

# Decision Report

## Plan Change 8 – Rural Yards

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### Important Note

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

### Advice to Submitters:

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

## Part A: Decisions on Topics in the Planning Report

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions on the topics in the Planning Reports in [blue](#).

### Topic 1: Rural Front Yards

#### Decision

That there is no change to Rule 16.4.1 (c) (a) (i) as was notified.

The following submissions are therefore:

## Accepted

Submission	Point Number	Name
FS69	1	Brett, Michael
45	19	Federated Farmers of New Zealand
FS75	39	Federated Farmers of New Zealand
FS75	40	Federated Farmers of New Zealand
FS79	12	Surveying Services

## Accepted in Part

Submission	Point Number	Name
30	1	Thomas, Russell

## Rejected

Submission	Point Number	Name
37	19	New Zealand Transport Agency

## Reason for Decision

The proposed change seeks to remove the requirement to obtain resource consent for additions and alterations where the effects of these are minor. This avoids unnecessary restrictions and costs to landowners. It is unlikely that allowing minor additions and alterations will significantly increase reverse sensitivity.

## Topic 2: Rural Side and Rear Yards

### Decision

That Rule 16.4.1 (c) (i) (e) is amended as follows;

**(e)** Where any new Dwelling, Minor Dwelling, Accommodation Facility or Education Facility (including any additions or alterations to these) can meet all of the following permitted activity performance standards;

- Shall not be located any closer than 60m to any existing dwelling, minor dwelling, *accommodation facility* or *education facility* ~~on an adjoining title~~ that is located on a title separate to that of the subject site and in different ownership.
- Shall not be located any closer than 35m to any existing 'other structures' ~~on an adjoining title~~ that are located on a title separate to that of the subject site and in different ownership.
- Shall not be within 300m of any 'Intensive Farming Activity' ~~on an adjoining title~~ that is located on a title separate to that of the subject site and in different ownership.

The following submissions are therefore:

## Accepted

Submission	Point Number	Name
45	20	Federated Farmers of New Zealand
FS72	4	Ministry of Education

## Accepted in Part

Submission	Point Number	Name
47	9	Horticulture New Zealand
79	23	Surveying Services

## Reason for Decision

Option 2 is recommended because it would allow landowners with multiple adjoining titles to continue to use their land without unnecessary constraints and this approach is consistent with the “no setback” requirement within a single property.

## Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

That Rule 16.4.1 (c) (i) is amended as follows;

### (c) Yards

(i) Dwellings, Minor Dwellings, *Accommodation Facilities, Education Facilities*

- Minimum 30m.

Provided that;

A front yard may be reduced to not less than 10m in the following circumstance:

(a) For any additions or alterations to Dwellings, Minor Dwellings, Accommodation Facilities or Education Facilities that were established with a reduced yard (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m yard and does not increase the existing gross floor area of that building by more than 20%).

#### **Note:**

For the purpose of this rule “existing gross floor area” shall mean the gross floor area of that building as approved by way of the most recent building consent for which an application was lodged prior to 19 November 2011.”

A side or rear yard (~~other than a front yard~~) may be reduced to not less than 10m in one or more of the following circumstances;

(b) For titles in existence prior to 30 January 2010 and which are of an area no greater than one hectare; or for titles that have been created by way of a subdivision consent for which an application has been lodged on or before 30 January 2010 and which are of an area no greater than one hectare; or

- (c) For titles that have obtained subdivision consent prior to 30 January 2010 or for which a subdivision application was lodged on or before 30 January 2010 and which have an approved building site with a reduced yard where this infringement was assessed at the time of subdivision (this applies only to the building site assessed through the subdivision and new locations will require land use consent); or
- (d) For any additions or alterations to Dwellings, Minor Dwellings, Accommodation Facilities or Education Facilities that were established with a reduced yard (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m yard); or
- (e) Where any new Dwelling, Minor Dwelling, Accommodation Facility or Education Facility (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
- Shall not be located any closer than 60m to any existing dwelling, minor dwelling, *accommodation facility or education facility* ~~on an adjoining title~~ that is located on a title separate to that of the subject site and in different ownership.
  - Shall not be located any closer than 35m to any existing 'other structures' ~~on an adjoining title~~ that are located on a title separate to that of the subject site and in different ownership.
  - Shall not be within 300m of any '*Intensive Farming Activity*' ~~on an adjoining title~~ that are located on a title separate to that of the subject site and in different ownership.

## Part C: Changes to the Operative District Plan 2012

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

**That Rule 18.4.1 (c) (i) is amended as follows;**

**(c) Yards**

- (i) *Dwellings, Minor Dwellings, Accommodation Facilities, Education Facilities*
- Minimum 30m.

Provided that:

A front yard may be reduced to not less than 10m in the following circumstance;

(a) For any additions or alterations to *Dwellings, Minor Dwellings, Accommodation Facilities or Education Facilities* that were established with a reduced *yard* (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard* and does not increase the existing *gross floor area* of that *building* by more than 20%).

**Note:** For the purpose of this rule "existing gross floor area" shall mean the *gross floor area* of that *building* as approved by way of the most recent building consent for which an application was lodged prior to 19 November 2011."

A *side or rear yard* (~~other than a front yard~~) may be reduced to not less than 10m in one or more of the following circumstances;

(b) For titles in existence prior to 30 January 2010 and which are of an area no greater than one hectare; or for titles that have been created by way of a subdivision consent for which an application has been lodged on or before 30 January 2010 and which are of an area no greater than one hectare; or

(c) For titles that have obtained subdivision consent prior to 30 January 2010 or for which a subdivision application was lodged on or before 30 January 2010 and which have an approved building site with a reduced *yard* where this infringement was assessed at the time of subdivision (this applies only to the building site assessed through the subdivision and new locations will require land use consent); or

(d) For any additions or alterations to *Dwellings, Minor Dwellings, Accommodation Facilities or Education Facilities* that were established with a reduced *yard* (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard*); or

(e) Where any new *Dwelling, Minor Dwelling, Accommodation Facility or Education Facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;

- Shall not be located any closer than 60m to any existing *dwelling, minor dwelling, accommodation facility or education facility* on an adjoining title that is located on a title separate to that of the subject site and in different ownership.
- Shall not be located any closer than 35m to any existing 'other structures' on an adjoining title that are located on a title separate to that of the subject site and in different ownership.

- Shall not be within 300m of any '*Intensive Farming Activity*' ~~on an adjoining title~~ that is located on a title separate to that of the subject site and in different ownership.