



Tasman Resource Management Plan

PROPOSED VARIATION 1 TO PLAN CHANGE No. 60 WITH AND WITHOUT LEGAL EFFECT

Rural 1 and 2 Zone Subdivision Amendments

Explanatory Statement and Schedule of Amendments

The Tasman Resource Management Plan is amended in accordance with the attached annotated portions of the Plan

NOTE:

- Black text denotes Operative text
- Blue text (regular, underlined or deleted) denotes Decision version of Proposed Plan Change 60
- Red text (underlined or deleted) denotes Proposed Variation 1 amendments
- Purple text (underlined or deleted) denotes Proposed Variation 1 amendments **with immediate** legal effect (as a result of Court order)

Notified: # July 2018

Explanatory Statement

PROPOSED VARIATION 1 TO PLAN CHANGE 60 **Rural 1 and 2 Zone Subdivision Amendments**

Notified: # July 2018

Purpose

The purpose of the variation is to provide for a consistent activity status for Rural 1 subdivision in circumstances where the TRMP already imposes that status on other Rural 1 subdivision, essentially because of those activities' cumulative risks to productive opportunity in that zone. This purpose arises from the omission in the notified Change 60 of rule amendments in the Rural 1 Zone subdivision rules to provide the intended non-complying status of Rural 1 subdivision where:

- any average of the net areas of lots in a Rural 1 subdivision is less than 12 ha; or
- the smallest lot in a Rural 1 subdivision is less than 5000 square metres; or
- the parent lot to be subdivided was not in existence on or before 31 January 2016.

The variation is essentially a set of technical amendments to correct omissions and associated errors in Change 60 text as described below.

The Proposed Variation 1 to Change 60

The Variation 1 amendments:

1. correct a minor error in rule references in Rule 16.3.5.1 conditions (Rural 1 controlled subdivision);
2. technically correct the alternative sets of conditions applying in Rule 16.3.5.3A (Rural 1 restricted discretionary subdivision) to clarify their effect and to amend the way in which certain exempted subdivision sites are described in condition (c) to more completely describe the intended exemption;
3. amend Rule 16.3.5.4A conditions (Rural 1 discretionary subdivision) to require such subdivision to comply with the requirements that:
 - the average area of lots is 12 hectares or more; and
 - the minimum lot size is at least 5000 square metres; and
 - where the title was made under the RMA, it existed as at 31 January 2016

or alternatively that:

- the subdivision is a boundary adjustment with no additional titles and on allotment less than 5000 square metres
- with the effect that any contravention defaults a subdivision to non-complying;
4. correct Rule 16.3.5.5A (noncomplying subdivision) so that it applies to discretionary subdivision not meeting any of the conditions;
 5. amend Rural 2 zone subdivision Rule 16.3.6.3A conditions (restricted discretionary subdivision) to technically correct the alternative sets of conditions applying and to amend the way in which certain exempted subdivision sites are described in condition (c).

Proposed Amendments with Immediate Legal Effect

The Environment Court has made an order under section 86D of the RMA dated 1 May 2018 that amendments to Rules 16.3.5.4A and 16.3.5.5A as listed in 3 and 4 above are to have immediate legal effect upon notification of this Variation 1 to Change 60. The actual amendments as in the following Schedule of Amendments with this immediate legal effect upon notification, are shown in the schedule in purple coloured, underlined or struck out text.

Proposed Amendments in the Schedule

For the sake of brevity, only excerpts from the TRMP chapters affected by amendments of Variation 1 to Change 60 and their immediate context have been included in this proposed schedule. For complete TRMP context, please refer to a full copy of the current TRMP, available at Council offices and libraries and online via Council's website <http://www.tasman.govt.nz/link/trmp>.

Schedule of Amendments

CHAPTER 16: GENERAL RULES

16.3 SUBDIVISION

16.3.5 Rural 1 Zone

16.3.5.1 Controlled Subdivision (Rural 1 and Rural 1 Coastal Zones) [16.3.7 Proposed]

Subdivision in the Rural 1 and Rural 1 Coastal zones is a controlled activity, if it complies with the following conditions: C22 2/11
Op 1/15

Area

(a) The minimum area of allotments created by the subdivision is 12 hectares (3.0 hectares in the Rural 1 Coastal Zone), except for allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) which have no minimum area requirement. C22 2/11
Op 1/15

Proposed as at 10 December 2016

[Condition 16.3.5.1(a) is amended as follows:]

(a) Except as provided by conditions (aa), (b), (c), or (ca) or (eb), the minimum area of allotments created by the subdivision is 12 hectares (3.0 hectares in the Rural 1 Coastal Zone), except for provided that the subdivision is of a title that existed on or before 30 January 2016. C60 1/16
(D 12/16)

(aa) Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) have no minimum area requirement. C60 1/16
(D 12/16)

(b) The minimum area of allotments created by subdivision on Lot 7, DP16467 is 1.5 hectares and the land is subdivided in a way that results in no more than two allotments. C22 2/11
Op 1/15

(c) The minimum area of allotments created by subdivision on Lot 1, DP 12203 in Golden Hills Road is 4 hectares, and the land is subdivided in a way that results in no more than seven allotments.

Proposed as at 10 December 2016

(ca) The minimum area of allotments created by the subdivision is 3.0 hectares in the Rural 1 Coastal Zone. C60 1/16
(D 12/16)

~~(eb) The subdivision is an amalgamation of titles resulting in a reduction of the total number of titles and there is no relevant minimum area of any title.~~ C60 1/16
D 12/16

Frontage

(d) Every allotment that has a frontage has a minimum frontage width of 100 metres in the case of a front allotment, or 5 metres in the case of a single rear allotment, or 6.5 metres in the case of two or more rear allotments that have a combined frontage.

[Unchanged text omitted]

Proposed as at 10 December 2016	
16.3.5.3A	Restricted Discretionary Subdivision (Rural 1 Zone)
<p>Subdivision in the Rural 1 Zone that does not comply with condition (a) of rule 16.3.5.1 is a restricted discretionary activity, if it meets the following conditions:</p> <p>(a) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and</p> <p>EITHER</p> <p>(b) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and</p> <p>(c) Except as provided for by condition (e) or (f), The subdivision is of a title that existed on or before 31<u>30</u> January 2016, except where that title was created by way of subdivision decision not made under the Tasman Resource Management Plan Act or any equivalent previous legislation;</p> <p>OR</p> <p>(d) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and</p> <p>(ed) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.</p> <p>OR</p> <p>(fe) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.</p> <p>A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion:</p> <p>(1) Any matter listed in rule 16.3.5.1.</p>	

C60 1/16
D 12/16

16.3.5.4	Discretionary Subdivision (Rural 1 Zone)
Proposed as at 10 December 2016	
<i>[Heading for 16.3.5.4 is amended as follows:]</i>	
16.3.5.4	Discretionary Subdivision (Rural 1 Zone – Ruby Bay Site)

C22 2/11
Op 1/15
C60 1/16
(D 12/16)

<p>Subdivision in the Rural 1 Zone that does not comply with the controlled conditions of rule 16.3.5.1 (other than condition 16.3.5.1(b)) is a discretionary activity.</p> <p>Proposed as at 10 December 2016 <i>[Paragraph above is amended as follows:]</i></p> <p>Subdivision in the Rural 1 Zone that does not comply with the controlled conditions (b) of rule 16.3.5.1 (other than condition 16.3.5.1(b)) is a discretionary activity.</p>	
--	--

C60 1/16
(D 12/16)

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

Proposed as at 10 December 2016	
16.3.5.4A	Discretionary Subdivision (Rural 1 Zone – Cooperative Living)
<p>Subdivision in the Rural 1 Zone that does not comply with condition (b) of rule 16.3.5.3A is a discretionary activity, if it complies with the following conditions:</p>	

C60 1/16
(D 12/16)

EITHER

~~(a) The subdivision is of a title that existed on or before 31 January 2016.~~

~~(a) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and~~

~~(b) The subdivision is of a title that existed on or before 30 January 2016, except where that title was created by way of a subdivision decision not made under the Act or any equivalent previous legislation.~~

OR

~~(c) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.~~

OR

~~(d) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.~~

OR

~~(be) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.5.2.8A has been submitted with the application for subdivision consent; and~~

~~(f) The subdivision is of a title that existed on or before 30 January 2016 except where that title was created by way of a subdivision decision not made under the Act or any equivalent previous legislation.~~

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.5.5 Discretionary Subdivision (Rural 1 Closed and Rural 1 Coastal Zones)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural 1 Closed Zone (Lot 1, DP 12203 in Golden Hills Road or at Mapua) or Rural 1 Coastal Zone is a discretionary activity if:

C22 2/11
Op 1/15

- (a) it does not create any additional allotments on which a dwelling can be built; and
- (b) following subdivision, existing buildings and dwellings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

Proposed as at 10 December 2016

16.3.5.5A Non-Complying Subdivision

C60 1/16
D 12/16

Subdivision in the Rural 1 Zone that does not comply with ~~condition (c) or condition (f) of rule 16.3.5.3A or condition (a) of rule 16.3.5.4A~~ is a non-complying activity.

A resource consent is required. Consent may be refused or conditions imposed. In considering the applications and determining conditions, Council will have regard to the criteria set out in Schedule 16.3A as well as any other provisions of the Plan or Act.

[Unchanged text omitted]

16.3.6 Rural 2 Zone

[Unchanged text omitted]

Proposed as at 10 December 2016		C60 1/16 D 12/16
16.3.6.3A	Restricted Discretionary Subdivision (Rural 2 Zone)	
<p>Subdivision in the Rural 2 Zone that does not comply with condition (a) of rule 16.3.6.1 is a Restricted Discretionary Activity, if it meets the following conditions:</p>		
(a)	The subdivision can meet conditions (c) – (l) of rule 16.3.6.1; and	
<u>EITHER</u>		
(b)	The average net area of all allotments that are created by the subdivision is 50 hectares or greater and no allotment that is created is less than 5,000 square metres; and	
(c)	Except as provided for by condition (e) or (f), <u>The subdivision is of a title that existed on or before 31 January 2016, except where that title was created by way of subdivision decision not made under the Tasman Resource Management Plan Act or equivalent previous legislation;</u>	
OR		
(d)	The subdivision can meet conditions 16.3.6.1 (e) – (l); and	
<u>(ed)</u>	The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision and no allotment that is created is less than 5,000 square metres;	
<u>OR</u>		
(fe)	The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.	
<p>A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which Council has restricted its discretion:</p>		
(1)	Any matter listed in 16.3.6.1.	

[Unchanged text omitted]