

602 Change 60: Rural Subdivision**Evaluation Overview**

This staff evaluation deals with submission requests that relate to proposed changes to Rural 1 and Rural 2 Zone subdivision.

In general terms, Plan Change 60 retains the basic framework of rural subdivision of the current Plan. The framework is based on two rural zones that have minimum "as of right" (Controlled Activity) lot sizes for subdivision. Proposed changes amend the framework to enable some more flexibility around allotment size within an initial subdivision, but with more stringency around any subsequent subdivision (re-subdivision). Other changes encourage amalgamation and boundary adjustments, and introduce opportunities for subdivision associated with cooperative living.

Submissions Dealt with in this Report

C60.35.2	Randall, C W A	16.3.6	Allow more flexibility for the subdivision of unproductive Rural 2 land.
C60.806.37	NZ Transport Agency	16.3.5.5A	Retain proposed rule 16.3.5.5A.
<i>Support</i>		FC60.806.14	
C60.1089.7	Nelson Forests Ltd	7.1.3.5	Retain proposed policy.
C60.1089.12	Nelson Forests Ltd	16.3.5.1	Amend to include a new controlled condition to read as follows: "the subdivision is an adjustment of boundaries where this enables improved land management or enables a greater range of plant and animal production activities and no additional titles are created" or other similar words.
C60.1089.13	Nelson Forests Ltd	16.3.5.3A	Delete proposed condition (c).
C60.1089.19	Nelson Forests Ltd	16.3.6.1	Amend to include a new controlled condition to read as follows: "the subdivision is an adjustment of boundaries where this enables improved land management or enables a greater range of plant and animal production activities and no additional titles are created" or other similar words."
C60.1089.20	Nelson Forests Ltd	16.3.6.3A	Delete proposed condition (e).
C60.1188.1	Drummond, Wendy	16.3.6.1	Reduce the minimum lot size in condition (a) for Rural 2 subdivision with Controlled activity status.
C60.1227.4	Davis Ogilvie & Partners Ltd	16.3	Amend subdivision provisions to make it a prohibited activity to subdivide off a minor dwelling.
C60.1403.5	Muter, Frans	16.3	Amend to allow for greater flexibility around subdivision in light of inappropriate zoning patterns (see submission point A).
C60.1430.1	Royal Forest & Bird Protection Society (Nelson/Tasman)	C60 GEN	Retain, with reservations, provisions that protect productive potential and rural character and amenity on small lot subdivision.
C60.1521.11	Federated Farmers of NZ (Inc.)	C60 GEN	Amend proposed changes to support more flexible subdivision rules and enable small-lot subdivision in rural zones.
<i>Oppose</i>		FC60.806.31	
C60.1521.19	Federated Farmers of NZ (Inc.)	7.4.3.5B	Amend proposed policy 7.4.3.5B by deleting the word "avoid" and reconsidering less restrictive and more enabling alternatives.
C60.1521.21	Federated Farmers of NZ (Inc.)	16.3.5.3A	Amend proposed condition (b) by reducing the average net area of all allotments to 2 hectares.
<i>Oppose</i>		FC60.2864.31	

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C60.1521.22	Federated Farmers of NZ (Inc.)	16.3.5.5A	Amend proposed rule 16.3.5.5A by deleting the non-complying activity status and inserting a discretionary activity status.
C60.1521.23	Federated Farmers of NZ (Inc.)	Chapter 16	Amend proposed changes to make subdivision of a Rural 1 zone site to allotments of less than 12 hectares a discretionary activity.
C60.1521.24	Federated Farmers of NZ (Inc.)	16.3.6.3A	Amend proposed rule 16.3.6.3A to provide flexibility in the number and size of allotments, depending on what is appropriate for the location and surrounding landscape.
<i>Oppose</i>		FC60.806.33	
C60.1521.25	Federated Farmers of NZ (Inc.)	16.3.6.5A	Amend proposed rule 16.3.6.5A by deleting the non-complying activity status and inserting a discretionary activity status.
C60.2852.2	Riley, Trevor H	16.3	Amend to prevent “as of right” Controlled Activity Rural 1 Zone subdivision (creation of 12ha titles).
C60.2852.3	Riley, Trevor H	16.3	Amend subdivision minimum allowable allotment size to 100 hectares for both Rural 1 and Rural 2 Zone.
<i>Oppose</i>		FC60.4032.3	
C60.2864.45	Horticulture New Zealand	16.3.6.1	Amend matter of control (7A) by replacing “reverse sensitivities” with “reverse sensitivity.”
C60.3015.1	Hoddys Orchard Ltd	16.3.5.1	Amend 16.3.5.1 to allow house lot subdivision of smaller Rural 1 lots subject to amalgamation of smaller blocks with larger blocks even where there is no common boundary.
C60.3592.5	Golden Bay Community Board	16.3.6.1	Amend rule 16.3.6.1 to allow for Rural 2 subdivision of smaller unproductive lots.
C60.3957.1	Adam, Vicki	16.3.5.1	Amend Rural 1 Zone subdivision condition 16.3.5.1(a) that refers to titles created after 31 January 2016, where the created title is the consequence of a previous amalgamation.
C60.3987.2	Angelo, Joseph	16.3	Amend 16.3.5 and 16.3.6 subdivision rules to allow for small lots to be further subdivided into smaller allotments.
C60.3987.7	Angelo, Joseph	16.3	Amend subdivision rules to allow for the creation of smaller landholdings to increase productive use in the form of small farms and gardens.
C60.3989.3	Astill, Rosie	16.3	Amend to reduce reliance on minimum lot sizes as the main condition in the consents’ hierarchy, and introduce greater emphasis on land use and existing character of land to determine appropriateness of the subdivision.
C60.3989.6	Astill, Rosie	16.3	Retain provisions that allow for alternative land tenure such as unit titles.
C60.4001.6	Butts, Joan E	16.3	Delete provisions that allow “as of right” controlled activity subdivision of large land lots.
C60.4001.7	Butts, Joan E	16.3	Amend provisions to allow for subdivision of small lots.
C60.4003.1	Carson, Colin	Chapter 16	Increase flexibility for subdivision where: (a) productive land is not being subdivided; and (b) no further or additional Council services are required as no additional building can take place and existing buildings are already serviced.
C60.4004.2	Cartwright, James E	C60 GEN	Retain the proposed changes that increase flexibility for subdivision and land use.

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C60.4007.1	Crummer, Ani	16.3.6.1	Delete the current minimum area of 50 hectares in condition (a) and insert a new minimum area of 0.4 hectares.
C60.4008.2	Drummond, Stuart	16.3.6.5A	Delete the proposed rule.
C60.4012.1	Ford, Lillemor M	C60 GEN	Increase flexibility of land use rules for smaller lots, especially those smaller than 25 hectares.
C60.4012.3	Ford, Lillemor M	Chapter 17	Delete the current minimum area of 25 hectares in Rural 2 Zone and insert a new minimum area of less than 25 hectares.
C60.4013.6	Forest, Sage Joy	Chapter 16	Reduce the Rural 2 Zone minimum lot size from 12 hectares to 2 hectares.
C60.4013.9	Forest, Sage Joy	Chapter 16	Reduce the Rural 1 Zone minimum lot size.
C60.4013.10	Forest, Sage Joy	Chapter 16	Provide for smaller un-productive lots to be subdivided.
C60.4014.1	Gall, Natasha	Chapter 16	Enable subdivision of unproductive Rural 1 Zone and Rural 2 Zone lots into 2 acre minimum sections.
C60.4016.3	Golden Bay Surveyors	16.3	Amend proposed conditions 16.3.5.1(a) and 16.3.6.1(b) to relate to the purpose of a subdivision rather than a date of a subdivision.
C60.4016.4	Golden Bay Surveyors	Chapter 16	Amend proposed rules 16.3.5.5A and 16.3.6.5A to exclude boundary adjustments from the Non-Complying activity status.
C60.4020.1	Hall, Pip	16.3.6	Delete the proposed changes 16.3.6.1(a), 16.3.6.3A(c) and proposed changes to 16.3.6.4A(c) that reference the date of a subdivision being done.
C60.4020.2	Hall, Pip	16.3.6.5A	Delete provision that makes subsequent subdivision in Rural 2 Zone after a certain date a non-complying activity.
C60.4020.3	Hall, Pip	Chapter 16	Amend the proposed changes to make the most restrictive activity status for Rural 2 Zone subdivisions Discretionary and not Non-Complying.
C60.4021.2	Halliwell, Cathleen	Chapter 16	Enable subdivision of land to under 20 hectares.
C60.4021.4	Halliwell, Cathleen	Chapter 16	Delete the current minimum area of 50 hectares for Rural 2 Zone and replace with more flexible subdivision rules.
C60.4022.1	Halliwell, Marlene	16.3.6	Delete the current minimum area of 50 hectares for Rural 2 Zone and replace with more flexible subdivision rules.
C60.4023.8	Hancock Forest Management (NZ) Ltd	7.1.3.5	Retain proposed policy 7.1.3.5 which supports land amalgamation.
C60.4023.12	Hancock Forest Management (NZ) Ltd	16.3.5.1	Insert a new condition to rule 16.3.5.1: "The subdivision is an adjustment of the boundaries where this enables improved land management or enable a greater range of plant and animal production activities."
C60.4023.13	Hancock Forest Management (NZ) Ltd	16.3.5.3A	Delete proposed condition (c).
C60.4023.17	Hancock Forest Management (NZ) Ltd	16.3.6.1	Insert a new condition to rule 16.3.6.1 as follows or similarly: "The subdivision is an adjustment of the boundaries where this enables improved land management or enable a greater range of plant and animal production activities and no additional titles are created."

Support

FC60.4032.26

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C60.4023.18	Hancock Forest Management (NZ) Ltd	16.3.6.3A	Delete proposed condition 16.3.6.3A(e) that refers to boundary adjustments and minimum lot sizes.
C60.4023.19	Hancock Forest Management (NZ) Ltd	16.3.6.1	Amend current condition 16.3.6.1(d) as follows or similarly: "Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter belt, horticultural plantings or plantation forest complies as a permitted activity, with all applicable zone rules relating to height and setbacks from roads, dwellings, schools and early childhood education facilities. If written approval from adjacent land owners is provide[d], internal boundary setbacks may be reduced."
C60.4024.2	Hannah, Lynda	16.3.6	Delete minimum lot sizes for subdivision and land use rules in the Rural 2 Zone.
C60.4025.2	Harwood, Geoffrey	C60 GEN	Increase flexibility for subdivision and land use rules in rural zones, particularly to further enable low impact development on small lots.
C60.4030.1	Irvine, Donald & May	C60 GEN	Amend the proposals to allow landowners of small unproductive titles (about 1.5 ha) to be subdivided to a minimum of, for example, 4,000sqm.
<i>Oppose</i>			FC60.2864.2
C60.4032.2	Jelf, Iona	16.3	Retain proposals in 16.3.5.3A(b) and 16.3.6.3A(b) for an average minimum lot size in Rural 1 and 2 zones.
C60.4032.3	Jelf, Iona	16.3	Retain proposals in 16.3.5.4A and 16.3.6.4A for Discretionary level subdivision for co-operative living purposes.
C60.4032.12	Jelf, Iona	7.1.3.5	Retain the introduction of additional proposals to guide boundary adjustments.
C60.4032.13	Jelf, Iona	16.3	Amend Non Complying activity status for re-subdivision of land after 30 January 2016 (proposed rules 16.3.5.5A and 16.3.6.5A) to Discretionary status.
C60.4032.14	Jelf, Iona	16.3.8.4A	Retain the Restricted Discretionary status for subdivision of Rural Residential zoned lots below the minimum lot size.
C60.4034.21	Kebbell, John	16.3.6.1	Amend rule 16.3.6.1 to allow for Rural 2 subdivision of smaller unproductive lots.
C60.4035.8	Kelsall, Julia	C60 GEN	Provide more enabling proposals for boundary adjustments between neighbours when no new titles are created.
C60.4036.4	Kerrisk, Billy	Chapter 7	Retain proposals that take a long-term view of subdivision to prevent fragmentation.
C60.4036.10	Kerrisk, Billy	16.3	Retain average lot size subdivision proposals for Rural 1 and 2 in rules 16.3.5.3A and 16.3.6.3A.
C60.4036.11	Kerrisk, Billy	16.3	Provide specific proposals for Rural 1 land under 12 ha that has been subdivided and is no longer productive.
C60.4036.14	Kerrisk, Billy	16.3.8.4A	Retain proposals for Restricted Discretionary subdivision for lots below minimum lot size in the Rural Residential zone.
C60.4040.1	Lang, Christian	16.3.6.1	Delete existing operative provision in condition (a) requiring 50 ha for Controlled subdivision in Rural 2 and replace with 25 or 20 ha.
C60.4040.2	Lang, Christian	16.3.6.3A	Delete proposal for Restricted Discretionary boundary adjustment activity status and replace with Controlled activity status.

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C60.4044.1	Lochner, Richard	C60 GEN	Retain proposals that enable subdivision.
C60.4049.1	Manson, Mark & Laura	16.3	Allow subdivision requests to be assessed on a case-by-case basis due to variability of soil types.
<i>Support</i>		FC60.4032.19	
C60.4067.11	Rowse, Chris & Schneider, Silvia	16.3	Disallow any subdivision of large blocks of land that are productive.
<i>Oppose</i>		FC60.4032.4	
C60.4071.1	Schwarz, Ursus	16.3	Enable subdivision of small unproductive lots to urban lot sizes.
C60.4071.6	Schwarz, Ursus	16.3	Ensure productive land is protected by enabling small-scale subdivision to gardeners and farmers.
C60.4071.9	Schwarz, Ursus	16.3	Disallow any subdivision of large blocks of land that are productive.
<i>Oppose</i>		FC60.4032.6	
C60.4072.8	Scurr, Lorna	16.3	Disallow any subdivision of large parcels of productive land.
<i>Oppose</i>		FC60.4032.5	
C60.4077.4	Stephenson, Andrew	16.3.6	In 16.3.6.1(a), 16.3.6.4A(a) and 16.3.6.3A, exclude Rural 2 zone subdivision from requirement that title existed on or before a certain date.
C60.4077.5	Stephenson, Andrew	16.3.6.5A	Delete proposed Non-Complying activity status for Rural 2 subdivision.
C60.4078.4	Stephenson, Petra	16.3.6	In 16.3.6.1(a), 16.3.6.4A(a) and 16.3.6.3A, exclude Rural 2 zone subdivision from requirement that title existed on or before a certain date.
C60.4078.5	Stephenson, Petra	16.3.6.5A	Delete proposed Non-Complying activity status for Rural 2 subdivision.
C60.4079.1	Strang, Dot	16.3	Enable subdivision of small (below 12 ha) Rural 1 land parcels.
C60.4084.5	Turner, Reginald E J	16.3	Disallow any subdivision of large blocks of land that is productive.
C60.4085.1	Staig & Smith and Alandale & Vailima Orchards	C60 GEN	Amend relevant proposed objectives, policies and rules related to rural subdivision to ensure that there remains an ongoing opportunity for the re-subdivision of titles created after 30 January 2016 where the previous title had legitimate subdivision expectations based on the minimum subdivision area of the particular rural zone.
C60.4086.2	Wallis, William G	16.3.6	Delete 50 ha minimum lot size requirement for subdivision in the Rural 2 zone to permit the creation of one additional small lot on a case-by-case basis.
<i>Support</i>		FC60.4076.3	
C60.4091.2	Wells, Ned	16.3	Enable subdivision of small unproductive lots in all relevant zones.
<i>Support</i>		FC60.4076.1	

Evaluation and Recommendations 602.1

A. Evaluation

1.0 Introduction

This staff evaluation deals with submission requests that relate to proposed changes to Rural 1 and Rural 2 Zone subdivision.

In total, forty-nine (49) submitters requested changes to Rural 1 and Rural 2 zone subdivision. The requests all fall within one or more of the following issues: minimum allotment sizes for controlled subdivision; amalgamation and boundary adjustment provisions; re-subdivision of newly created titles; and, non-complying subdivision.

These are described and evaluated in the following sections.

2.0 Affected Plan Provisions

When considering submission requests and the issues raised in relation to rural housing, the following Plan references will be useful and should be on hand for easy reference.

Submission requests relate predominantly to Chapter 16.3 (Subdivision), with some references made to the underlying policy position of Chapter 7 (Objectives and Policies). Specific changes to Rural 1 Zone provisions are requested, such as the Controlled Activity rule 16.3.5.1, the Restricted Discretionary Activity rule 16.3.5.3A, and the Non-complying Activity rule 16.3.5.5A. Similar in content, aspects of Rural 2 Zone subdivision rules 16.3.6.1, 16.3.6.3A and 16.3.6.5A are also challenged.

3.0 Issues

3.1 Minimum Allotment Sizes

Requests made by submitters ranged from the general, "allow for more flexibility for subdivision" to the specific, "reduce the average net area of all allotments to 2 hectares". Some submitters requested a more permissive regime, "enable small-lot subdivision" whilst others indicated they wished to see Council take a firmer line, "amend subdivision minimum allowable allotment size to 100 hectares for both Rural 1 and Rural 2 Zone"

3.2 Amalgamation and Boundary Adjustments

Submission requests indicated general support for amalgamation and boundary adjustment where it would result in improvements to land management. Some indicated that all boundary adjustments ought to be considered favourably (Controlled Activity status), rather than at Council discretion.

3.3 Re-Subdivision of Newly Created Titles

The introduction of a new provision that discourages re-subdivision of newly created titles is the key focus of all submission requests. The date of "31 January 2016" limits re-subdivision of new titles created since the introduction of Plan Change 60, but does not place any time limit on a first generation subdivision.

3.4 Non-Complying Subdivision

Requests from submitters challenged the introduction of a new Non-complying activity rule for Rural 1 Zone subdivision below 12 hectares, and for re-subdivision of a title created since 31 January 2016 in both rural zones. This issue is related to (3) above, and in both scenarios, non-complying was seen as too onerous.

4.0 Options

This staff evaluation deals with a range of opinion in respect of rural subdivision. There are requests for Council to provide for more "as of right" subdivision and land fragmentation, as well as the view that further subdivision of productive land should be avoided. The options available to Council for addressing the submission requests are thus as follows:

4.1 Option 1: Revert to the operative Plan in respect of subdivision opportunity

Current operative provisions provide for some "as of right" (Controlled Activity) subdivision opportunity to 12 and 50 hectares in the Rural 1 and Rural 2 zones respectively. Subdivision to and of smaller allotment sizes is dealt with at Council's discretion, with some guidance around the exercise of discretion in respect of the primary rural objectives being productive land values and rural character and amenity.

No submitters have requested that Council retain this operative framework.

4.2 Option 2: Retain proposed Plan Change 60 in changes made to subdivision provisions

Proposed Plan Change 60 makes small but significant changes to the current framework of subdivision. While it does not tamper with threshold size minimums, it does introduce an average lot size opportunity which can encourage allotment size and shape variety and better land use outcomes. It also provides for amalgamation and boundary adjustments as controlled and restricted discretionary activities, acknowledging that this type of subdivision does not result in additional titles being created. To prevent further, on-going subdivision (incremental, cumulative) of larger lots created in an initial subdivision, the Plan Change actively discourages re-subdivision making it a Non-Complying Activity in all circumstances. There is general submitter support for the Plan Change as proposed in broad terms, however, most submitters also suggest changes to specific rules.

An advantage of this option is that it does provide for some more flexibility in an initial subdivision, and certainty over Controlled activity minimum allotment sizes. However, re-subdivision including subsequent boundary adjustments, would be Non-Complying. A key disadvantage, therefore, is lack of opportunity for reconsideration of existing boundaries. "As of right" Controlled activity subdivision is also considered to carry with it a risk, being the fragmentation of large landholdings, which is anomalous with small-lot subdivision which is generally discouraged.

4.3 Option 3: Amend proposed Plan Change 60 to provide for greater "as of right" subdivision opportunity, particularly of and to small lots

This option responds to a number of submission requests that seek a more liberal subdivision framework, allowing subdivision well below the current and proposed threshold sizes. Minimum sizes, ranging from 5000 sqm to 2 ha or 25 ha are cited in submission requests as appropriate "as of right" subdivision thresholds. Boundary adjustments would also be allowable as a Controlled Activity in all circumstances. This option would also take away the proposed Plan Change re-subdivision rule, allowing an on-going opportunity for subdivision without limit.

This option has the advantage of meeting some demand for small-lot rural landholdings. However, there is potential for considerable disadvantage, being loss of plant and animal production opportunities across the District. This happens as landholdings become smaller, land prices (and rates) rise to reflect development opportunity, and there is a slow shift of the rural resource from that of plant and animal production of rural lifestyle activity.

4.4 Option 4: Amend proposed Plan Change 60 to further limit subdivision opportunity, including "as of right" subdivision of large existing allotments

This option takes the position that zones other than the rural zones have been provided by Council to accommodate residential, rural-residential and lifestyle living opportunities. These are Residential Zones, Rural-Residential Zones, and the Rural 3 Zone. It upholds that the Rural 1 and Rural 2 zones are for the purpose of plant and animal production. This option recognizes that within the Rural 1 and Rural 2 Zones there is an existing, established variety of allotment sizes including a significant number of small landholdings.

This option has the greatest benefit to the protection of rural plant and animal production, retaining the current blend of large, medium and small allotments without further fragmentation and loss of large productive units. A disadvantage is that it may not meet the needs of people and communities to subdivide for personal gain or land development purposes.

4.5 Option 5: Amend proposed Plan Change 60 to allow for boundary adjustment re-subdivision, and limit "as of right" subdivision of large Rural 1 and Rural 2 allotments

This option seeks to take "the good" from previous options to amend and improve proposed Plan Change 60. The option recognizes that some forms of re-subdivision, such as boundary adjustments, may be appropriate and therefore takes on board submissions within Option 3 above. Taking from Option 4, it also proposes that the Council retain its discretion over subdivision of large Rural 1 and Rural 2 allotments, encouraging optimal allotment size and shape rather than "as of right" subdivision to a minimum size threshold.

This is the staff-preferred option, enabling some development of land through subdivision, but limiting on-going fragmentation in the long term. Providing for boundary adjustments, which can accommodate unforeseen needs to redevelop land or reorganise titles without contributing to further fragmentation, is a significant benefit of this option. An advantage of removing "as of right" Controlled Activity development is that of affording greater protection for large landholdings from being cut up into 50 or 12 hectare blocks (Rural 1 and Rural 2 zone respectively).

4.6 Option 6 - Commit to a review of rural zone patterns

This option is about taking action outside of this proposed Plan Change process. It concerns Council making a commitment to reviewing rural zone patterns in terms of productivity, existing allotment size, appropriate subdivision thresholds, rural character and amenity values and other matters that might affect patterns of land use. This option may go some way to address the “bigger” concerns underpinning some submitters who requests a more liberal subdivision framework. That is, their land has a rural zoning and is constrained by rural land use and subdivision provisions, yet it is too small to use for plant and animal production.

An advantage of this option is that will help to address issues surrounding inappropriate rural land zonings around the district, where the actual development character and plant and animal production opportunities are more akin to residential or rural-residential zoned land.

5.0 Preferred Options

Staff have carefully considered all submission requests, the issues they raise, and options for addressing them. Further submissions, where given, have also been taken into account.

The overall position of staff is a preference for options 5 and 6. This would mean retaining the overall direction of Plan Change 60 in regards to subdivision, but with some amendments at submitters' request where they are considered to be improvements. This overall position gives rise to the following staff preferences.

5.1 Minimum Allotment Sizes

Staff recommend that the requests (ref. submissions 4030.1, 4013.6, 4013.10, 4014.1, 4013.10, 3987.2, 4071.6, 4071.1, 4079.1, 4091.2, 1403.5, 4001.7, 4036.11, 1521.12, 3592.5, 4040.1, 1188.1, 4007.1, 4008.2, 4022.1, 4024.2, 4034.21, 4012.3) to reduce allotment size minimums, allow for “as of right” subdivision of small allotments and increase flexibility, should be disallowed.

In general terms, flexibility has been provided for in the form of the proposed average allotment size rule, which does enable smaller lots to be created provided that an average minimum can be achieved overall. Beyond this, there is also the opportunity in the Rural 2 Zone for Council to consider individual cases at its discretion. In regards to Rural 1 small-lot subdivision, Council has maintained a policy framework that prioritises Rural 1 Zone plant and animal production values of land above rural-residential activity. It maintains that the Rural Residential Zone and parts of the Rural 3 Zone are the most appropriate locations for small rural landholdings.

However, staff do recognise that in certain locations the pattern of Rural 1 and Rural 2 zoning may not be appropriate. In these locations, the actual development character and amenity attributes are more aligned with residential-type activity, and very limited plant and animal production potential. For this reason, staff recommend that a commitment is made as an “other action” to a review of the pattern of Rural 1 and Rural 2 zoning, including the productive potential of the land as well as threshold minimum allotment sizes underpinning subdivision development.

On the same matter, but taking the opposite position, other submitters have indicated that Council ought to be taking a firmer line with regards to subdivision. In respect of increasing lot size (ref. submitter 2852.3), this is not supported. While there is merit in protecting large properties from fragmentation, especially where productive land values are high, staff consider that the appropriate forum for discussion about lot size is with the suggested zone review (see discussion above).

Regarding submission requests (ref. submitters 2852.2, 4067.11, 3989.3, 4049.1, 4071.9, 4084.5, 4001.6) to encourage Council to prevent “as of right” subdivision of large Rural 1 and Rural 2 allotments, this is supported. In the context of the policy framework, which aims to protect productive opportunities in including that of “small lot subdivision”, it would seem inconsistent to allow “as of right” fragmentation of large rural landholdings. Discretion over the proposed minimum average allotment size is considered to be a more appropriate pathway for encouraging the best outcome for rural subdivision.

5.2 Amalgamation and Boundary Adjustments

In relation to amalgamation and boundary adjustments, submissions indicated general support where such development would result in improvements to land management.

The requests (ref. submitters 3015.1, 4023.12, 4040.2, 1089.19, 1089.20, 4023.17) for Controlled Activity status of all boundary adjustments cannot be supported. This is because Council wish to ensure that new titles created through the rearrangement results in the same or no less valuable land allotment arrangement in terms of its policies and objectives. Consents staff are aware that, in some cases, existing titles have an historical context that is no longer relevant, and the practical outcome of of the boundary adjustment is to create a subdivision with fragmentation consequences.

In respect of amalgamation of titles without a common boundary (ref. submission 3015.1), staff support this in part. It is considered more appropriate to take into account the overall proposed development, including title amalgamation, the creation of new titles and any subsequent land development, in a single application. The application would be assessed at Council's discretion taking into account the overall effects in the context of the overarching policy framework.

5.3 Re-Subdivision of Newly Created Title

In respect of requests (ref. submissions 4085.1, 4016.3, 4032.13, 1089.13, 3957.1, 4023.12, 4023.13) to delete the re-subdivision date trigger, this is not supported. The date trigger has the effect of allowing an initial subdivision, but discouraging newly created titles from being further subdivided. The date does not place any restriction on when that "first generation" subdivision can occur.

The mechanism is particularly important to maintaining the integrity of the "average lot size" subdivision opportunity, sending a clear signal that the re-subdivision of larger lots created through an initial subdivision is not appropriate. Regarding subdivision generally, it sends a clear signal that on-going, incremental fragmentation is not consistent with the policy to protect Rural 1 and Rural 2 zone land for plant and animal production.

In the case where a new title is created by an initial boundary adjustment, and that title is the subject of a second stage subdivision, this action amounts to a two-step process. In this situation it is preferable that the applicant puts forward their intention in a single application where the total effect can be assessed. Further, that one can "always come back for more later", is not an appropriate long-term principle for Council to adopt in respect of the objectives and policies it is trying to uphold. The matter of boundary adjustment is considered to be an exception to this, and is discussed below.

The net effect of taking this position in respect of re-subdivision is to encourage potential applicants to think very carefully about any subdivision development with a long term, end-state vision in mind.

All this said, it should be noted that the Plan Change does not propose re-subdivision as a Prohibited Activity. A Non-Complying status does allow for applications to be presented to Council for consideration taking into account special or exceptional circumstances.

The request (ref. submission 4016.4) to exclude boundary adjustment subdivisions from the "date trigger" from non-complying activity status is supported. Staff accept that a subdivision that does not result in additional titles ought to be considered as a Restricted Discretionary Activity.

The request (ref submission 3957.1) to exempt a new title that was created through an initial amalgamation subdivision can be supported. Unlike that of a boundary adjustment (see discussion above), an initial amalgamation will result in a larger allotment and reduced number of titles. For this reason, staff accept that Discretionary Activity status is more appropriate than Non-Complying.

5.4 Non-Complying Subdivision

Regarding requests to remove non-complying subdivision, staff maintain that the circumstances where the Non-Complying status would apply, being re-subdivision of a title created since 31 January 2016 (excluding boundary adjustments and those created through an amalgamation, see 5.3 above), and the subdivision of a Rural 1 Zone title below the threshold minimum, are significant in terms of its framework of policies and objectives and the requests should be disallowed.

B. Staff Recommendations

1. Retain Plan Change 60 proposed changes to subdivision, with amendments.
2. Retain the opportunity for a more flexible approach to subdivision size and layout through the minimum average allotment size Restricted Discretionary rule.

3. Retain the Non-complying status of Rural 1 Zone applications for subdivision consent that cannot meet the minimum average allotment size condition.
4. Amend to provide Restricted Discretionary opportunity for a boundary adjustment subdivision regardless of the age of a title.
5. Retain the opportunities for a “first generation” subdivision on a case-by-case basis, allowing for flexibility in allotment size and shape and the discretionary assessment of applications based on merit.
6. Amend Controlled Activity rules in the Rural 1 and Rural 2 zones to delete the provision for “as of right” subdivision to the minimum standards of 12 and 50 hectares.
7. As an “other action”, make a commitment to a review of the pattern of rural zones, including a review of allotment sizes appropriate to the management of the rural land resource and its productive values.

C. Reasons

1. Council has maintained a policy framework that prioritises Rural 1 Zone land values above rural-residential activity. It maintains that the Rural Residential Zone and parts of the Rural 3 Zone are the most appropriate locations for small rural land-holdings.
2. Staff recognise that in certain locations the pattern of Rural 1 and Rural 2 zoning may not be appropriate. Actual development character and amenity attributes are more aligned with residential-type activity, and have very limited plant and animal production potential.
3. Flexibility has been provided for in the subdivisions framework in the form of the proposed average allotment size rule, which does enable smaller lots to be created, provided that an average minimum can be achieved overall.
4. There is opportunity in the Rural 2 Zone for Council to consider individual cases at its discretion.
5. The Plan Change does not propose resubdivision as a Prohibited Activity. A Non-complying status does allow for applications to be presented to Council for consideration on a case-by-case basis.
6. Staff accept that a subdivision that does not result in additional titles ought to be considered as a Restricted Discretionary Activity even if the parent tile was created since 31 January 2016.
7. An initial amalgamation will result in a larger allotment and reduced number of titles. For this reason, staff accept that Discretionary Activity status is more appropriate than Non-Complying.
8. The circumstances where the Non-Complying status applies, being the re-subdivision of a title created since 31 January 2016 (excluding boundary adjustments and those created through an amalgamation, see above) and the subdivision of a Rural 1 Zone title below the threshold minimum, are significant in terms of its framework of policies and objectives.
9. Boundary adjustments can facilitate improvements to landholdings in support of plant and animal production without further fragmentation of the rural land resource.
10. The “as of right” subdivision of large landholdings into 12 or 50 hectare blocks, in the Rural 1 and Rural 2 zones respectively, does not necessarily reflect the policy position of the Plan that aims to protect plant and animal production opportunities.
11. The amendments improve consistency of terminology in regards to reverse sensitivity and cross boundary effects.

D. Plan Amendments

Topic : 16.3

1. Amend condition (c) of 16.3.5.3A and 16.3.6.3A to read:
“Except as provided for by condition (e) and (f), the subdivision is of a title that existed on or before 31 January 2016.”
2. Amend 16.3.5.3A and 16.3.6.3A to add a new condition:
“(f) The subdivision is of a title that was created by the amalgamation of two or more titles.”
3. Amend 16.3.5.1 and 16.3.6.1 to delete condition (a).

Topic : 16.3.6.1

Amend to replace “reverse sensitivities” with “reverse sensitivity”.

E. Other Action

That Council make a commitment to a review of the rural land zones, including the pattern of zoning, allotment

size thresholds and values underpinning the rural land resource.

F. Submission Recommendations

C60.35.2	Randall, C W A	Allow In Part
C60.806.37	NZ Transport Agency	Allow
<i>Allow</i>	FC60.806.14	
C60.1089.7	Nelson Forests Ltd	Allow
C60.1089.12	Nelson Forests Ltd	Allow In Part
C60.1089.13	Nelson Forests Ltd	Disallow
C60.1089.19	Nelson Forests Ltd	Disallow
C60.1089.20	Nelson Forests Ltd	Disallow
C60.1188.1	Drummond, Wendy	Disallow
C60.1227.4	Davis Ogilvie & Partners Ltd	Disallow
C60.1403.5	Muter, Frans	Disallow
C60.1430.1	Royal Forest & Bird Protection Society (Nelson/Tasman)	Allow
C60.1521.11	Federated Farmers of NZ (Inc.)	Allow In Part
<i>Disallow</i>	FC60.806.31	
C60.1521.19	Federated Farmers of NZ (Inc.)	Disallow
C60.1521.21	Federated Farmers of NZ (Inc.)	Disallow
<i>Allow</i>	FC60.806.32 FC60.2864.31	
C60.1521.22	Federated Farmers of NZ (Inc.)	Disallow
C60.1521.23	Federated Farmers of NZ (Inc.)	Allow In Part
C60.1521.24	Federated Farmers of NZ (Inc.)	Allow In Part
<i>Disallow</i>	FC60.806.33	
C60.1521.25	Federated Farmers of NZ (Inc.)	Disallow
C60.2852.2	Riley, Trevor H	Allow
C60.2852.3	Riley, Trevor H	Disallow
<i>Allow</i>	FC60.4032.3	
C60.2864.45	Horticulture New Zealand	Allow
C60.3015.1	Hoddys Orchard Ltd	Allow In Part
C60.3592.5	Golden Bay Community Board	Disallow
C60.3957.1	Adam, Vicki	Disallow
C60.3987.2	Angelo, Joseph	Disallow
C60.3987.7	Angelo, Joseph	Disallow
C60.3989.3	Astill, Rosie	Allow In Part
C60.3989.6	Astill, Rosie	Allow
C60.4001.6	Butts, Joan E	Allow
C60.4001.7	Butts, Joan E	Disallow
C60.4003.1	Carson, Colin	Allow In Part
C60.4004.2	Cartwright, James E	Allow In Part
C60.4007.1	Crummer, Ani	Disallow
C60.4008.2	Drummond, Stuart	Disallow
C60.4012.1	Ford, Lillemor M	Disallow
C60.4012.3	Ford, Lillemor M	Disallow
C60.4013.6	Forest, Sage Joy	Disallow

C60.4013.9	Forest, Sage Joy	Allow In Part
C60.4013.10	Forest, Sage Joy	Disallow
C60.4014.1	Gall, Natasha	Disallow
C60.4016.3	Golden Bay Surveyors	Disallow
C60.4016.4	Golden Bay Surveyors	Allow
C60.4020.1	Hall, Pip	Disallow
C60.4020.2	Hall, Pip	Disallow
C60.4020.3	Hall, Pip	Allow In Part
C60.4021.2	Halliwell, Cathleen	Allow In Part
C60.4021.4	Halliwell, Cathleen	Disallow
C60.4022.1	Halliwell, Marlene	Allow In Part
C60.4023.8	Hancock Forest Management (NZ) Ltd	Allow
C60.4023.12	Hancock Forest Management (NZ) Ltd	Disallow
C60.4023.13	Hancock Forest Management (NZ) Ltd	Disallow
C60.4023.17 <i>Disallow</i>	Hancock Forest Management (NZ) Ltd FC60.2864.32 FC60.4032.26	Disallow
C60.4023.18	Hancock Forest Management (NZ) Ltd	Disallow
C60.4023.19	Hancock Forest Management (NZ) Ltd	Disallow
C60.4024.2	Hannah, Lynda	Disallow
C60.4025.2	Harwood, Geoffrey	Allow In Part
C60.4030.1 <i>Allow</i>	Irvine, Donald & May FC60.2864.2	Disallow
C60.4032.2	Jelf, Iona	Allow
C60.4032.3	Jelf, Iona	Allow
C60.4032.12	Jelf, Iona	Allow
C60.4032.13	Jelf, Iona	Disallow
C60.4032.14	Jelf, Iona	Allow
C60.4034.21	Kebbell, John	Disallow
C60.4035.8	Kelsall, Julia	Allow
C60.4036.4	Kerrisk, Billy	Allow
C60.4036.10	Kerrisk, Billy	Allow
C60.4036.11	Kerrisk, Billy	Disallow
C60.4036.14	Kerrisk, Billy	Allow
C60.4040.1	Lang, Christian	Disallow
C60.4040.2	Lang, Christian	Disallow
C60.4044.1	Lochner, Richard	Allow
C60.4049.1 <i>Allow</i>	Manson, Mark & Laura FC60.4032.19	Allow
C60.4067.11 <i>Disallow</i>	Rowse, Chris & Schneider, Silvia FC60.4032.4	Allow
C60.4071.1	Schwarz, Ursus	Disallow
C60.4071.6	Schwarz, Ursus	Disallow
C60.4071.9 <i>Disallow</i>	Schwarz, Ursus FC60.4032.6	Allow
C60.4072.8	Scurr, Lorna	Allow In Part

<i>Disallow</i>	FC60.4032.5	
C60.4077.4	Stephenson, Andrew	Disallow
C60.4077.5	Stephenson, Andrew	Disallow
C60.4078.4	Stephenson, Petra	Disallow
C60.4078.5	Stephenson, Petra	Disallow
C60.4079.1	Strang, Dot	Disallow
C60.4084.5	Turner, Reginald E J	Allow
C60.4085.1	Staig & Smith and Alandale & Vailima Orchards	Disallow
C60.4086.2	Wallis, William G	Allow In Part
<i>Allow in Part</i>	FC60.4076.3	
C60.4091.2	Wells, Ned	Disallow
<i>Disallow</i>	FC60.4076.1	