

Rural Land Use and Subdivision Rules

Recent Changes

Tasman Resource Management Plan (the “TRMP”)

Summary Guide No. 14

Current: July 2019

This brochure provides updated information about the changes to the rural land rules that were introduced into the Tasman Resource Management Plan (the Plan) through the Rural Land Use and Subdivision Plan Change 60.

The Plan Change process is complete. Most of the rules became operative in June 2019. The Change amended many provisions within the Plan that affect rural land use and subdivision. During the Plan Change process, submitters and appellants requested a number of improvements to the first proposed version of the Change. Council evaluated and accepted many of the amendments requested.

Background

The Plan Change is the outcome of the Council’s review of the rural land use provisions. The review process included a Plan effectiveness evaluation in 2012, community issues and options discussion in 2005 and 2013, Council assessment of and decisions on submissions and finally resolution of most appeals during 2017 and 2018.

The Plan Change focused mainly on the productive zones (Rural 1 and 2) and the way we manage activities within them. The scope of the Plan Change did not include the rezoning of rural land. Any changes to the Rural 3 zone provisions were for the purpose of maintaining existing consistencies between rural zones only. Any changes to the existing rural character and amenity provisions relate directly to land use and subdivision only.

To assist with understanding the changes to the status of activities, a table explaining the levels of resource consent is attached to the back of this brochure.



What are the Changes?

Rural Policy

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

- Confirmed that productive activities are the priority land use in the rural production zones (Rural 1 and Rural 2 – and Rural 3 land with high productive values) while the Rural Residential zone and Rural 3 zone - where the land does not have high productive value) cater for rural lifestyle living
- Introduced more flexible housing choices in rural areas
- Reaffirmed the importance of maintaining the rural character (look and feel) of rural areas
- Clarified that, generally, commercial and industrial activities are discouraged in rural areas unless connected with plant and animal production.

Rural Subdivision

In the Rural 1 and 2 zones, where productive opportunity is prioritised, there is:

- **Provision for a final subdivision opportunity** as a Controlled Activity which requires a low level of consent for lots that meet the minimum lot size (12 ha in Rural 1 and 50 ha in Rural 2).

After this, further subdivision of the same area of land is discouraged. From 30 January 2016, re-subdivision of the same area of land is a Non-complying Activity in the Rural 1 and 2 zones.

There are some exceptions relating to boundary adjustments which improve productive opportunity and titles created through non Plan / Resource Management Act processes.

The idea is to limit land fragmentation into the future while acknowledging that currently landowners may subdivide with a low level of consent.

- In addition to the above, **introduction of a minimum average lot size** as a Restricted Discretionary Activity in the Rural 1 and 2 zones.

Provided an average lot size of 12 ha for Rural 1 or 50 ha for Rural 2 is met for the subdivision, the size of the subdivided lots can vary and the potential for one large productive lot remains. This means that the same number of lots may be created as for a 'minimum lot size' subdivision, but the lots may vary in size, from a minimum of 5,000 sqm upward.

After this, re-subdivision of the same area of land is a Non-complying Activity.

Examples of how land can be subdivided using the average minimum lot size rule are shown below.

The idea is to increase flexibility for landowners to rearrange their landholdings to suit social and economic circumstances.

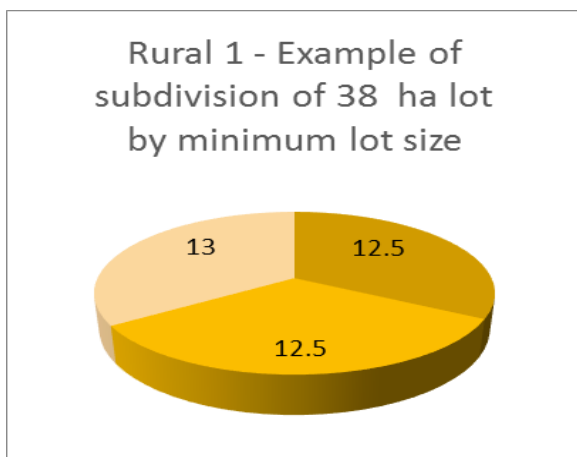
In the Rural Residential zone, where rural 'lifestyle' living is prioritised:

- The level of consent required for a subdivision where the site is below the minimum lot size is reduced from Discretionary to Restricted Discretionary.

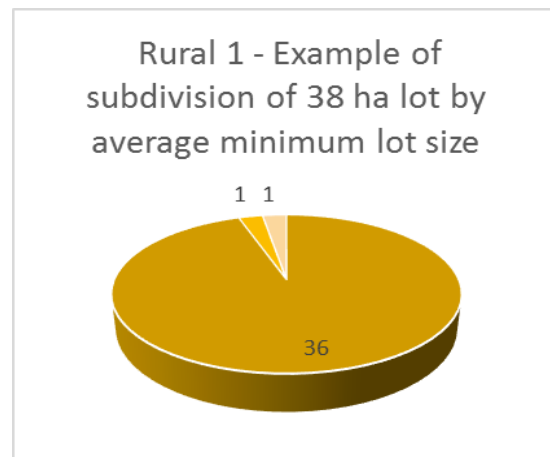
The idea is to encourage rural lifestylers to live in the Rural Residential zone rather than the Rural 1 or 2 zones.

Rural 1 - 36 ha block

Before the Plan Change

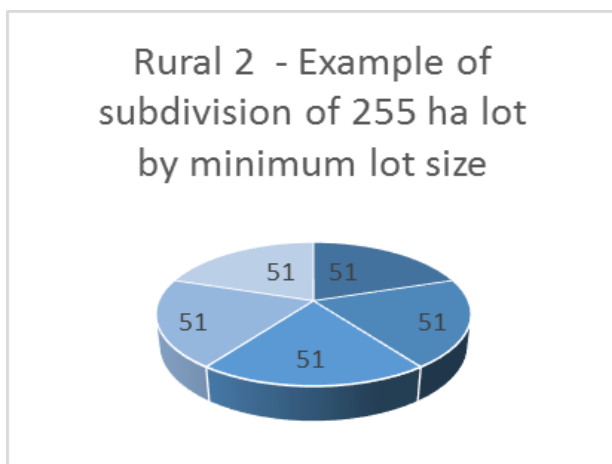


Now the Plan Change has legal effect

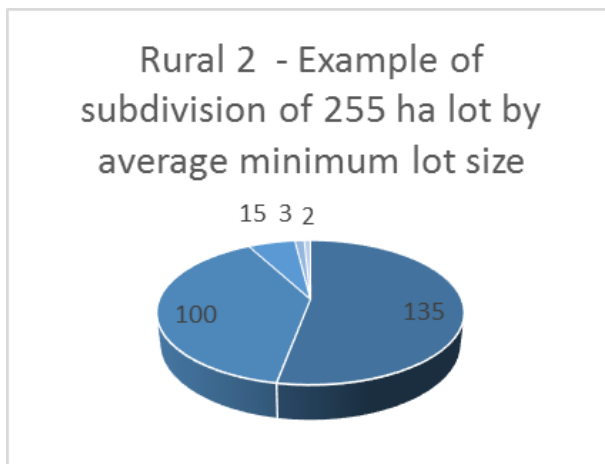


Rural 2 - 250 ha block

Before the Plan Change



Now the Plan Change has legal effect



Rural Housing

Council responded to the community demand for greater flexibility around housing choices in rural areas. New opportunities for rural housing provide for:

- The second housekeeping unit contained within (attached to) a principal dwelling to be of any size, i.e. floor area is no longer limited to 60 sqm.

As an alternative to the attached second housekeeping unit of any size, a detached minor dwelling (up to 80sqm in size or 120 sqm with an attached garage) regardless of lot size. In the Rural 1 zone the activity is Restricted Discretionary and in the Rural 2 zone, Controlled. The opportunity for a detached minor dwelling is also available in the Rural Residential zone for lots of at least 2 hectares in size as a Controlled Activity.

- Two sleep outs (36 sqm or less in size) per principal dwelling that can be located within 20 metres of any dwelling on the site.
- Inclusion of dwellings in the building coverage limits in the rural zones.

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

The diagram opposite illustrates the opportunities for housing in rural zones and the level of resource consent required.

Multiple Housing and Cooperative Living

There is new, improved policy and rule guidance for cooperative living in the Rural 1, 2 and Rural Residential zones.

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

Rural Character and Amenity

The Plan Change increased the protection for rural character and amenity in the Rural 1 and Rural 2 zones. Low impact design is further encouraged and there are new boundary setbacks for dwellings and other rural activities.

The Plan provides for:

- New 30m setbacks from dwellings and habitable buildings from internal boundaries except in the following situations:
 - Where a dwelling is altered and the existing setback to the boundary is not increased.
 - In the Rural 1 and 2 zones, where the boundary is to the Residential, Rural Residential or Rural 3 zone.

Rural Housing Provisions



1st Principal Dwelling, Attached housekeeping unit & 2 sleep outs

Rural 1: (C) if site 12 haⁱ, (RD) if below

Rural 2: (P)

Rural Residential Zone: (P)

OR



Minor Dwellingⁱⁱ as an alternative to an Attached housekeeping unit

Rural 1: (RD)

Rural 2: (C)

Rural Residential Zone: (C) if site 2 ha+



2nd Principal Dwelling, Attached housekeeping unit & 2 sleep outs

Rural 1: (RD) if site 24 ha+, (D) if below

Rural 2: (RD) if site 50 ha+, (D) if below

Rural Residential Zone: (RD)

AND



Workers accommodationⁱⁱⁱ

Rural 1 if site 12 ha+ (C)

Rural 2 if site 50 ha+ (C)

P = Permitted Activity

C = Controlled Activity

RD = Restricted Discretionary Activity

D = Discretionary Activity

ⁱ Unless site created before 25 May 1996

ⁱⁱ Minor Dwelling - 80 sqm or less total floor area or 120 sqm if garage attached

ⁱⁱⁱ Workers accommodation - locates sleeping facilities in separate building to eating and sanitary facilities and is relocatable

- In the Rural 1 and 2 zones, where the boundary is to a site that is less than 2,500 sqm. (The idea is to cluster like (living) activities and that it is unnecessary to protect productive opportunity on such small sites.)
- In the Rural 3 zone, where the boundary is to the Rural Residential or Residential zone.
- Rural Residential and Rural 3 zoned sites located in a subdivision consented before 30 January 2016.

Where the 30m setback does not apply, generally, the setback is 5m.

- A new, additional matter of assessment to guide decision making where a site cannot meet the 30m setback due to its shape in the Rural 1 and 2 zones.
- New setbacks for intensive poultry farming activities from the boundaries of the site; and for new dwellings and habitable buildings from a lawfully established intensive poultry farm that existed on or before 30 January 2016.

The idea is to reduce cross-boundary conflicts between incompatible uses and retain rural amenity without wasting land, while allowing for more flexible housing opportunities.

Rural Business

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

New provisions relating to rural business include:

- Improved guidance about what new commercial and industrial activities can establish in rural areas, i.e. these activities are discouraged in rural areas unless connected with plant and animal production.
- New rule that manages the parking and storage of heavy vehicles (other than those directly associated with plant and animal production or temporary construction, maintenance or demolition work) in rural areas by limiting the number of heavy vehicles to two.
- Limit for late night business traffic on local rural roads (from 10.00 pm and 6.00 am)

The idea is to continue to provide for business activity associated with plant and animal production and to allow most home occupation activity, including visitor accommodation, in rural zones but with reduced effects on productive opportunity and on rural residential areas.

Temporary Activities

Public events are now permitted to exceed the zone noise rules during the day for two days per year for any one site within a 12-month period. These public events are required to manage fire risk in high fire risk areas during summer months.

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

Overall

The changes were designed to strike a balance between:

- Landowners' desire to live as they wish *versus* effect this might have on the wider community
- Minimising 'red tape' *versus* losing the ability to control the 'cowboys'
- Cost to individual *versus* cost to the community
- Allowing one person to do something they want to *versus* effects of multiple people wanting to do the same
- Prescriptive, clear and certain rules *versus* non-prescriptive, flexible and innovative rules.

Further Information

If you would like to subdivide your land or make a change to the number or use of the buildings or dwellings on your land, we suggest you make an appointment to see a duty planner through Council reception before formally applying for resource consent.

For further information about the changes or the history of Plan Change 60, check our website:

<http://www.tasman.govt.nz/link/trmp-proposed-changes>.

Alternatively, you can contact:

Mary Honey

ph. 03 543 8400 or email Mary.Honey@tasman.govt.nz

What are the levels of Resource Consent?

A resource consent may be required by the Plan for an activity. The various levels of resource consent are described below.

Permitted - No resource consent required provided activity complies with the rules.

Controlled - Consent must be granted and may include conditions.

Restricted Discretionary - Consent may be approved or declined, and conditions of consent are limited to an identified set of matters.

Discretionary - Consent may be approved or declined. Council has open discretion on any conditions to mitigate, avoid or remedy effects.

Non-Complying - Activity must pass a 'threshold test' (i.e. not be contrary to the objectives or policies of the Plan or have only minor adverse effects) and then Council may approve or decline the application and impose conditions if approved.

Prohibited - No resource application can be made.