amenity (proposed provision 13).
- e) Improve Plan efficiency and effectiveness by providing for better Plan direction and management of the effects of rural subdivision and the effects of established residential clusters within the Rural 1 zone (proposed provisions 16)).

7.1.4 Options Identified to Achieve the Objectives, including Proposed Provisions

Options identified to manage the issues are listed below. The proposed provisions are shaded and listed last.

- 1) Status quo – retaining the Discretionary Activity status for subdivision creating new lots below 12 ha.
- 2) Increasing the minimum lot size.
- 3) Restricted Discretionary activity status for subdivision creating new lots of 12 ha and above.
- 4) Prohibited activity status for subdivision creating new lots below 12 ha with or without Closed Rural 1 zones.
- 5) Introduce new 'transferable lot' rules.
- 6) Introduce a density threshold policy in addition to minimum lot sizes and controls over two or more dwellings.
- 7) Policy support for subdivision to create small house lots, provided a large balance of a vacant lot is retained and no new housing opportunity created.
- 8) Clarification regarding which assessment matters are for Controlled, Restricted Discretionary and Discretionary activities, and which are 'assessment criteria' (performance questions that will be considered, where relevant, in coming to a decision). The lack of distinction in the Plan means that a large number of criteria are either ignored, or too broad for meaningful consideration.
- 9) Retention of the Rural 1 minimum allotment size threshold at 12 ha with Controlled Activity status for subdivision, but with second generation or re- subdivision of these lots to be discouraged through Non-Complying activity status from 30th January 2016.
- 10) In addition to the current subdivision rules, introduction of new subdivision rules that provide for an average allotment size rather than a minimum size per lot. Second generation or re-subdivision of lots created through the averaging provisions to be discouraged through Non-Complying activity status from 30th January 2016.
- 11) Introduction of new policy and rules to guide the subdivision of land for the purpose of cooperative land use.
- 12) Increase in the information requirement for subdivision of new Rural 1 lots below 12 ha, if required.
- 13) Introduction of additional guiding policies and rules for Rural 1 for small lot subdivision to maintain rural character and amenity and protect productivity.
- 14) Introduction of additional policies and rules to guide boundary adjustments.
- 15) Amendment of the definition of 'high productive value'.

- 16) Amendment of Plan policy 6.2.3.3 to clarify that the policy relates to the loss of rural land through rezoning for urban purposes rather than subdivision and to better reflect the package of policies it is associated with.

7.1.5 Effects of the Proposed Provisions

a) **Reduced fragmentation of land from the cumulative effects of subdivision creating small lots**

The following provisions are expected to reduce the rate of fragmentation of high productive land and to maintain the availability of this land for productive purposes into the future:

- The better alignment of Plan objectives and the Rural 1 subdivision rules.
- New additional guiding policies and rules for re-subdivision of lots created through boundary adjustments or amalgamation.
- An improved definition of 'high productive value' that captures the land generally considered to be of high value within the District.
- A policy framework that discourages second generation or re-subdivision of lots created after 30 January 2016, while acknowledging the current 'as of right' (Controlled) subdivision opportunity which has existed since the inception of the TRMP and which is tantamount to a subdivision right for longstanding property owners.

Benefits

Both the current community and future generations will benefit from the sustainable management and continued availability of the scarce high productive land resource into the future.

The retention of the existing Controlled subdivision opportunity for 12ha lots in Rural 1 alongside the additional new Restricted Discretionary subdivision opportunity (see below) create flexible opportunities for subdivision which acknowledge that the current Controlled opportunity has existed since the inception of the TRMP and is tantamount to a subdivision 'right' for longstanding property owners.

Costs and Risks

The majority of Rural 1 landowners (about 78% of Rural 1 titles are 10 ha or less in size) will bear the cost and risk of the reduced subdivision opportunity for titles below 12 ha in size.

Future owners of titles created after 30 January 2016 will bear the cost and risk of the reduced subdivision opportunity for future titles.

b) **Increased flexibility regarding rearrangement of landholdings through subdivision provided an average minimum lot size together with productive opportunity is retained**

Benefits

This increased flexibility is expected to be of specific benefit to the owners (of about 20%) of Rural 1 titles and general benefit to the wider community in that the productivity of land is likely to be retained in the long term due to the stronger policy discouragement for subdivision into the future

Costs and Risks

There is a risk that small lots created through the 'averaging' provisions may increase cross-boundary effects in rural zones and reduce rural character and amenity.

c) **Maintenance of rural character and amenity**

An increase in the weight of rural character protection in Rural 1 zone for small lots is expected to have the effect of improving the maintenance of rural character and amenity in rural areas in the face of continuing demand for subdivision.

Benefits

Community and landowners are expected to benefit from better maintenance of rural character and amenity.

Costs and Risks

Subdividers of small lots will bear the cost and risk of ensuring that rural character and amenity are retained during the subdivision process. As this factor is assessed during the consenting process, albeit less effectively, in practice, this cost is likely to be minor.

d) Plan effectiveness and efficiency

The alignment of objectives, policies and methods; improvement of relevant definitions; clarified intentions of policy so that uncertainty is reduced and relevance improved, are expected to result in improved Plan effectiveness and process efficiencies.

Benefits

Improved Plan legibility is expected to be of benefit to the community subject to the Plan.

The requirement that subdividers provide information relevant to productive potential for below-threshold subdivision is expected to result in improved Plan and process efficiencies for Council and ratepayers and in subdividers paying the full costs of such assessment which may discourage such subdivision. It is considered appropriate that subdividers bear the full costs of subdividing below threshold size lots.

Costs and Risks

The process of implementing and adapting to the above-mentioned Plan changes designed to improve Plan effectiveness is expected to result in minor costs to Council and the community.

The costs of assessing the productivity of below threshold size land will fall to subdividers.

e) Economic growth, employment and quantification

Benefits

Although impractical to quantify, the proposed provisions are expected to protect the contribution of the high productive land resource to sustainable economic growth and employment for the benefit of current and future generations.

Costs

The proposed provisions are expected to have minimal costs on economic growth and employment.

7.1.6 Assessment of the Efficiency and Effectiveness of the Proposed Option Package

Tables 7.1A and 7.1B below compare the efficiency and effectiveness of the effects of the proposed provisions with the existing package of provisions for Rural 1 subdivision by rating the packages in terms of the significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 7.1A

Rural 1 Subdivision - Proposed Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
		1	Sustainable management of District rural land resource	4	3	5
2	Protecting productive opportunity	4	3	5	2	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and /or rural residential character and amenity	3	3	4	3	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	4	4	4	3	
7	Plan effectiveness and efficiency	4	1	4	3	
	Total	28	23	31	22	
		28	23	31	22	

Table 7.1B

Rural 1 Subdivision - Existing Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
		1	Sustainable management of District rural land resource	4	3	3
2	Protecting productive opportunity	4	4	3	4	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and /or rural residential character and amenity	3	4	3	3	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	4	3	3	3	
7	Plan effectiveness and efficiency	4	4	2	4	
	Total	28	27	23	26	
		28	27	23	25	

Efficiency

Although the effects are not considered quantifiable, the table comparison shows:

- the benefits of protecting the productive potential of Rural 1 zoned land, which covers the land with the highest productive potential in the District, exceed the cost to the Council and general community of making and adapting to the changes;
- the potential cost of reduced subdivision opportunity for landowners in the future is off-set by the new proposed provision for more flexible subdivision based on an average minimum lot size and the retention of the existing Controlled subdivision for existing titles;
- the benefits to the community and landowners of better management of the effects of small lot subdivision on rural character and amenity outweigh the costs of making and adapting to the changes.

Effectiveness

The proposal is effective in that the methods are transparent (Plan rules for management of subdivision and dwellings) and implementable by Council. Regarding the status of Rural 1 subdivision creating lots below 12 ha, the proposal is acceptable to the community (as indicated by

the consultation feedback) and the Council (28 February 2007 resolution refers) following a series of Environment Court decisions on the topic.

Significance

The contribution of the proposed provisions to Plan effectiveness are considered to be of some significance to the wider community in that they are expected to result in more sustainable management of the rural land resource.

7.1.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource and the Plan objective of protecting the Rural 1 zoned scarce high-productive land resource for plant and animal production purposes for the following reasons:

- Fragmentation of land from the cumulative effects of subdivision creating small lots will be reduced through the package of proposed provisions that better align Plan objectives and provisions.
- Rural character and amenity values will be maintained notwithstanding a continuing demand for subdivision through additional proposed provisions that increase the weight of rural character protection for small lot subdivision.
- A policy approach that avoids second generation or re-subdivision of titles created after 30 January 2016 is expected to limit land fragmentation into the future while acknowledging the current 'as of right' (Controlled) subdivision opportunity which has existed since the inception of the TRMP and which is tantamount to a subdivision right for longstanding property owners.
- The contribution of plant and animal productive activity to economic growth and employment is being sustained.
- The changes are implementable and acceptable to the community.
- Plan effectiveness and efficiency will be improved.

7.2 Rural 2 Zone Subdivision

7.2.1 Introduction

As mentioned above, this zone covers land areas with varying productive value – generally based on a lower intensity of use than the Rural 1 zone.

The TRMP Effectiveness Evaluation report of 2013 showed that for Rural 2 the majority of productive soils are being retained. Trends observed were that during the period 1997 – 2011, changes in title sizes were minor and stable.

7.2.2 Key Issues

In the Rural 2 zone, the Plan is limited in its effectiveness in consistently managing the following:

- a) Land fragmentation, as the Plan gives no specific guidance for subdivision creating below threshold (50 ha) lots. Decisions are made on a case-by-case basis.
- b) The retention of productive potential on subdivision as the economic viability of large farming units is often dependent on retention of flat/better quality land (high quality pasture; stock handling areas; vehicle manoeuvring; sheds; buildings) which tend to be targeted for subdivision. The Plan needs to ensure that subdivided farming units are viable.
- c) The retention of open space and rural character in the Rural 2 zone.

7.2.3 Objectives of Proposed Provision

- a) Minimal loss of productive land through fragmentation and maintained availability of this land (proposed provisions 7), 80, 9) and 13)).
- c) Reduced adverse effects of small lot subdivision on productive potential and rural character and amenity (proposed provision 11)).
- d) Reduced costs to Council and the general ratepayer of management of the demand for subdivision of productive land (proposed provision 10)).
- e) Improved economic and social flexibility for owners regarding the arrangement of landholdings (proposed provision 8, 9)).
- f) Improved Plan efficiency and effectiveness through better Plan direction and management of the effects of rural subdivision on productive potential and rural character and amenity (proposed provisions 12)).

7.2.4 Options Identified, including the Proposed Provisions

Options identified to manage the issues are listed below. The proposed provisions are shaded blue and listed last.

- 1) Increase in the activity status for subdivision to Restricted Discretionary status for lots 50 ha and above.
- 2) Increase in the minimum lot size.
- 3) Reduction in the minimum lot size.
- 4) Introduction of new Non-Complying activity status for subdivision where a second dwelling has been erected and where the 50 ha minimum lot size cannot be achieved.
- 5) Introduction of new additional guiding policies and rules for Rural 2 for further subdivision where bonus lots have been taken to maintain rural character and amenity and protect productivity.
- 6) Introduction of a new additional small lot entitlement: Where the balance title is above 100 ha allow one small bonus lot of (1 ha - 4 ha) to be subdivided.
- 7) Retention of the 50 ha as the minimum lot size for subdivision with the lowest level of consent (the status quo) but with second generation or re-subdivision of these lots to be discouraged through Non-Complying activity status from 30th January 2016.
- 8) In addition to the current subdivision rules, introduction of subdivision rules that provide for an *average* allotment size rather than a minimum size per lot. Second generation or re-subdivision of lots created through the averaging provisions to be discouraged through Non-Complying activity status from 30th January 2016.
- 9) Introduction of new policy and rules to guide the subdivision of land for the purpose of co-operative land use.
- 10) Increase in the information requirement for Rural 2 subdivision, if required.
- 11) Introduction of new additional guiding policies and rules for Rural 2 for small lot subdivision to maintain rural character and amenity and protect productivity.
- 12) Introduction of a new assessment criterion specific to Rural 2 zone to enable assessment that land areas to be subdivided will be efficient in terms of viable current and potential farming practices (i.e. avoid house in middle of paddock scenario; or cutting off only flat area needed for ongoing farming operations).
- 13) Introduction of additional policies and rules to guide boundary adjustments.

7.2.5 Effects of the Proposed Provisions

a) **Reduced fragmentation of land from the cumulative effects of subdivision creating small lots**

The following provisions are expected to reduce the rate of fragmentation of high productive land and to maintain the availability of this land for productive purposes into the future:

- The better alignment of Plan objectives and the Rural 2 subdivision rules.
- New additional guiding policies and rules for re-subdivision of lots created through boundary adjustments or amalgamation.
- A policy framework that discourages second generation or re-subdivision of lots created after 30 January 2016, while acknowledging the current 'as of right' (Controlled) subdivision opportunity which has existed since the inception of the TRMP and which is tantamount to a subdivision right for longstanding property owners.

Benefits

Both the current community and future generations will benefit from the sustainable management and continued availability of the scarce high productive land resource into the future.

The retention of the existing Controlled subdivision opportunity for 50 ha lots in Rural 2 alongside the additional new Restricted Discretionary subdivision opportunity (see below) create flexible opportunities for subdivision which acknowledge that the current Controlled opportunity has existed since the inception of the TRMP and is tantamount to a subdivision 'right' for longstanding property owners.

Costs and Risks

Future owners of titles created after 30 January 2016 will bear the cost and risk of the reduced subdivision opportunity for future titles.

b) **Increased flexibility regarding rearrangement of landholdings through subdivision provided an average minimum lot size together with productive opportunity is retained**

Benefits

This increased flexibility is expected to be of specific benefit to the owners (of about 25%) of Rural 2 titles and general benefit to the wider community in that the productivity of land is likely to be retained in the long term due to the stronger policy discouragement for subdivision into the future.

Costs and Risks

There is a risk that small lots created through the 'averaging' provisions may increase cross-boundary effects in rural zones and reduce rural character and amenity.

d) **Maintenance of rural character and amenity**

An increase in the weight of rural character protection for small lots is expected to have the effect of improving the maintenance of rural character and amenity in rural areas in the face of the continuing demand for subdivision.

Benefits

Community and landowners are expected to benefit from better maintenance of rural character and amenity.

Costs and Risks

Subdividers of small lots will bear the cost and risk of ensuring that rural character and amenity are retained during the subdivision process. As this factor is already assessed during the consenting process, albeit less effectively, in practice, this cost is likely to be minor.

e) Plan Effectiveness and Efficiency

The requirement that subdividers provide information relevant to productive potential for below threshold subdivision is expected to result in improved Plan and process efficiencies.

Benefits

Council and ratepayers are expected to benefit from subdividers paying the full costs of such assessment. It is considered appropriate that subdividers bear the full costs of subdividing below threshold size lots.

The increased costs associated with below threshold subdivision may discourage such subdivision which will avoid further fragmentation of the land resource.

Costs and Risks

The costs of assessing the productivity of below threshold size land will rest with subdividers.

f) Economic Growth, Employment and Quantification

Benefits

Although impractical to quantify, the proposed provisions are expected to protect the contribution of the Rural 2 productive land resource to sustainable economic growth and employment for the benefit of current and future generations while enabling more flexible rural living opportunities that are associated with plant and animal production.

The combination of retaining productive opportunity and enabling more flexible rural living opportunities is likely to result in greater population and dwelling density and in rural areas. This is likely to stimulate the general rural areas from both social and economic perspectives.

Costs

As for a) above.

7.2.6 Assessment of the Efficiency & Effectiveness of the Proposed Provisions

Tables 7.2A and 7.2B below compare the efficiency and effectiveness of the effects of the proposed provisions with the existing package of provisions for Rural 2 subdivision by rating the packages in terms of the significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 7.2A

Rural 2 Subdivision - Proposed Package of Provisions - Assessment of the Efficiency & Effectiveness						
1	Assessment Criteria		Assessment of Effects			
			Rating Values: High = 6, Medium = 5, Some = 4,			
			Neutral = 3, Low = 2, Minimal = 1, None = 0.			
			Significance	Cost	Benefit	Risk
1	Sustainable management of District rural land resource		4	3	5	4
2	Protecting productive opportunity		4	3	4	4
3	Providing for activities other than plant /animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and /or rural residential character and amenity		3	3	4	3
5	Economic growth and employment		3	3	3	3
6	Community cohesion / acceptance		4	3	3	3
7	Plan effectiveness and efficiency		3	2	4	3
	Total		27	23	29	26

Table 7.2B

Rural 2 Subdivision - Existing Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4,				
		Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
1	Sustainable management of District rural land resource	4	3	3	4	
2	Protecting productive opportunity	4	4	3	4	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	4
		3.2 Rural business	3	3	3	3
4	Maintaining rural and /or rural residential character and amenity	3	4	3	4	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	4	3	3	3	
7	Plan effectiveness and efficiency	3	4	2	4	
	Total	27	27	23	29	

Efficiency

Although the effects are not considered quantifiable, the table comparison shows that:

- the benefits of protecting the productive potential of Rural 2 zoned land, exceed the cost to the Council and general community of making and adapting to the changes;
- the potential cost of reduced subdivision opportunity to landowners in the future is off-set by the proposed provision for more flexible subdivision based on an average minimum lot size and the retention of the existing Controlled subdivision for existing titles;
- the benefits to the community and landowners of better management of the effects of small lot subdivision on productive potential and rural character and amenity outweigh the costs to the council and community of making and adapting to the changes.

Effectiveness

The methods are transparent (Plan rules for managing subdivision, dwellings and rural character and amenity) and implementable by Council.

Significance

The package of provisions is considered to be of some significance as the proposed provisions are expected to result in the better management of the Rural 2 land resource, which covers most of the District’s rural land area.

7.2.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource and the Plan objective of protecting the productive land resource for plant and animal production for the following reasons:

- Fragmentation of land from the cumulative effects of subdivision creating small lots will be reduced through the package of proposed provisions that better align Plan objectives and provisions.
- Rural character and amenity values will be maintained notwithstanding a continuing demand for subdivision through additional proposed provisions that increase the weight of rural character protection for small lot subdivision.
- A policy approach that discourages second generation or re-subdivision of titles 30 January 2016 is expected to limit land fragmentation into the future while acknowledging the current ‘as of right’ (Controlled) subdivision opportunity which has existed since the inception of the TRMP and which is tantamount to a subdivision right for longstanding property owners.

- The contribution of plant and animal productive activity to economic growth and employment is being sustained and may be enhanced by the combination of productive and improved rural living opportunities.
- The changes are supported by landowners and the community.
- Plan effectiveness and efficiency will be improved.

7.3 Boundary Adjustments

7.3.1 Introduction

Boundary adjustments are a subdivision of existing titles that: (i) does not result in any additional titles, and (ii) adjusts the common boundary between two or more titles.

Council information shows that boundary adjustments and relocations account for almost half of all subdivision in the Rural 1 and Rural 2 zones.

7.3.2 Key Issues

- a) Fragmentation of productive land through boundary adjustments that further reduce non-complying lot sizes as there is:
 - no policy guidance on how much land can go into 'undersize' lots to minimise the loss of productive potential;
 - no policy guidance for approving boundary adjustments for purposes other than productivity improvements;
 - the risk of re-subdivision of large lots occurs as a result of boundary adjustments, despite a small lot 'entitlement' having been taken in exchange for a larger lot; and
 - no definition of or rules for boundary adjustments in the Plan.

7.3.3 Objectives of Proposed Provisions

- a) Reduce the fragmentation of productive land by explicitly providing for the high number of boundary adjustments that occur across the District (proposed provisions 8, 10), and 11)).
- b) Protect productive potential by retaining opportunities for improving land versatility through boundary adjustments (proposed provisions 8, 10), and 11)).
- c) Improve Plan effectiveness and efficiency by providing explicit provisions for the consistent management of boundary adjustments (all Proposed Provisions).

7.3.4 Options Identified to Achieve Objective(s), including Proposed Provisions

Options identified to manage the issues are listed below. The proposed provisions are shaded blue and listed last.

- 1) Status Quo - as per subdivision generally with no specific rules for boundary adjustments.
- 2) Increase information requirement for all boundary adjustments.
- 3) Limit variance in lot size through boundary adjustments to 10%.
- 5) Introduce new rules and specific assessment criteria for boundary adjustments, including the introduction of Controlled activity status for boundary adjustments where the total number of undersize sites does not change from the original site number.
- 6) For Rural 1 and 2 zones, provide a minimum size for lots created through boundary adjustments.
- 7) Introduce a new definition of boundary adjustment to the Plan 'Meanings of Words' (Chapter 2).
- 8) Introduce policy that recognises the range of legitimate reasons for subdivision and for allowing boundary adjustments beyond solely productive purposes.

- 9) Remove (unnecessary) reference to boundary relocation in policy 7.1.3.6.
- 10) Introduce boundary adjustment rules to allow for the creation of titles that are less than the minimum allotment size threshold, where the total number of undersize sites:
 - (i) is reduced in number, as a Controlled activity; and
 - (ii) does not change from the original site number, as a Restricted Discretionary activity;
- 11) Introduce provisions to avoid the re-subdivision of lots created through boundary adjustment.
- 12) Increase the information requirement for all boundary adjustments involving land below 12 ha (Rural 1) and 50 ha (Rural 2), if required.

7.3.5 Effects of the Proposed Provisions

a) Reduced Fragmentation of Land from the Cumulative Effects of Boundary Adjustment

New additional guiding policies and rules for boundary adjustments that discourage re-subdivision of lots created through boundary adjustments and consistently manage the creation of small lots through the boundary adjustments are expected to limit the fragmentation of land.

Benefits

Both the current community and future generations will benefit from (i) better and consistent management of boundary adjustments; and (ii) the sustainable management and continued availability of the productive land resource.

Costs and Risks

None identified

b) Protection of Productive Opportunity

Collectively, the provisions acknowledge and retain the current opportunity for boundary adjustments to retain productive potential whilst improving land versatility but also protects the productive opportunity in the future.

Benefits

The risk of re-subdivision of the large balance lots created through boundary adjustment will be reduced.

Costs and Risks

The risk remains that small lots created through boundary adjustments may continue to increase cross-boundary effects in rural zones and to reduce rural character and amenity.

c) Plan Effectiveness and Efficiency

Explicit Plan provisions for boundary adjustments will improve the ability of the Plan to manage boundary adjustments consistently, rather than relying on consistent staff interpretation.

Benefits

Improved Plan clarity and transparency for both landowners and the community.

Costs and Risks

None identified other than the cost and risk of implementing the new provisions.

d) Economic Growth, Employment and Quantification

The provisions are not expected to have any effect on economic growth or employment as they largely codify current practice.

7.3.6 Assessment of the Efficiency and Effectiveness of the Proposed Provisions

Tables 7.3 and 7.3B below compare the efficiency and effectiveness of the effects of the proposed provisions with the existing package of provisions for boundary adjustments by rating the packages in terms of the significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 7.3A

Boundary Adjustments - Proposed Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
		1	Sustainable management of District rural land resource	4	3	4
2	Protecting productive opportunity	4	3	5	4	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and / or rural residential character and amenity	3	3	3	3	
5	Economic growth and employment	4	3	4	4	
6	Community cohesion / acceptance	3	3	3	3	
7	Plan effectiveness and efficiency	4	3	4	3	
	Total	28	24	29	27	

Table 7.3B

Boundary Adjustments - Existing Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
		1	Sustainable management of District rural land resource	4	3	3
2	Protecting productive opportunity	4	3	4	5	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and / or rural residential character and amenity	4	4	4	4	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	3	3	3	3	
7	Plan effectiveness and efficiency	4	4	2	4	
	Total	28	26	25	29	

Efficiency

Although the effects are not considered quantifiable, the table comparison shows:

- the benefits associated with boundary adjustments that protect productive potential and limit land fragmentation through re-subdivision outweigh the costs and risks associated with further small lot development such as cross-boundary effects;
- the benefits of introducing explicit Plan provisions to manage boundary adjustments outweigh the risks of inconsistency and lack of transparency associated with staff interpretation of Plan objectives and incomplete Plan provisions.

Effectiveness

The proposed provisions are considered to be effective in that the methods are transparent (new and improved Plan provisions to manage boundary adjustments) and implementable by Council. They are expected to be acceptable to the community as they will confirm and clarify current Council practice.

Significance

The proposed provisions are considered to be of some significance in that boundary adjustments constitute about half of all subdivisions.

7.3.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource and the Plan objective of protecting the productive land resource for plant and animal production for the following reasons:

- Productive opportunity will be protected and land fragmentation reduced more effectively than currently through provisions that enable boundary adjustments which protect productive potential and limit further land fragmentation through re-subdivision.
- Plan effectiveness and efficiency (clarity and transparency) will be improved by the new Plan provisions for managing boundary adjustments which constitute about 50% of all subdivisions in the Rural 1 and 2 zones.

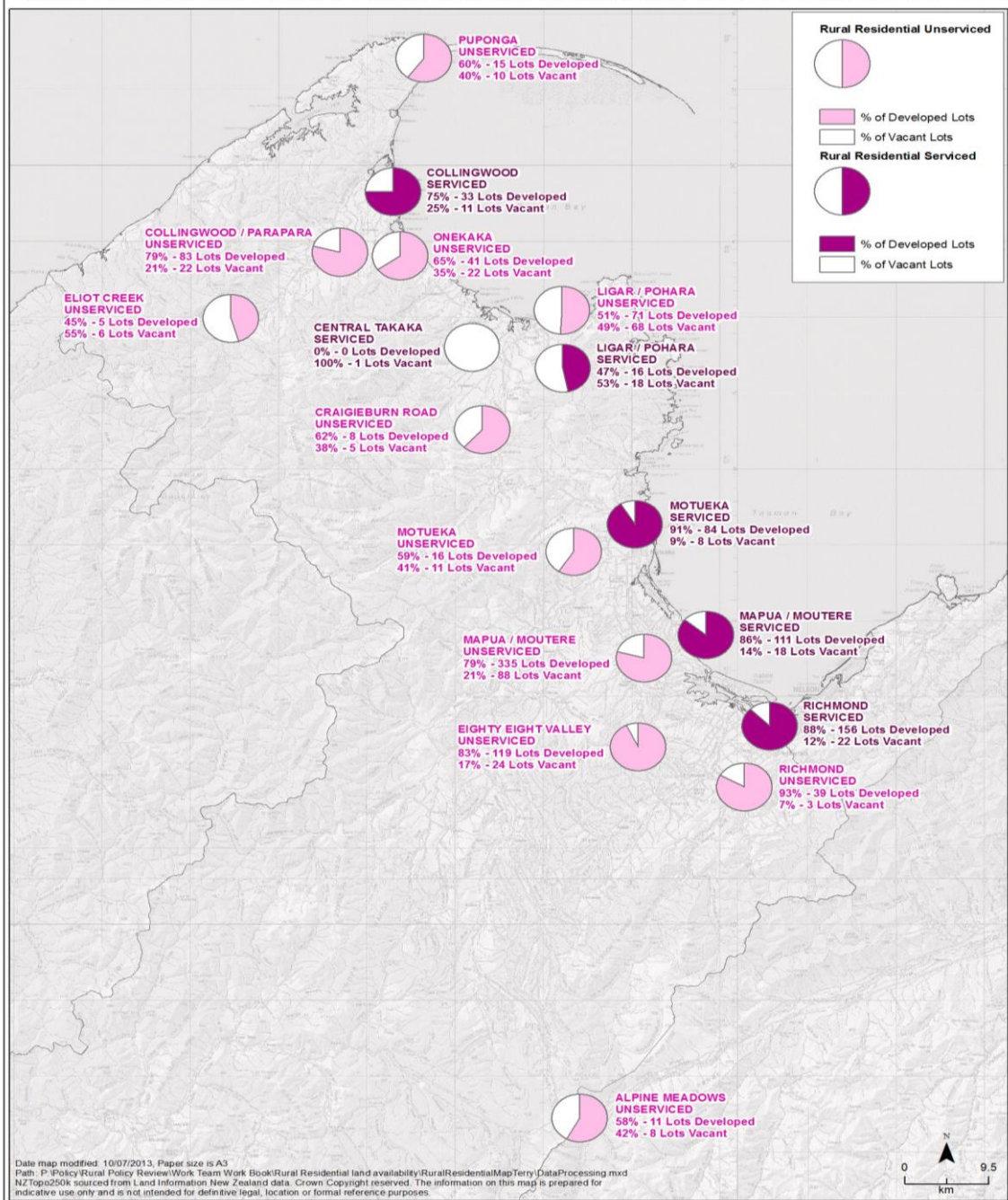
8. Providing for Rural Living Opportunities in Rural Areas without Diminishing the Productive Land Resource

8.1.1 Introduction

The current Plan objective 7.2.2 - providing opportunities for activities other than plant and animal production in rural areas without diminishing the productive land resource - is of relevance to the proposed Plan change topics of (i) rural residential development in the Rural Residential zone and (ii) more flexible living in all rural zones (except the Rural Industrial zone) and co-operative living in the rural production zones (Rural 1 and 2).

The amount of land zoned for Rural Residential purposes in the District increased from 1.2% to 1.4% or by about 600 ha from 4,179 to 4,781 ha between 2007 and 2011. Both Rural 1 and 2 land, almost in equal amounts, was rezoned for this purpose. Generally, rural residential living opportunities are well catered for in Rural Residential zone locations that have good spatial distribution across the District. Demand for Rural Residential zoned land and the market value of rural zoned land increases with proximity to the main urban centres, particularly Richmond. The map below shows the Rural Residential zone locations across the District. Proximate locations are grouped for ease of reference. The map also differentiates between serviced and unserviced areas, and shows the number of titled lots that have been developed for residential use within each zone. Rural Residential zoned land in the vicinity of Richmond, largely, is taken up. Consequently, the Rural 3 zone was created to provide more land for rural residential living opportunities in the vicinity of Richmond and Motueka. Currently there is substantive capacity for further rural residential living in the Rural 3 zone. There are no plans for the further extension of Rural Residential zones next to Richmond. However, Council plans to review the zoning of historical residential clusters in the Rural 1 and 2 zones following this Plan change.

Rural Residential Zoned Land: Vacant vs Unvacanted Titled Lots (data as at Dec 2012)



8.1.2 Key Issues

- The Plan is limited in its ability to manage the cumulative effects of residential development in rural areas, including the rural production areas, due to the lack of a policy framework to manage issues related to their spatial distribution and location in rural areas, either: (i) **in the Rural Residential zone**, (Mapua, Waimea Inlet Rural Residential zone locations excepted); or (ii) **in rural areas outside the Rural Residential zone** namely, Rural 1 and 2 (Takaka-Eastern Golden Bay and Rural 3 excepted). Also, currently the Rural Residential zone is managed as a rural zone, although the use of a rural residential site is defined as primarily for residential rather than productive purposes.
- Diversity in community interests for housing options, decreasing housing affordability and an ageing population mean that Council is under pressure to provide relevant and appropriate

Plan provisions to cater for changes in rural housing demands. The costs of resource and building consents; uncertainty around obtaining affected party approvals during the resource consent process and the associated costs of a hearing where party approval is not given; lack of policy support for alternative housing and housing that supports co-operative production methods; and environmental compliance costs, have all been cited as barriers for people wanting to establish multiple houses on a property.

Demands for additional housing need to be weighed against:

- (i) Council's statutory responsibility to protect the limited amount of high productive value land;
- (ii) the risk of land fragmentation;
- (iii) increased housing on the land which over time may reduce the range of productive opportunities and drive up the value of land;
- (iv) community and neighbours' concerns about the impact of housing on rural character and amenity;
- (v) farmers' concerns that more housing increases the risk of cross-boundary conflicts and through reverse sensitivity, limits the range of farming activities that can be undertaken.

8.1 Rural Residential Development

8.1.3 Objectives of the Proposed Provisions

- a) Provision of a policy and rule framework for the existing Rural Residential zone locations in the coastal, peri-urban and rural areas of the District that:
 - encourages rural residential development which is not associated with plant and animal production to locate in the Rural Residential zone (proposed provision 5));
 - consolidates rural residential development in existing Rural Residential zone locations where appropriate (proposed provision 5));
 - discourages rural residential development which is not associated with plant and animal production on land of high productive value that is not zoned for rural residential or residential purposes (proposed provisions 9));
 - manages rural residential development in zoned locations more efficiently (proposed provisions 5), 7) and 8)).
- b) Improved Plan efficiency and effectiveness by providing for better Plan direction and management of the effects of residential development in rural areas on:
 - rural residential character and amenity of the Rural Residential zone locations (proposed provisions 5), 7) and 8)); and
 - productive potential, rural character and amenity outside of the Rural Residential zone locations (proposed provisions 9) and 10)).

8.1.4 Options Identified to Achieve Objective(s), including Proposed Provisions

Options identified to manage the issues are listed below. The proposed provisions are shaded blue and listed last.

- 1) Apply existing Plan chapter 7.3 policies (applicable to the Coastal Tasman Area and Rural 3) to the Rural Residential zone.
- 2) Manage overall dwelling density in Rural 1 and 2 zones to avoid the adverse effects associated with rural residential development in the productive zones.
- 3) Codify in the Plan the future intention of reviewing the zoning of established residential clusters in Rural 1 and 2 zones for the purpose of determining the most appropriate zoning for the clusters.
- 4) Introduce new Plan provisions that relate to the characteristics of the specific zone locations;
- 5) Encourage consolidation and increased dwelling densities in the Rural Residential zone locations, where appropriate, by:

- retaining the Permitted Activity status for a single dwelling with attached housekeeping unit and Restricted Discretionary activity status for second dwellings;
 - providing for a detached minor dwelling (up to 80sqm in size) as an alternative to an attached housekeeping unit (of any size), on Rural Residential zoned lots at least 2 hectares in size;
 - lowering the activity status of the subdivision rules from Discretionary to Restricted Discretionary. Matters of Restricted Discretion include servicing, access, natural hazards, effects on rural residential character, natural and cultural values and the surrounding rural environment.
- 6) No need for the creation of further Rural Residential zones at this stage.
 - 7) Exclude residential activity in Rural Residential zones from meeting the test of “rural character” as defined; and introduce a new definition of ‘rural residential character’ which would apply to residential activity within the Rural Residential zone. The wording of the definition is to complement the definition of ‘rural character’.
 - 8) Amend Rural Residential zone ‘Building Construction and Alteration’ rules to include performance standards appropriate to rural residential living (building setbacks from boundaries, building coverage).
 - 9) Introduce a new policy to actively discourage the use of high productive rural land for rural residential activity outside of the Rural Residential zone locations, namely: Rural 1 zone and Rural 3 zone - high quality land.
 - 10) Introduce setbacks for dwellings in rural areas from adjacent site boundaries to avoid conflicts between incompatible uses and reverse sensitivity effects on productive land.

8.1.5 Effects of the Proposed Provisions

a) Consolidated Rural Residential zones

The package of proposed provisions (particularly the lower activity status for subdivision and the policy discouragement for out-of-zone rural residential development) in combination with complementary proposed provisions limiting small lot subdivision in the Rural 1 and 2 zones are expected to encourage rural residential development to locate in the Rural Residential and Rural 3 zones rather than in Rural 1 and 2, being rural productive zones.

Benefits

The Rural Residential zone locations currently exist and several have the character and capacity to accommodate further development, (for example, Bay Vista, Eighty-Eight Valley Road, Mapua, Motueka, Permin Road (excluding the Permin Road Spot Zone), Puponga, Redwood Valley, Tukurua/Parapara, Upper Haile Lane, Upper Ligar Bay, Upper Moutere, and the Waimea Inlet). Clustered residential development enables network infrastructure and social servicing efficiencies, and supports community development.

The cumulative adverse effects (land fragmentation, compromised productive potential due to high land values, cross-boundary and reverse-sensitivity effects and demand for inefficient provision of services) associated with scattered residential development in the rural production zones (Rural 1, 2 and 3 – high productive land) are likely to be reduced.

Costs and Risks

As the zone locations have existed for some years, and there are density and servicing limitations in some existing zone locations (for example, Haycock Road, Patons Rock, Collingwood, George Kidd Street, Hill Street North and Hill Street South, Korepo Road, Motueka, Milnthorpe, and Ligar Bay South) due to topography, natural hazards and existing development, the package of proposed provisions may, in themselves, be of limited effect in directing the demand for rural residential living opportunities in the productive zones to the Rural Residential zone and Rural 3.

Consolidation of development may result in loss of amenity within the Rural Residential zone locations.

b) Reduced fragmentation and loss of productive potential in the productive rural zones (Rural 1 and 2)

As mentioned above, the proposed provision discouraging the use of high productive land for rural residential development and the complementary proposed provisions limiting small lot subdivision in the Rural 1 and 2 zones are expected to have some effect on directing demand for rural residential development away from the productive zones to the Rural 3, Rural Residential or urban Residential zones.

Benefits

These proposed provisions are expected to improve opportunities to retain productive potential, minimise fragmentation, reduce cross-boundary effects and manage the productive land resource more effectively.

Costs and Risks

These relate to the costs of change for Council and the community which are considered minimal in relation to the risk of inappropriate, cumulative, residential development in the rural production zones that compromises productive opportunity.

c) Maintenance of rural character, rural residential character and amenity

The package of proposed provisions (particularly the introduction of a definition of rural residential character and performance standards appropriate to rural residential living, (setbacks and building coverage) are expected to address the current issue that in-zone rural residential character is currently assessed against an inappropriate 'rural' standard of amenity and an inappropriate definition of 'rural character' which refers to a predominance of rural productive activities.

Benefits

The new provisions will help to define and maintain an appropriate level of character and amenity within the zone locations as they consolidate.

Costs and Risks

The rural residential character and amenity of zoned locations may compromise the rural character and amenity of neighbouring rural locations if not managed appropriately.

d) Plan effectiveness and efficiency

The new complementary Plan objective relating to zoned rural residential development and the package of proposed provisions together will provide a full policy framework for rural residential activity in the District's rural areas and for the management of the current Rural Residential zone locations. The provisions provide a missing link between Plan outcomes and methods.

Benefits

The provisions will improve the ability of the Plan to manage rural residential development activities more consistently rather than reliance on consistent staff interpretation. This will also improve Plan clarity and transparency.

Costs and Risks

None identified other than the cost and risk of implementing the new provisions.

e) Economic Growth, Employment and Quantification

Benefits

Although impractical to quantify, the proposed provisions are expected to protect the contribution of the high productive land resource to sustainable economic growth and employment for the benefit of current and future generations.

Costs

The proposed provisions are expected to have minimal effects on economic growth and employment.

8.1.6 Assessment of the Efficiency and Effectiveness of the Proposed Provisions

Tables 8.1A and 8.1B below compare the efficiency and effectiveness of the effects of the proposed provisions with the existing package of provisions for rural residential development by rating the packages in terms of the significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 8.1A

Rural Residential Development - Proposed Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
		1	Sustainable management of District rural land resource	3	3	3
2	Protecting productive opportunity	4	3	5	4	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	4	2	4	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and / or rural residential character and amenity	4	2	4	3	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	3	3	3	3	
7	Plan effectiveness and efficiency	4	3	4	3	
	Total	28	22	29	25	

Table 8.1B

Rural Residential Development - Existing Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
		1	Sustainable management of District rural land resource	3	3	3
2	Protecting productive opportunity	4	4	2	5	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	4	3	3	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and / or rural residential character and amenity	4	4	2	4	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	3	3	3	3	
7	Plan effectiveness and efficiency	4	4	2	4	
	Total	28	27	21	29	

Efficiency

Although not considered quantifiable, the table comparison shows that:

- the benefits of maximising the opportunity for the Rural Residential zone locations to absorb the demand for and direct the demand for rural residential living away from high productive land, so that productive potential is protected, does exceed the costs of the change and the costs and risks of retaining the status quo as the zone locations already exist and some have capacity to absorb further development;
- the benefits of managing in-zone rural residential development consistently and appropriately in relation to the character of the location, so that rural residential character and amenity is maintained as development consolidates, exceed the costs and risks of the status quo which

manages the zone as a rural zone and relies on staff/decision-makers interpretation of Plan intentions;

- the social and economic benefits of clustering and consolidating residential development in rural zones so that the adverse effects of scattered lifestyle development in the productive zones exceeds the costs and risks of the status quo as, currently, the Plan is limited in its ability to manage this effectively; and
- the benefits of introducing explicit Plan provisions to manage rural residential zone locations exceed the risks of inconsistency and lack of transparency associated with staff interpretation of incomplete Plan provisions.

Effectiveness

The proposed provisions are considered to be effective in that the methods are transparent (new and improved Plan provisions to manage rural residential development) and implementable by Council. They are expected to be acceptable to the community as, in large measure, they will confirm and clarify current Council practice.

Significance

The proposed provisions are considered to be of some significance in that opportunities that maximise the Rural Residential zone locations capacity to direct demand for lifestyle living away from the productive zones and that clarify the Plan intentions for the various zones in rural areas are expected to contribute to the better management of the District's land resource.

8.1.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource and the Plan objective of providing for rural residential opportunities that are not associated with plant and animal production in rural areas while avoiding the loss of the productive land resource through the provision of locations specifically zoned for rural residential development in that:

- the costs and risks of the erosion of productive potential, land fragmentation and loss of rural character and amenity in the rural productive zones is likely to be reduced by the combination of proposed provisions that:
 - discourage the use of high productive land for rural residential purposes and limit small lot subdivision in the Rural 1 and 2 zones; and
 - improve opportunities for the consolidation of the existing Rural Residential zone locations;
- clustered residential development enables network infrastructure and social servicing efficiencies and supports community development;
- an appropriate level of rural residential character and amenity will be defined and maintained within the zoned locations as they consolidate; and
- Plan effectiveness and efficiency (clarity and transparency) will be improved by the new proposed provisions for managing both in- and out-of-zone rural residential development across the District in that they provide a missing link between Plan outcomes and methods.

8.2 Multiple Housing and Co-operative Living in Rural Zones

8.2.3 Objectives of the Proposed Provisions

- a) Provision of a greater range of housing options to better account for community demands for diversity and for our aging population by:
 - introducing new, improved policy and rule guidance for co-operative living activities in the Rural 1 and 2 zones (proposed provision 31) ;

- amending the current provisions for a secondary attached housekeeping unit by removing the current floor limit of 60 sqm for all rural zones except for the Rural Industrial zone (proposed provision 13);
 - providing for a minor detached minor dwelling opportunity in the Rural 1 and 2 zones for sites of any size and in the Rural Residential zone for sites of 2 hectares and greater (proposed provision 14) as an alternative to an attached housekeeping unit of any size;
 - clarifying that two sleepouts are allowed per dwelling (proposed provision 15).
 - including dwellings in the rules that limit building coverage (proposed provision 16 and 17).
- b) Improved Plan efficiency and effectiveness by amending some existing Plan rules to better reflect Plan objectives and policies (proposed provisions 41- 44).

8.2.4 Options Identified to Achieve the Objectives, including Proposed Provisions

Options identified to manage the issues are listed below. The proposed provisions are shaded blue and listed last.

Secondary Self-Contained Housekeeping Units, Minor Dwellings, Sleepouts and Building Coverage

- 1) Status Quo, retain the current provisions, namely:
 - In Rural 1, Controlled activity status for a single dwelling on a lot greater than 12 ha; Restricted Discretionary if below; second dwelling - Restricted Discretionary for lots 24 ha and above.
 - In Rural 2, Permitted activity status for a single dwelling on a lot; second dwelling - Restricted Discretionary for lots of 50 ha and above.
 - In Rural Residential, Permitted activity status for a single dwelling on a lot; second dwelling - Restricted Discretionary.
 - In Rural 3, Controlled activity status for a single dwelling on a lot; second dwelling - Restricted Discretionary.
 - Otherwise, or if more than two dwellings, default to Discretionary activity status.
 - Attached secondary self-contained residential (housekeeping) unit assessed at same status as dwelling in all zones, despite Restricted/Discretionary status for second residential use.
- 2) Detach secondary housekeeping unit (in Rural 2, 3 and Rural Residential zones only).
- 3) Provide for short life, lower-cost dwellings with an intended life of up to five years.
- 4) Provide any of the options identified for Golden Bay ward only.
- 5) Allow an additional dwelling in Rural 2 for lots of 8 ha and above with increased setbacks.
- 6) Allow second dwellings on small lots (1 ha and below) in Rural 1 and 2 zones.
- 7) In the Rural 2 zone, only, allow a minor residential dwelling in addition to a principal dwelling and attached secondary self-contained residential unit with no limit on distance from principal dwelling, provided the floor area is restricted to 80 sqm. The activity is Controlled if the site is over 50 ha and for sites 25 ha - 50 ha if there is no second dwelling, otherwise Discretionary. Matters of Control to include: location in relation to productivity (including driveway), reverse sensitivity and access. New minor dwelling opportunity to be accompanied by stronger subdivision rules (and or policies) discouraging subdivision of these Rural 2 sites for the purpose of retaining productive opportunity.
- 8) In the Rural 2 zone, enable an additional second dwelling as a: (i) Controlled activity for lots 50 hectares or greater (instead of Restricted Discretionary); and (ii) Restricted Discretionary activity for lots 25 ha – 49 ha (Restricted Discretionary if no minor dwelling, otherwise Discretionary.) Assessment criteria are to include effects on rural character, reverse sensitivity; location in relation to productivity (including driveway) and access. Complement with policy and Non-Complying activity status for subdivision to discourage subdivision.

- 9) Retain the Status Quo for sleepouts. Currently, the Plan defines a sleepout but is 'silent' on the number of sleepouts allowed per dwelling. In practice, this has been interpreted by consent staff as one sleepout per dwelling.
- 10) Retain the status quo for building coverage – that is dwellings as well as green houses excluded from building coverage Permitted or Controlled conditions in Rural 1, 2 3 and Rural Residential zones
- 11) For Rural 1 zone, provide for all floor areas to be Discretionary or Restricted Discretionary activities.
- 12) Retain:
 - In the Rural 1 zone, the existing Controlled activity status for a single dwelling on a lot greater than 12ha; Restricted Discretionary if below.
 - In Rural 2, the existing Permitted activity status for a single dwelling on a lot.
 - In Rural Residential, the existing Permitted activity status for a single dwelling and Restricted Discretionary for a second dwelling on a lot.
 - In Rural 3, the existing Controlled activity status for a single dwelling and Restricted Discretionary for a second dwelling on a lot.
- 13) Retain the status quo provisions for an attached secondary self-contained residential housekeeping unit but (new) remove the 60 sqm limit on the floor area in the Rural 1, 2, 3 and Rural Residential zones.
- 14) Provide for a detached minor dwelling (up to 80 sqm in size or 120 sqm with an attached garage) as an alternative to an attached housekeeping unit (of any size), regardless of lot size, as a Controlled activity in Rural 2 and a Restricted Discretionary activity in Rural 1 and in the Rural Residential zone, for lots of at least 2 hectares in size, as a Controlled activity.
- 15) Amend the current sleepout provisions to clarify that two sleepouts per dwelling are allowed (Permitted) for all rural zones, except the Rural Industrial zone, provided each sleepout is 36m² floor area, and 20m from dwelling
- 16) Amend the building coverage rules for Rural 1, 2 and 3 to provide that the total area of all buildings on the site, excluding glasshouses, is not greater than 600m² OR is not greater than 5% of the net site area (up to a maximum of 2,000m²), whichever is the greater. The Rural 2 exemption for Rural 2 sites greater than 25 ha remains.
- 17) Amend the building coverage rules for the Rural Residential zone to provide that the total area of all buildings on the site, excluding glasshouses, does not exceed 20% of the net site OR is not greater than 600m² whichever is the smaller.

Co-operative living (also known as communal living or intentional communities or cluster housing)

- 20) Status Quo – retain the existing policy for communal living and Discretionary status for any activity.
- 21) Allow small-scale intentional communities in Rural 2 and 3 zones.
- 22) For Rural 2 only: Reduce activity status to Permitted where following standards can be met:
 - (i) site is greater than 50 ha and owned/managed by a registered legal entity (e.g. a trust, incorporated society, or company, but does not include partnerships);
 - (ii) no access off a state highway;
 - (iii) maximum four dwellings (no secondary attached residential units);
 - (iv) maximum floor area for each dwelling of 100m² or 200m²;
 - (v) maximum of four sleep outs (total on property and including habitable vehicles no longer registered and/or warranted).
 - (vi) maximum height of all residential and communal buildings 5.5m – single storey;
 - (vii) one communal facility not exceeding 200m² floor area;
 - (viii) total building coverage not to exceed 5% of total land area and no more than 2000m²;
 - (ix) on-site parking;
 - (x) single access point from a Council road, with main driveway to be at least 50m from neighbouring property boundary;

- (xi) all residential and communal buildings 100m from internal property boundaries, where land is in different ownership (for clarity, this restriction does not apply to farm sheds); and
- (xii) accurate and complete site plan showing all buildings, parking and vehicle access to be submitted to Council upon lodgement of any building consent application.

For Rural 3 sites: Controlled activity status for buildings (as per existing rules); soil quality and subject to design controls as per Coastal Tasman Area Design Guide.

Other activities on the site would be subject to the Plan rules and Council regulations.

- 23) Provide for co-operative living in particular locations within the District only, such as Golden Bay.
- 24) Introduce Restricted Discretionary status for Unit Title Subdivision in the Rural 2 zone.
- 25) Provide for co-operative living, provided a management Plan is submitted with the application.
- 26) Create new policy to recognise shared land/community land trust as a mechanism for co-operative living with a particular activity status.
- 27) Allow additional development opportunities within a radius of community services (nominal example is 3km radius from a school) in the Rural 2 and Rural Residential zones only.
- 28) Extend the Rural 3 concept to Rural 2 zoned land.
- 29) Retain the Status Quo, i.e. Discretionary activity status for co-operative living, but amend existing policy to introduce new policy/ies to specifically support co-operative living in Rural 2. Unit title subdivision is to be included as an example of how such policy may be given effect to.
- 30) Introduce new 'limited notification' statements in the Plan for co-operative living. Limit notification to affected parties only.
- 31) Expand the existing policy for co-operative living and introduce new rules to support co-operative living in the Rural 1 and 2 zones as a Restricted Discretionary land use activity and as a Discretionary subdivision activity provided the consent for subdivision is applied for at the same time as the as the land use consent.

Technical Fixes

- 40) Amend the rural zone height rule to reduce complexity. Conditions are to be grouped together or amalgamated into one condition.
- 41) Retain the status quo for Workers Accommodation.
- 42) Amend the Rural 2 zone second dwelling rule to read more clearly and be more consistent with the Rural 1 zone rule.
- 43) Amend the definition of Residential activity so that it clearly includes a dwelling, where that dwelling may also include a secondary self-contained housekeeping unit (i.e. one residential activity may include two self-contained housekeeping units).
- 44) Include provisions that specify where a self-contained housekeeping unit is not attached to a dwelling it will be considered a minor or second dwelling and be subject to DC's and FC's.

8.2.5 Effects of the Proposed Provisions

a) Provision for a range of living opportunities without diminishing the productive resource

Rural 1 and 2 Zones

The new limitation on the number of sleepouts, removal of the limit on the floor area of an attached housekeeping unit, minor dwelling, building coverage limit for all buildings (excluding glass houses) and co-operative living provisions will apply to the Rural 1 and 2 zone.

Benefits

The proposed provisions are expected to maintain or possibly improve the protection for production potential that the current rules offer as:

- building coverage will be more appropriately limited, as all Rural 1 titles and more than half of Rural 2 titles fall within the ambit of the new standard;
- the number of sleepouts permitted is now clear and limited; and
- although the limit on the 60 sqm floor area of the attached housekeeping unit has been removed, if the building area is extended or is larger than 60 sqm, that extension occurs within the curtilage area of the primary dwelling and in the Rural 1 zone, the activity status for the first dwelling is Controlled for the purpose of protecting productivity;
- innovative plant and animal production opportunities and efficiencies are enabled through the proposed co-operative production and living arrangements;
- plant and animal production opportunities and efficiencies could be enhanced by the additional and more flexible dwelling and accommodation opportunities (such as housing for management; for succession planning; and co-operative or extended family living).

The proposed provisions are expected to accommodate modern family and living requirements with greater flexibility than the current provisions.

Costs and Risks

There is a risk that large attached secondary housekeeping units extend building coverage beyond the existing curtilage area onto productive land.

The risk of cross boundary effects is considered to be minor as the detached second minor dwelling is proposed to be a Controlled activity in the Rural 2 zone and Restricted Discretionary activity in the Rural 1 zone and all habitable buildings are required to be set back 30 metres from internal boundaries.

The risks of over capitalisation of lots, increased pressure for subdivision and consequent land fragmentation are considered minimal due to the limited size of the second detached minor dwelling and the overall limit on building coverage which now include dwellings.

Rural Residential and Rural 3 Zones

The proposed provisions limiting the number of sleepouts and removing the limit on the floor area of attached housekeeping unit also apply to these zones.

Also, the opportunity for a second detached minor dwelling as an alternative to an attached second housekeeping unit applies to Rural Residential zone, for lots of at least 2 hectares in size, as a Controlled activity.

Benefits

For these zones, (as for Rural 1 and 2 zones above) the proposed provisions are expected to accommodate modern family and living requirements with greater flexibility than the current provisions

For the Rural 3 zone, any extension of building area which occurs as a result of these provisions will occur within the curtilage area of the primary dwelling, the location of which is a Controlled activity for the reason, amongst others, of protecting productive potential. As for the Rural 1 zone above, the proposed provisions are not expected to adversely affect the potential of high productive land.

Costs and Risks

The risk of cross boundary effects on neighbouring productive land is considered to be minor as the new detached second minor dwelling opportunity is proposed to be a Controlled activity in the Rural Residential zone. Also, habitable buildings are required to be set back 30 metres from the boundaries of the productive zones Rural 1, 2 and Rural 3.

b) Maintenance of rural character and amenity

Benefits

The proposed provisions that affect all zones - the limit on the number of sleepouts to two and the removal of the limit on the floor area of an attached housekeeping unit - are not expected to adversely affect rural /residential character or amenity for the same reasons as they are not expected to affect productivity, namely:

- lots in all zones (25 ha and below for Rural 2) are subject to a building coverage limit;
- if the building area is extended, that extension will occur within the curtilage area of the primary dwelling.
- all habitable buildings are required to be setback 30 metres from internal or zone boundaries.

Risks

Non identified.

c) Economic growth, employment and quantification

Although impractical to quantify, the proposed provisions are expected to protect and possibly enhance the contribution of the productive land resource to sustainable economic growth and employment for the benefit of current and future generations while enabling more flexible rural living opportunities in rural areas.

Benefits

The combination of retaining productive opportunity and enabling more flexible rural living opportunities is likely to stimulate the rural areas from both social and economic perspectives.

Cost and Risks

As for (a) above.

d) Plan effectiveness and efficiency

Benefits

Plan effectiveness and efficiency will be improved by consistency in the treatment of the number of residential activities and rural dwellings permitted as well as the clear provisions relating to sleepout numbers;

Costs and Risks

None identified.

8.2.6 Assessment of the Efficiency and Effectiveness of the Proposed Provisions

Tables 8.2A and 8.2B below compare the efficiency and effectiveness of the effects of the proposed provisions with the existing package of provisions for multiple housing and co-operative living by rating the packages in terms of the significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 8.2A

Multiple Housing and Co-operative Living - Proposed Package of Provisions - Efficiency & Effectiveness Assessment						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4,				
		Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
1	Sustainable management of District rural land resource	4	3	4	4	
2	Protecting productive opportunity	4	3	4	4	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	4	3	6	4
		3.2 Rural business	3	3	4	3
4	Maintaining rural and / or rural residential character and amenity	3	3	4	3	
5	Economic growth and employment	4	3	4	3	
6	Community cohesion / acceptance	4	2	4	3	
7	Plan effectiveness and efficiency	3	3	4	3	
	Total	29	23	34	27	

Table 8.2B

Multiple Housing and Co-operative Living - Existing Package of Provisions - Efficiency & Effectiveness Assessment						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4,				
		Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
1	Sustainable management of District rural land resource	4	3	3	4	
2	Protecting productive opportunity	4	4	3	4	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	4	3	4
		3.2 Rural business	3	3	3	3
4	Maintaining rural and / or rural residential character and amenity	3	3	3	4	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	4	4	2	4	
7	Plan effectiveness and efficiency	3	3	3	3	
	Total	27	27	23	29	

Efficiency

The table comparison shows that:

- the social and economic benefits and risks of providing for more flexible living arrangements enabling greater diversity of productive methods and living arrangements to landowners and the community exceed the benefits and risks of the current Plan provisions which provide limited flexibility for both landowners and the community other than in the Rural 3 zone; and
- the benefits of community support for the proposed provisions outweigh the current risk of non-compliance with current Plan provisions.

Effectiveness

The proposed provisions are effective in that they are supported by the community which has expressed the need for more flexible and diverse rural living opportunities to enable more flexible and diverse use of plant and animal production opportunities.

Also the methods are transparent (Plan rules for managing subdivision, dwellings and rural character and amenity) and implementable by Council.

Significance

The proposed provisions are considered to be of some significance in that provision of improved co-operative and living opportunities in rural production areas and improved rural residential

opportunities in the rural residential zone locations is likely to contribute to sustaining the contribution that plant and animal production activities make to economic growth and employment .

8.2.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource and the Plan objective of providing for more diverse and flexible living opportunities in rural areas while avoiding the loss of the productive land resource in that:

- the provisions for co-operative production and living enable innovative plant and animal production opportunities and efficiencies;
- the additional and more flexible dwelling and accommodation opportunities enhance plant and animal production opportunities and efficiencies (such as providing housing for management; succession planning; and co-operative or extended family living).
- the community and landowners specifically requested and are expected to support provision of a more diverse range of living opportunities associated with plant and animal production activities;
- Plan effectiveness and efficiency will be improved by the technical amendments.

9. Providing for Business Opportunities in Rural Areas without Diminishing the Productive Land Resource

The current Plan objective 7.2.2 - providing opportunities for activities other than plant and animal production in rural areas without diminishing the productive land resource - is of relevance to the proposed Plan change topic of providing for business opportunities in rural areas.

9.1.1 Introduction

Commercial and Industrial Activities

Council's current approach to commercial and industrial activity is to support the Commercial and Industrial zones as the preferred location for these activities in the District. In the rural areas, Council manages commercial and industrial activity that is located or best located in a rural area through zoning (Tourist Services and Rural Industrial zones) and through the resource consent process.

Council planning information shows that a high proportion of rural business consents relate to retail activities and commercial services which do not rely on the soil resource (or are not directly related to the production of land-derived goods from that site). A significant proportion (64%) of these consents is for activities located in Rural 1 zone. These activities include such things as cafes, breweries, festivals, storage, tourism activities, education activities, transport depots, mechanical repair shops. This may reflect the demand from businesses to be located near existing infrastructure or on land in close proximity to urban centres – which also tend to be located on high quality land. Also, it may indicate that the Plan provisions for managing activities other than plant and animal production on high quality land may not be operating as intended (TRMP Effectiveness Evaluation report, 2013, refers).

Home Occupations

Home occupations are small-scale commercial and industrial activities carried out by site residents. Beyond a certain size and scale and, inherently, some types of home occupation activities are likely to cause cross-boundary effects (traffic effects, noise, odour, dust). Cumulatively, such activities have the potential to undermine the primary purposes of the zones in which they are located (plant and animal production and/or residential use and the zones designed to accommodate the activity (commercial or industrial zones). Rubbish collection and fibre-glassing are examples of activities that inherently have the potential to cause adverse effects. The management of these effects needs to be balanced with the social and economic aspirations of people wanting to make a living from their property.

Temporary Activities

Council has to manage issues arising from a range of short duration, one-off or sometimes intermittent activities that involve movement of numbers of people to a site and its occupation or use, together with a range of effects. Examples of these activities are festivals, concerts, sporting events or location filming. Many temporary activities have some commercial or business purpose. Others may be charitable or recreational in nature. All of these activities may yield effects such as traffic, noise, glare, temporary erection or use of buildings or other structures, but generally these effects are of short duration and with no lasting impact. Some community and recreation events are permitted activities in the Recreational zone. Other large events of a community or business nature are usually required to obtain resource consent. Requiring resource consent for temporary activities may be overly restrictive if the adverse effects are of short duration only, with no lasting impact.

9.1.2 Key Issues

- a) The Plan is limited in its effectiveness in managing the effects of business activities in rural areas without diminishing the productive land resource, due to Plan provisions that do not account for the varying productive potential of rural land as indicated by the different zones (Rural 1, 2 and Rural Residential).
- b) The Plan is limited in its effectiveness in managing the cross-boundary / reverse sensitivity effects associated with home occupations in the rural production zones (Rural 1, 2 and for lots 4 ha and above in Rural 3), as the Plan provisions provide no guidance on (i) appropriate and less appropriate activity types; (ii) gross site coverage (indoor and outdoor) of the activity; and (iii) traffic related to the home occupation other than for a shared access/private right-of-way.
- c) The Plan is limited in its effectiveness in managing temporary activities that occur in the rural areas of the District and temporary military training activities that occur throughout the District due to the lack of Plan provisions for these activities which may have effects that temporarily exceed Plan performance standards but with no lasting impact.

9.1.3 Objectives of Proposed Provisions

- a) Reduced adverse effects of rural commercial and industrial activities on the productive potential of land with high productive value (in the Rural 1 zone) (proposed provisions 3, 9));
- b) Reduced adverse cross-boundary and reverse-sensitivity effects associated with rural business activities including home occupations on rural and rural residential amenity in the rural production zones Rural 1, 2 and for lots 4 ha and above in Rural 3) (proposed provisions 2), 9), 20));
- c) Provision of a policy and rule framework to better manage the effects of temporary activities occurring in the rural production zones (Rural 1 and 2), and temporary military training activities (proposed provisions 28) - 32)).
- d) Improved Plan efficiency and effectiveness through better Plan guidance and management of the effects of business activities in rural areas, (proposed provisions 4), 5), 6), 7), 8), 9), 21), 22), 29) and 30)).
- e) Retained and improved contribution of rural business and temporary activities to the social vibrancy, economic growth and employment in rural areas (proposed provisions 3), 19), 28) and 30)).

9.1.4 Options Identified to Achieve the Objectives, including Proposed Provisions

Options identified to manage the issues are listed below. The proposed provisions are shaded blue and listed last.

Commercial and Industrial Activities

- 1) Increase the activity status of commercial, industrial and rural industrial activities in the Rural 1 from Discretionary to Non-Complying.
- 2) Introduce a new rule to limit the hours of business (commercial, rural industrial and industrial) and home occupation traffic in all rural zones excluding traffic associated with:
 - home occupation visitor accommodation,
 - rural selling places, and
 - vehicles that are being used for or in connection with plant and animal production activities - on the local road network (i.e. excluding arterial roads) between the hours of 10.00 pm – 6.00 am.
- 3) Retain the Discretionary activity status for industrial and commercial activities in the Rural 1 zone but introduce new matters of assessment that clarify that:
 - the Rural 1 zone (and other rural productive and living zones) are not designed to contain or manage the cumulative effects of business activities which are better located in commercial and industrial zones designed for those purposes;
 - the primary objective of the Rural 1 zone is to protect high productive land for plant and animal production.

In keeping with the primary purpose of the Rural 1 zone, the following commercial and industrial activities are considered more appropriate than other such activities in the zone:
(i) re- use of an existing building for an activity; (ii) activities that support or are substantially connected with plant and animal production activities.
- 4) Increase the activity status of commercial, industrial and rural industrial activities in the Rural Residential zone from Discretionary to Non-Complying.
- 5) Amend the definitions of commercial and rural industrial (activity) for consistency and clarity by including the words “primary purpose” in the definitions as per the ‘industrial activity’ definition.
- 6) Delete the word “recreational” from the Plan definition of “commercial activity”.
- 7) Refine the restrictions on dwellings or residential activities locating within 300m of a quarry so that the setback applies only to hard rock quarries that are likely to cause the noise, dust and vibration effects that warrant such a setback. (Topic 3B, Technical Fix 1).
- 8) Amend the definition of ‘Rural Industry’ to:
 - clarify that a rural transport and contractors depot or yard, pack house and cold storage is included within the ambit of the definition; and
 - achieve consistency with similar definitions.
- 9) Introduce a new rule in the rural zones (Rural 1, 2, 3 and Rural Residential) that limits the maintenance, repair, storing or parking of more than one heavy vehicle (excluding agricultural machinery) with a gross laden weight of 3,500 kgs or more that is being used for or in connection with any commercial, industrial or rural industrial activity.

Home Occupations in Rural Zones (Rural 1, 2, 3 and Rural Residential)

- 10) Status Quo – home occupations in the Rural 1, 2, 3 and Rural Residential zones, home occupations are Permitted activities subject to conditions which trip to Restricted Discretionary. In summary, the provisions for Rural Residential and Rural 3 sites below 4 ha are the same and marginally more prescriptive than those for the Rural 1 and 2 and for sites 4 ha and above in Rural 3.
- 11) Define Home Occupation gross coverage per site (with limits for indoor and outdoor coverage) in the Rural 1, 2, 3 and Rural Residential zones.
- 12) Reduce the number of non-resident FTE employees from two to one in the Rural 1, 2, 3 and Rural Residential zones.
- 13) Rely on the general zone and regional discharge rules to manage offensive and noxious home occupation activities in Rural 1, 2 and Rural 3: 4 ha and above zones.

- 14) Require all “processing” type activity, to occur in an enclosed building in Rural 1, 2 and 3: 4 ha+.
- 15) In Rural 1, restrict home occupations that are not associated with plant and animal production by requiring such activities to be carried out in a dwelling.
- 16) Apply Rural Residential zone rules to Rural 1, 2 and 3: 4ha+.
- 17) Instead of introducing a rule to limit the hours of home occupation traffic, excluding visitor accommodation and rural selling places, from 10 pm to 6.00 am - rely on existing zone and regional rules to manage traffic effects.
- 18) Limit traffic effects of home occupations by limiting vehicle movements per day (VPD) on the site of the activity in the Rural 1, 2 & 3 and Rural Residential zones.
- 19) Retain the Status Quo – for home occupations in the Rural 1, 2, 3 and Rural Residential zones, subject to the addition of the new proposed provisions.
- 20) Introduce new rules limiting the following home occupation activities which have potentially offensive cross-boundary effects in Rural 1, 2 and 3: 4ha and above as follows:
 - (a) Activities to take place indoors - motor vehicle repairs or dismantling, motor-body building, spray painting, fibre-glassing, sheet-metal working, fibre-glassing. Activity status: Permitted, otherwise Restricted Discretionary.
 - (b) Activities that are restricted - bottle or scrap storage, rubbish collection, animal body part processing including composting. Activity status: Restricted Discretionary.
- 21) Delete the Plan rural zone rule that limits the emission of offensive and pervasive dust or odours to those discernible in a Residential zone as the rule is unnecessary and conflicts with the relevant regional discharge rules.
- 22) Introduce a new defined term to replace ‘soil-based productive activity.’

Temporary Activities

- 23) Status Quo - The Plan provides for temporary activities in very limited circumstances:
 - Temporary activities are permitted that are ‘ancillary or incidental to building and construction work for a period of 12 months or the duration of the activity, whichever is the lesser; and
 - Galas fetes, craft fairs and sporting events are permitted activities in the Recreational zone;
 - Commercial activities (the definition of which currently excludes recreation, community and home occupation activities) are Discretionary activities in the Rural 1, 2 & 3 and Rural Residential zones;
 - Community activities are Restricted Discretionary activities in the Rural 1, 2 & 3 and Rural Residential zones.
- 24) Permit temporary activities that are ‘events’ subject to performance standards in Rural 1 and 2 zones, or alternatively, also in the Rural 3 and the Rural Residential zones.
- 25) Permit temporary activities that are not events and last longer than an event; subject to performance standards relating to the scale and duration of the event, in Rural 1 and 2 zones, or alternatively, also in the Rural 3 and the Rural Residential zones.
- 26) Restrict temporary activities that are motorised sporting events and events involving repetitive gunfire as a Restricted Discretionary activity.
- 27) Introduce a new rule that allows motor sporting events in the Rural 1 and 2 zones that are exempt from the zone noise rules for a maximum of 2 days per annum between the hours of 8.00 am – 6.00 pm only.
- 28) Introduce new provisions (policy and rules) that allow Temporary Activities for all purposes subject to performance standards relating to the scale and duration of the activity in the Rural 1 and 2 zones. Activity status: Permitted, otherwise Restricted Discretionary or Discretionary.

- 29) Introduce a new rule that allows public events in the Rural 1 and 2 zones that are exempt from the zone noise rules for a maximum of 2 consecutive days per site per annum between the hours of 8.00 am – 6.00 pm only.
- 30) Amend the Rural 1, 2 & 3 and Rural Residential zone rule that excludes noise from any intermittent or temporary rural activity from the noise standard to clarify that the rule applies only to plant and animal production.
- 31) Introduce new definitions of the terms 'temporary activity' and 'temporary military training activity'.
- 32) Introduce new provisions to manage temporary military training activities in the District subject to performance standards relating to separation distances from other activities and noise.

9.1.5 Effects of the Proposed Provisions

a) Provision for temporary and new business activities in rural areas without diminishing the productive land resource or productive opportunity

The new (discretionary) matters of assessment that will guide what (new) commercial and industrial activities are appropriately located in the Rural 1 zone are expected to reduce the effects of business activities on the high productive land resource of the Rural 1 zone in the context of the analysis below.

An analysis of consents issued for activities in the Rural 1, 2 and 3 zones over the 15-year period between 1997 and 2011 shows that a high proportion of rural business consents relate to retail activities and commercial services which do not rely on the soil resource (or are not directly related to plant and animal production from that site). A significant proportion (about 158 of 247 or 64%) of these consents is for activities located in Rural 1 zone.

Also, the new rules limiting the parking and storage of more than one heavy vehicle, (agricultural machinery excepted) being used for or in connection with commercial, industrial and rural industrial activities in the rural zones; and clarification that the current rural zone rule that excludes noise from 'intermittent or temporary rural activities' from the zone noise standards applies only to plant and animal production activities are expected to reduce the effects of business activities on the rural productive land resource.

Benefits

Suitable new business opportunities and existing business continue to be provided for but with better opportunity to reduce effects on plant and animal production opportunities.

Costs and Risks

New businesses not associated with plant and animal production opportunities but preferring to establish on Rural 1 zoned land, rather than other rural land, will bear any cost associated with provisions. Based on the above information, it is estimated that the new matters of discretion may affect about 16 businesses per annum. However, the costs of any lost opportunity to prospective businesses are considered optional as there is no change to the existing opportunities in the Rural 2, Rural Industrial, Industrial and Commercial zones.

b) Maintenance of rural and rural residential character and amenity

The new proposed provisions that:

- (i) restrict night time business traffic on local rural roads;
- (ii) restrict the storing and parking of heavy vehicles (agricultural machinery excepted) being used for or in connection with commercial, industrial and rural industrial activities in rural areas;
- (iii) restrict or limit 'to the in-doors' the types of home occupations activities with the potential to generate particularly offensive effects; and
- (iv) discourage commercial industrial and rural industrial activities from establishing in the Rural Residential zone;

are expected reduce the cross-boundary effects of business activity on the character and amenity of the rural zones (excluding the rural business zones).

The new proposed provisions that regulate temporary military training activities in the District are expected to minimise the effects of these activities on the local environment and communities, particularly noise effects.

Benefits

Business activity continues to be provided for and accommodated in the rural production zones at Discretionary level, particularly the Rural 2 zone. Similarly, generally, home occupations continue to be Permitted in all rural zones. The proposed provisions, however, reduce the opportunity for conflict between incompatible activities and improve the opportunity to maintain the character and amenity associated with the activities primarily intended to occur in the zone.

Currently the Plan does not provide for temporary military training activities (TMTAs) and the New Zealand Defence Force (NZDF) does not have training facilities in the District. However, it does undertake TMTAs across the country as part of its function of maintaining national security. Due to the specialised nature of TMTAs, the NDF has developed specialised provisions for managing noise effects for incorporation in District plans in New Zealand nationwide. The provisions which, in the first instance, provide for separation distances between the TMTAs and sensitive receiving environments, and secondly, provide for noise management plans and sound pressure levels, will ensure that TMTAs are appropriately managed if they occur in this District.

Risks

Business activity that generates cross-boundary effects such as traffic effects, noise, dust and odour will bear any cost associated with the proposed provisions. For most businesses and home occupations operating in rural areas, the costs of adapting to the new provisions is expected to be minor.

c) Social vibrancy, economic growth, employment and quantification

Only business activity on the scarce high productive Rural 1 land resource (consented at the rate of about 16 businesses per annum) and home occupation activity that generates particularly offensive cross-boundary effects, is expected to be restricted by the proposed provisions.

The proposed provisions that permit temporary activities in the (Rural 1 and 2 zones), provided that performance standards relating to scale and duration are complied with, acknowledge the importance of temporary activities to the wellbeing and functioning of communities. They also acknowledge that these activities may not always comply with some of the performance standards but that requiring resource consent for such activities is considered overly restrictive provided adverse effects are of short duration only, with no lasting impact.

Between 1997 and 2011, 335 land use consents were granted in Rural 1, 2 and 3 for land use activities including activities associated with processing horticultural and agricultural produce grown on site. About 5% of these consents (18 of 335) were for temporary activities such as festivals in the Rural 1 and 2 zones. This means that on average, between 1 and 2 consents per year may be affected by the new temporary activity provisions. These activities may still need to obtain a Discretionary consent if they do not comply with the relevant proposed performance standards (TRMP Effectiveness Evaluation report, 2013 refers).

Benefits

The social, economic and employment contributions that the vast majority of small and regular businesses make to the rural community and the general economy will continue to be acknowledged and supported by the current and new proposed provisions with reduced opportunity for conflict between incompatible activities and diminished productive opportunity.

The new proposed provisions for temporary activities in the rural production zones (Rural 1 and 2) will clarify the status of much of this activity and may increase the opportunities for temporary activities to contribute to social vibrancy, economic growth and employment in rural areas.

The cost to the Council, ratepayers and applicants of consenting some of these temporary activities may be saved.

Cost and Risks

The costs and risks to the small proportion of affected business activity that may be affected by the proposed provisions is considered minimal in that there remains a choice of appropriate locations for new business opportunities to establish in both rural and urban zones.

There is a risk that temporary activities not complying with some of the performance standards of the Plan may cause adverse effects but these are expected to be occasional, of short duration and without lasting effect. Also, activities that are not likely to comply with the zone noise standards will be required to obtain a resource consent, or in the case of an annual two-day public event, to limit noise to working hours.

d) Plan effectiveness and efficiency

Plan effectiveness and efficiency is expected to be improved by the several proposed new definitions and amended existing definitions and provisions that clarify purpose and meaning to ensure that intended outcomes are achieved, notably: clarification that a rural transport and contractors depot or yard is included within the ambit of the definition of Rural Industry; and clarification that noise from any intermittent or temporary rural activity from the zone noise rule applies only to plant and animal production activities. The new defined phrase ‘plant and animal production’ activity replaces the current Plan phrase ‘soil-based productivity’. The new phrase is expected to improve Plan guidance regarding the type of activity that a zone or provision is intended to accommodate.

Benefits

Increased clarity regarding Plan intentions will benefit Plan users and the general community.

Costs and Risks

None identified other than those associated with making and implementing the changes.

9.1.6 Assessment of the Efficiency and Effectiveness of the Proposed Provisions

Tables 9.1A and 9.1B below compare the efficiency and effectiveness of the effects of the proposed provisions with the existing package of provisions for rural business by rating the packages in terms of the significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 9.1A

Rural Business - Proposed Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria	Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
1	Sustainable management of District rural land resource	4	3	4	3	
2	Protecting productive opportunity	4	3	4	3	
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	4	3
		3.2 Rural business	4	3	3	3
4	Maintaining rural and / or rural residential character and amenity	3	3	4	3	
5	Economic growth and employment	3	3	4	3	
6	Community cohesion / acceptance	3	2	4	3	
7	Plan effectiveness and efficiency	3	2	4	3	
	Total	27	22	31	24	

Table 9.1B

Rural Business - Existing Package of Provisions - Assessment of the Efficiency & Effectiveness						
	Assessment Criteria		Assessment of Effects			
			Rating Values: High = 6, Medium = 5, Some = 4,			
			Neutral = 3, Low = 2, Minimal = 1, None = 0.			
			Significance	Cost	Benefit	Risk
1	Sustainable management of District rural land resource		4	4	3	3
2	Protecting productive opportunity		4	4	3	4
3	Providing for activities other than plant/animal production without diminishing the productive land resource	3.1 Rural living	3	3	3	3
		3.2 Rural business	4	3	3	3
4	Maintaining rural and / or rural residential character and amenity		3	3	3	3
5	Economic growth and employment		3	3	4	3
6	Community cohesion / acceptance		3	3	3	3
7	Plan effectiveness and efficiency		3	3	3	3
	Total		27	26	25	25

Efficiency

The table comparison shows that:

- the benefits of reducing the adverse effects of business activity (not associated with plant and animal production or not utilising existing buildings) on the Rural 1 high productive land resource, outweigh any costs to business activity as, overall, home occupations continue to be permitted activities and commercial and industrial activities are accommodated as previously on Rural 2, and Rural Industrial zoned land with the exception (for Rural 2) of commercial, industrial or rural industrial activities involving the maintenance, repair, storing or parking of more than one heavy vehicle (agricultural machinery excepted);
- the benefits of reducing the opportunities for conflicts between incompatible business activities and maintaining the amenity and character associated with the activities primarily catered for in the rural zones (rural productive or rural residential) outweigh the costs to business of adapting to the provisions;
- the new proposed provisions for temporary activities in the rural production zones (Rural 1 and 2) will clarify the status of much of this activity and may increase the opportunities for temporary activities to contribute to social vibrancy, economic growth and employment in rural areas;
- the social and economic benefits (including a high level of community support) associated with permitting temporary activities that comply with performance standards relating to scale, duration and noise outweigh the risks of the temporary adverse effects that may be generated as these are expected to be occasional, of short duration and without lasting effect; and
- the benefits to the community of clarifying the intended meaning of Plan provisions through new and improved definitions and provisions outweigh the costs of making the changes to the Plan.

Effectiveness

The proposed provisions are effective in that in so far as the protection for the productive land resource is improved, the opportunity to achieve Plan outcomes is improved. The adverse effects of business activity identified by the community through complaints to Council as well as the community feedback received for this proposed Plan change are expected to be addressed.

Also the methods are transparent (Plan rules for managing the effects of business activities in rural zones) and implementable by Council.

Significance

Overall, business activities will continue to be accommodated in rural areas, thus the proposed provisions are considered to be of limited significance for business but of some significance to maintaining the potential of productive land.

9.1.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource and the Plan objective of providing for rural business opportunities other than plant and animal production in rural areas while avoiding the loss of the productive land resource in that:

- business opportunities continue to be provided for as currently (at Discretionary assessment level) in the rural productive zones, but with improved opportunity to reduce effects on productive opportunity and the Rural 1 high value productive land resource;
- business opportunities (particularly home occupations) continue to be provided for in rural areas but with improved opportunity to reduce potential conflicts between incompatible activities and to maintain the amenity and character associated with the activities primarily catered for in the particular zone (rural productive or rural residential);
- the new proposed provisions for temporary activities in the rural production zones (Rural 1 and 2) and for temporary military training activities in the District clarify the status of much of this activity and may increase the opportunities for temporary activities to contribute to social vibrancy, economic growth and employment while any adverse effects on neighbours and the local community are expected to be occasional, of short duration and without lasting effect.
- Plan effectiveness and efficiency will be improved by the technical amendments.

10. Managing Rural and Rural Residential Character, Amenity and Cross Boundary Effects

10.1.1 Introduction

The **current** Plan Objective 7.4. 2 - Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values - is of relevance to the proposed Plan change topics of boundary setbacks and rural and rural residential character and amenity.

Boundary Setbacks

The primary planning method for buffering one activity from the impacts of another is to impose separation distances or boundary setbacks. Examples of impacts that often cause 'cross boundary effects' are noise, dust, odour, smoke and traffic. The Plan contains a range of boundary setbacks depending on the nature of the activity and the zone. Examples of activities that the Plan currently requires to be set back in rural areas are vineyards (30m setback from site boundaries) and dwellings (30m from site boundaries if there are horticultural plantings on a neighbouring site where pesticides may be used).

Despite the Plan's objectives and policies, the Plan rules relating to setbacks between incompatible activities both within and between rural zones (Rural 1, 2, 3, Rural Residential and Rural Industrial zones) are inconsistent. As all zones have significant numbers of small lots, the inconsistencies increase the risk of cross-boundary and reverse-sensitivity effects occurring between incompatible activities. Also, currently there is the potential for new residential activities in rural areas to pressurise existing rural productive activities to limit their impacts. This may constrain the practicality or viability of some rural productive activities.

Rural and Rural Residential Character and Amenity

This topic is addressed to a limited extent only in this proposed change.

The effectiveness of the Plan in maintaining rural character and amenity is variable across the range of zones in the District. The Plan largely has achieved the objective of retaining rural character during subdivision in the Rural 1 and 2 zones. Preliminary results on rural character in the Rural 3 zone show a loss of rural character. The results for the Rural Residential zone show that rural character and amenity considerations do not rank highly in the decision-making process.

A likely reason for these results is the Plan's definition of rural character which is inappropriate for rural residential-style development (TRMP Effectiveness Evaluation report, 2013, refers).

10.1.2 Key Issues

Boundary Setbacks

The current Plan rules are limited in their effectiveness in protecting productive potential on Rural 1, 2 and 3 land in that the 'first come, first served' provision has the potential to constrain potential productive uses of land where dwellings are located between 5 - 30 metres from the boundary.

The current Plan rules are limited in their effectiveness in protecting and maintaining amenity in that the 5 metre setback for buildings (including dwellings) from boundaries, together with permissive land use options in rural zones causes conflicts between neighbours and incompatible activities.

Currently, the Plan's effectiveness is limited by the ambiguous and inconsistent use of terms relating to 'Rural Areas' and 'Rural Zones', particularly for the Rural Residential and Rural 3 zones.

Rural and Rural Residential Character and Amenity

The current Plan rules are limited in their effectiveness in maintaining rural character and amenity due to the historical legacy of the high number of existing small lots in the District, together with subsequent increases in the numbers of small lots in some rural zones. The weight of Plan provisions protecting rural character and amenity on the subdivision of small lots needs to be strengthened.

The current Plan rules are limited in their effectiveness in maintaining appropriate character and amenity in the Rural Residential and Rural 3 zones. This is likely due to the definition of 'rural character'. The definition refers to a predominance of rural productive activities. This conflicts with expected outcomes for rural residential-style development. A definition of rural residential character is needed to improve Plan effectiveness.

10.1.3 Objectives of Proposed Provisions

- a) Improved opportunity to protect productive potential through provision of a wider setback for habitable buildings from boundaries (proposed provision 11));
- b) Improved opportunity to maintain rural / rural residential character and amenity and to reduce conflicts between incompatible activities through provision of an appropriate definition for rural residential character; a wider setback for habitable buildings from boundaries and intensive poultry farming; a new setback for intensive poultry farming activities from boundaries and stronger policy direction and encouragement of low impact design for the land use and subdivision of rural resources (proposed provisions 9), 11), 12), 18), 19) 20) and 21));
- c) Improved Plan efficiency and effectiveness through consistent use of terms and rules for setbacks across zones, new and improved definitions for a shelterbelt and rural/rural residential character and reverse sensitivity (proposed provisions 13), 14), 15), 17), 18), 19)).

10.1.4 Options Identified to Achieve the Objectives, including Proposed Provisions

Options identified to manage the issues are listed below. **The proposed provisions are shaded blue and listed last.**

Boundary Setbacks

- 1) Status Quo:
 - all buildings to be set back 5m from boundary;
 - 20m setback for horticultural plantings to residential buildings where spray belt occurs;
 - 30m setback for horticultural plantings to habitable buildings where there is no spray belt;
 - 3m setback from boundary for horticultural plantings.

Non - compliance trips the activity from Permitted to Restricted Discretionary activity status.

- 2) Increase setbacks for all habitable buildings in the Rural 1, 2 and 3 zones from 5m to 20m.
- 3) Increase setbacks for all rural buildings (excluding habitable) in all rural zones: 10m (nominal) from boundary.
- 4) Increase setbacks for larger rural buildings in all rural zones excluding dwellings: setback 50m (nominal) from boundary where the building coverage exceeds 500m² (nominal).
- 5) Insert sliding scale rule for large rural buildings with a ground floor area of:
 - less than 200m², the setback from a side or rear boundary shall be 10m;
 - more than 200m² and less than 400m², the setback from a side or rear boundary shall be 20m;
 - buildings greater than 400m², the setback from a side or rear boundary shall be 30m.
- 6) Introduce rules to reinforce that all effects are contained within a property boundary.
- 7) Apply particular rules for particular lot sizes.
- 8) Introduce case-by-case decision-making.
- 9) Introduce a 300m setback for habitable buildings from buildings or enclosures that house poultry on an intensive poultry farm which existed and was lawfully established on or before 30 January 2016.
- 10) Retain the current Status Quo for setbacks other than for habitable buildings. (Proposed provision¹ above refers).
- 11) Introduce new rules for Rural 1 and 2 that increase the setbacks for residential / habitable buildings from internal property boundaries to 30m excepting:
 - existing habitable buildings may be altered or extended within the 30m habitable building setback provided that any extension or alteration does not increase the level of non-compliance with the minimum 30m yard setback, i.e: habitable building does not extend further toward the boundary;
 - where a landowner owns adjoining titles where setback standards cannot be achieved, non-habitable buildings may be located less than the standard (notwithstanding Restricted Discretionary activity status);
 - where written permission of adjoining landowner is obtained, reducing the setbacks for non-habitable buildings is a permitted activity (notwithstanding Restricted Discretionary activity status).
- 12) Introduce a new rule for new intensive livestock farming which is poultry farming to be set back 300m from the boundaries of the site.
- 13) Introduce a new definition of 'reverse sensitivity'.
- 14) Amend the definition of 'shelter belt' to clarify meaning and to reduce uncertainty and compliance issues.
- 15) Amend the status for setback non-compliance from Discretionary to Restricted Discretionary and clarify associated matters of discretion (17.5.3.3; 17.6.3.4; 17.7.3.3; 17.8.3.2).

Rural and Rural Residential Character and Amenity

- 16) Status Quo: No policy changes proposed.
- 17) Undertake minor adjustments to existing rural policies on rural character to address deficiencies and link to other issues as per issues raised in the TRMP Effectiveness Evaluation, 2013.
- 18) 'Rural Character' definition to be updated to reflect current trends.
- 19) Develop and insert new definition of 'Rural Residential Character'.
- 20) Strengthen existing policies to provide further direction for and encouragement of Low Impact Design for the land use and subdivision of rural land resources.

10.1.5 Effects of the Proposed Provisions

a) Reduced Loss of Production Potential

The proposed provisions increasing the setback for all habitable buildings from internal property boundaries from 5m to 30m is based on the current setback standard for dwellings from horticultural plantings where there is no spray belt.

Benefits

The proposed provision removes the 'first come, first served' principle for new buildings and its potential to limit productive opportunity. It is, therefore, expected to improve protection of productive opportunity for the future, although the issue remains for current buildings.

Costs and Risks

For productive purposes the setback assumes all horticultural activities have the same impact as those that may discharge pesticide into the air.

The cost of lost opportunity for current dwelling owners is considered minor as the proposed provisions apply only to new building and are flexible in situations where one landowner owns adjoining titles or a neighbouring landowner agrees to a reduced setback. Indeed, this flexibility may limit the potential benefits of the proposed provisions.

The setback may have a perverse outcome on Rural 3 properties where the cluster concept, promoted by Coastal Tasman Area Design Guide, is constrained by this proposed rule. However, in Rural 3 zone, a land use consent is required for any dwelling, therefore the greater setback could be waived if original subdivision design does not allow for 30m setbacks to be achieved.

b) Improved Rural / Rural Residential Amenity and Character

The current potential 5m proximity of dwellings to neighbouring activities is likely to be a cause of complaints. Council's complaints information indicates that noise followed by land uses relating to buildings and structures generate the most complaints relating to activities other than plant and animal production.

The new increased setback for all habitable buildings, together with the new 300m setback for new intensive poultry farming from site boundaries and for habitable buildings from existing, lawfully established intensive poultry farm enclosures and buildings and the improved definition of shelterbelt will increase the separation distances between new dwellings and neighbouring rural activities and is likely to reduce the complaints referred to above.

The setback of 300m for intensive poultry farming from "sensitive activities" such as habitable buildings and for habitable dwellings from existing lawfully established poultry farm buildings and enclosures housing poultry is based on the recommendation of the Poultry Industry Association of New Zealand (PIANZ) and Egg Producers' Federation of New Zealand (EPFNZ) setback for this type of farming and is consistent with the provisions of other districts.

The opportunity to both define and maintain an appropriate level of rural residential amenity will be enhanced by the new definition of rural residential character in that rural residential development will no longer be assessed against an inappropriate definition of rural character.

The opportunity to both define and sustain an appropriate level of rural residential amenity will be enhanced by stronger policy direction and encouragement for Low Impact Design for the land use and subdivision of rural resources.

Benefits

The benefits of the proposed provisions include improved amenity, reduced conflict for landowners and the community, and a reduced number of complaints about cross boundary effects into the future.

Costs and Risks

Any costs and risks to landowners are those associated with the use/wastage of space needed to comply with the new setback rules for new dwellings and new intensive poultry

farming activities. There are no costs and risks to current dwellings or to the eight poultry farms that currently operate in the District if they are not altered in such a way that the existing setback is reduced.

c) Plan Effectiveness and Efficiency

Plan efficiency and effectiveness will be improved by the proposed provisions that improve the meaning and clarity of the rules, restrict discretion (for setbacks) to specific matters and link policies more closely to the provisions they support.

Benefits

Increased clarity regarding Plan intentions will benefit Plan users and the general community.

Costs and Risks

None identified other than those associated with making and implementing the changes.

d) Economic Growth, Employment and Quantification

Although not practical to quantify, reducing the potential for conflicts between incompatible activities and increasing the potential to maintain rural / rural residential character and amenity are likely to contribute to sustained economic growth and employment in rural areas.

10.1.6 Assessment of the Efficiency and Effectiveness of the Proposed Provisions

Tables 10.1A and 10.1B below compare the efficiency and effectiveness of the effects of the proposed provisions with the existing package of provisions for managing rural and rural residential character and amenity rating the packages in terms of the significance, cost, benefit and risks. The shading indicates the criteria and columns that are the most relevant for this comparison.

Table 10.1A

Rural / Residential Character and Amenity - Proposed Package of Provisions - Efficiency & Effectiveness Assessment						
	Assessment Criteria		Assessment of Effects			
			Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.			
			Significance	Cost	Benefit	Risk
1	Sustainable management of District rural land resource		4	2	4	3
2	Protecting productive opportunity		4	3	4	3
3	Providing for plant and animal activities in rural areas without diminishing the productive land resource	3.1 Rural living	4	3	4	3
		3.2 Rural business	3	3	3	3
4	Maintaining rural and / or rural residential character and amenity		4	3	4	3
5	Economic growth and employment		3	3	3	3
6	Community cohesion / acceptance		3	2	4	3
7	Plan effectiveness and efficiency		3	3	4	3
	Total		28	22	30	24

Table 10.1B

Rural / Residential Character and Amenity - Existing Package of Provisions - Efficiency & Effectiveness Assessment						
Assessment Criteria		Assessment of Effects				
		Rating Values: High = 6, Medium = 5, Some = 4, Neutral = 3, Low = 2, Minimal = 1, None = 0.				
		Significance	Cost	Benefit	Risk	
1	Sustainable management of District rural land resource	4	4	3	4	
2	Protecting productive opportunity	4	4	3	4	
3	Providing for plant/animal production activities in rural areas without diminishing the productive land resource	3.1 Rural living	4	4	3	4
		3.2 Rural business	3	3	3	3
4	Maintaining rural and / or rural residential character and amenity	4	4	3	4	
5	Economic growth and employment	3	3	3	3	
6	Community cohesion / acceptance	3	4	2	4	
7	Plan effectiveness and efficiency	3	4	3	4	
	Total	28	30	23	30	

Efficiency

Although not considered quantifiable, the table comparison shows that:

- the benefits of the improved opportunity to protect productive potential through increasing the setback for habitable buildings from 5m to 30m from internal boundaries outweigh any costs to landowners of adapting to the provisions as the 'first come, first served' principle will be removed, but flexibility is being maintained in situations where one landowner owns adjoining titles or a neighbouring landowner agrees to a reduced setback;
- the benefits of the improved opportunity to maintain and enhance rural and rural residential character and amenity for rural dwellers and the wider community through:
 - setting back new habitable buildings and new intensive poultry farming activity further from boundaries and new habitable dwellings from existing lawfully established enclosures and buildings which house intensively farmed poultry; and
 - introducing the new definition of rural residential character for in-zone rural residential development

outweigh the cost to landowners of adapting to the provisions in that: (i) cross boundary effects and conflicts between incompatible activities are expected to be reduced; and (ii) character and amenity in the zones intended to accommodate rural residential living opportunities will be managed more appropriately;

- the benefits of improving Plan effectiveness and efficiency through the proposed provisions that improve the meaning and clarity of the rules; restrict discretion (for setbacks) to specific matters; and link policies more closely to the provisions they support, outweigh the costs of implementing the provisions and the risks of inconsistency and lack of transparency associated with staff interpretation of inappropriate or confusing Plan provisions.

Effectiveness

The proposed provisions are considered to be effective in that the methods are transparent (new and improved Plan provisions to manage rural / rural residential character and amenity) and are implementable by Council.

The proposed provisions are expected to be acceptable to the community as, in large measure, they will clarify Plan inconsistencies and result in better management of the diverse and potentially incompatible activities that are accommodated in rural areas both within and across rural zones.

Significance

Reducing the potential for conflicts between incompatible activities and increasing the potential to maintain rural / rural residential character and amenity are considered to be of some significance due to the increasing density of development in rural areas.

10.1.7 Reasons

Overall the proposed provisions are considered an appropriate (efficient and effective) way of achieving the RMA purpose of sustainable management of the land resource and the Plan objective of maintaining rural / rural residential character and amenity in rural areas in that:

- the costs and risks of the erosion of productive potential of the rural productive zones and loss of rural / rural residential character and amenity in all the rural zones is likely to be reduced by the combination of the proposed provisions that:
 - protect productive potential by removing the 'first come, first served' principle for setbacks; and
 - reduce cross-boundary, reverse-sensitivity effects and conflicts between incompatible activities through increasing the setbacks for habitable buildings and new intensive poultry farming from site boundaries or relevant intensive poultry farm buildings and enclosures;
- Plan effectiveness and efficiency will be improved by the new proposed provisions that are expected to clarify Plan inconsistencies; manage in-zone rural residential development more appropriately and link policies more closely with issues.

Annexure A: Legislative Requirements

Section 32(1)(a) of the Resource Management Act 1991 requires consideration of the degree to which the objectives (the purpose) of the proposed Plan change *are the most appropriate way to achieve the purpose of the Act*. There is no single part of the Act against which the objectives are evaluated, but a number of sections within the Act establish a framework of purposes, principles, roles, responsibilities and scope for plan making. The relevant sections are considered below. An evaluation of whether the specific changes are the most appropriate way of achieving the objectives is contained in the main body of this section 32 report.

1. Part 2 of the Act

Section 5 states the overall purpose of the Act, Section 6 lists matters of national importance, Section 7 lists the matters which must be given regard to and Section 8 requires Council to take into account the Treaty of Waitangi. These four sections set out the overall purpose and principles of the Act. They are considered in turn below.

1.1 Section 6 Matters of National importance.

The proposed Plan change does not directly affect any of the matters listed as matters of national importance.

1.2 Section 7 Other Matters

The objectives of the proposed Plan change are to:

- enable the efficient use and development of rural land, particularly high productive land;
- maintain rural amenity, while enabling use and development;
- protect the finite characteristics of high productive soils, while enabling use and development.

The objectives of the Plan change are considered consistent with the matters listed in section 7.

1.3 Section 8 Treaty of Waitangi

Nati Rarua, Ngati Tama, Ngati Koata, Te Ati Awa, Ngati Apa Ki Te Ra To Trust, Ngai Tahu and Ngati Kuia have been contacted by letter and encouraged to become involved in the process. While no responses have been received to date, Council will continue to consult and encourage Iwi to be involved.

The proposed changes are not thought to directly affect statutory acknowledgement areas and no known Treaty principles are affected by this proposed Plan change.

1.4 Section 5 Purpose

Under section 5(2) of the Act:

“sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”

This proposed Plan change is considered to be consistent with section 5 of the Act. A significant objective of the proposed Plan change is to sustain the potential of high quality soils to meet the reasonable foreseeable needs of future generations. A second significant objective seeks to remedy and avoid the adverse effects of residential development in rural areas, by both encouraging residential development on rural land where the effects are less and to enable a range of residential developments in a manner that limits the effects of land fragmentation.

Overall, the proposed Plan change is considered consistent with Part 2 of the Act.

2. Sections 72 to 77 Requirements for District Plans

The Tasman District Council is a unitary authority with the roles and functions of both regional and district councils. For the purpose of this Plan change, however, only the requirements set out for a district council (s72 - s77) are relevant. Section 72 of the Act sets out the purpose of district plans, while sections 74 to 77 set out the processes and general content of district plans.

2.1 Section 72 Purpose of District Plans

The purpose of a district plan is to assist the Council in carrying out its functions (s31) under the Act. One of those functions is the control of the actual or potential effects of use and development of land.

It is considered that the proposed Plan change assists the Council in carrying out this function.

2.2 Section 74 Matters to be considered by Territorial Authority

Council in the preparation of Plan changes is required to have regard to relevant management plans and strategies prepared under other Acts, historic places listings and iwi planning documents. However, no such planning matters have been identified affecting this proposed Plan change.

Section 74 also requires Council to consider the plans of adjacent councils. This section enables Council to collaboratively plan resource management with other councils across the District's boundary.

Rural land use has not previously been identified as a cross-boundary issue, however consultation with the adjoining councils will occur as a matter of course through the Plan change process and any issues raised will be addressed at that time.

2.3 Section 75 Contents of District Plans

In addition to the above requirements Council is required to give effect to national and regional policy statements. There are no specific national policy statements relevant to the proposed Plan change and the Tasman Regional Policy Statement is the applicable regional policy statement for the area.

The Tasman Regional Policy Statement provides an overview of the resource management issues facing Tasman, and sets policies and methods to manage Tasman's natural and physical resources. The regional policy statement establishes the framework for the Tasman Resource Management Plan, which will to be amended by this proposed Plan change. An assessment of whether the proposed Plan change gives effect to the policy statement is detailed below.

Tasman Regional Policy Statement (2001)

General Objective 3: *Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.*

The objectives of the proposed Plan change are considered to give effect to this General Objective through:

- Reducing in the cumulative effects of land fragmentation.
- Enabling flexible use of land while retaining the productive capacity of high quality soils.
- Maintaining rural character and amenity values while providing for resource use and development.

General Objective 4: *Efficient use and development of resources.*

The objectives of the proposed Plan change are considered to give effect to this General Objective through:

- enabling flexible use of land while retaining the productive capacity of high quality soils;
- providing for increased residential opportunity on rural land which is not at the expense of high value productive rural land;
- improving the effectiveness and efficiency of the provisions which manage the use and development of rural land;
- more effective” boundary amendment” provisions enabling more efficient use of land without land fragmentation.

General Objective 5: *Maintenance of economic and social opportunities to use and develop resources in a sustainable manner.*

The objectives of the proposed Plan change are considered to give effect to this General Objective through:

- sustaining the contribution that plant and animal production activity has on economic growth and employment by providing productive and improved rural living opportunities;
- flexibility regarding the arrangement of land holdings with productive opportunity retained;
- enabling network infrastructure and social servicing efficiencies and support to community development through clustering of residential development.

General Objective 8: *Open, responsive, fair and efficient processes for all resource management decision-making.*

The objectives of the proposed Plan change are considered to give effect to this General Objective through improvements to Plan effectiveness and efficiency, particularly for the boundary adjustment and rural residential provisions and through providing clear definitions of words.

Objective 6.1: *Avoidance of the loss of the potential for land of productive value to meet the needs of future generations, particularly land with high productive values;*
and

Policy 6.1: *Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to:*

- (i) *the effects of land fragmentation on productive values; and*
- (ii) *the protection of land with high inherent productive values; and...*

The objectives of the proposed Plan change are considered to give effect to this objective and policy.

Policy 6.2: *The Council will ensure that subdivision and uses of land in the rural areas of the District avoid, remedy or mitigate adverse effects on:*

- (i) *productivity and versatility of land, particularly in areas of high productive value; and...*

The objectives of the proposed Plan change are considered to give effect to this policy.

3. Conclusion

Through the preparation of this Section 32 report, consideration has been given to Sections 72, 74, 75, 76, 77, Part 2 of the Act and the Tasman Regional Policy Statement. The proposed objectives are considered to be an appropriate means of achieving the purpose of the Act.