Planning Report
Plan Change 54 – Boundary Adjustment Rural Zone

1.0 Introduction

1.1 The purpose of this report is to provide recommendations on submissions to Plan Change 54 – Boundary Adjustment - Rural Zone.

1.2 Plan Change 54 seeks to add an explanatory note to the boundary adjustment rules to clarify how the requirements to retain minimum lot sizes apply to the rural zone which has more than one minimum lot size.

1.3 For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to the document titled 'Summary of Recommendations – All Section 32 Reports".

1.4 Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

2.0 Topic: Boundary Adjustment Rule

2.1 Background

Boundary adjustment is allowed for as a controlled activity provided that each title meets the minimum lot size rules within the respective zone or there is no increase in the number of lots that do not comply. Because there are two minimum lot sizes in the Rural Zone (40ha for general farming lots and 6ha for production lots) there is potential for confusion as to which minimum lot size will apply to a boundary adjustment. This issue was raised by landowners through Council's duty planner service rather than through a specific resource consent application.

Plan Change 54 sought to provide clarification on this through the addition of an explanatory note. This explanatory note included advice relating to the need to demonstrate the productive potential of the lot to ascertain which minimum lot size is applicable to the proposal. The proposed wording is as follows;

Explanatory Note: The Rural Zone has two minimum lot sizes that are based on the productive capacity of the land. Rule 18.4.2(c) provides standards that are required to be met if the minimum of 6ha is to be used to assess compliance. Any application for a boundary adjustment in the Rural Zone, if it is reliant on determining its compliance with the 6ha hectare minimum lot size, will be required to provide sufficient information to demonstrate its compliance.

2.2 Submission Points

2.2.1 Aurecon (Tauranga) have raised the following concerns;

- The Plan Change is based on their being two minimum lot sizes which is not actually the case as there are other lot sizes for additional dwelling lots, production lots, and no lot size for utilities.
- It is unclear whether there is an existing problem that justifies the change.
- The Plan Change is potentially unnecessary given that boundary adjustments can proceed to allow the rationalizing of boundaries so long as the outcome produces no further non-compliance if lots were created under a specific rule like that for production lots.

2.2.2 Stratum Consultants Ltd are opposed for the following reasons;

- Boundary adjustments are often undertaken to rationalize boundaries to make land use more effective.
- No additional titles are created.
- Requiring assessment of the rural production lot rules will make boundary adjustments restrictive and will add further costs and time implications.

2.2.3 Horticulture NZ and NZ Kiwifruit Growers have made a further submission opposing (in part) the submission of Stratum Consultants Ltd. They consider here should be clarity as to how the boundary adjustment rule is applied.

2.3 Option 1 – Status Quo – Do not add the explanatory note

Benefits	▪ The resource consents team are comfortable with how the boundary adjustment rules are applied without the explanatory note despite any possible interpretation issues surrounding applicable minimum lot sizes. There are few applications where minimum lot sizes are an issue because most boundary adjustments involve smaller lots below both minimum lot sizes. ▪ The proposed explanatory note may actually create more confusion for applicants so not proceeding may be beneficial.
Costs	▪ There may remain some confusion as to how the rule applies to the Rural Zone given there are two minimum lot sizes. This may result in deficient applications being lodged with Council or extra work being done to clarify the rule framework in some circumstances.
Effectiveness/ Efficiency	▪ Effective at allowing boundary adjustments to rationalize boundaries for more efficient land use. ▪ Efficient as the status quo is working well for both the resource consent team and applicants. Also avoids the

	need to engage a soil scientist to demonstrate whether land is horticulturally productive when not necessary. ▪ Not efficient in that it may cause some applicants and Council staff to spend additional resources clarifying the rule framework in some circumstances.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	▪ N/A – sufficient information is available.

2.4 Option 2 – As Notified - Add the explanatory note

Benefits	▪ Highlights to potential applicants that there are two minimum lot sizes in the Rural Zone.
Costs	▪ The proposed explanatory note may actually create more confusion for applicants than what currently exists. ▪ The requirements to provide sufficient information to determine compliance with the 6ha (opposed to the 40ha) minimum lot size will lead to similar cost and time implications as production lot subdivisions. It is not appropriate for the same level of scrutiny to apply as no further lots are being created. ▪ Potentially unnecessary as the Resource Consents Team are comfortable with how the boundary adjustment rules are applied without the explanatory note, despite any possible interpretation issues surrounding applicable minimum lot sizes. There are also few applications where minimum lot sizes are an issue because most boundary adjustments involve smaller lots below both minimum lot sizes.
Effectiveness/ Efficiency	▪ Still effective at allowing boundary adjustments to rationalise boundaries for more efficient land use but may discourage landowners from making applications because of the information requirements. ▪ Not efficient as it may create more confusion about the application of the rule. Also requires applicants engage a soil scientist to demonstrate whether land is horticulturally productive when this may be not necessary.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	▪ N/A – sufficient information is available.

2.5 Discussion

2.5.1 The confusion surrounding what the applicable minimum lot sizes would be for considering boundary adjustment in the rural zone was raised by landowners using Council's duty planner service rather than through any issues with processing resource consent applications. The proposed explanatory note highlighted the existence of these two minimum lot sizes and sought to provide guidance to applicants on how to determine the applicable one for a particular application.

2.5.2 Submissions opposing the explanatory note raised a number of good points about whether it was necessary or workable and after further discussion with the resource consents team it is now considered that the explanatory note is not needed. There haven't been any particular applications yet where there has been a need to determine the applicable minimum lot sizes as most applications involve small parcels of land.

2.6 Recommendation

That the proposed explanatory note be deleted;

~~**Explanatory Note:** The Rural Zone has two minimum lot sizes that are based on the productive capacity of the land. Rule 18.4.2(c) provides standards that are required to be met if the minimum of 6ha is to be used to assess compliance. Any application for a boundary adjustment in the Rural Zone, if it is reliant on determining its compliance with the 6ha hectare minimum lot size, will be required to provide sufficient information to demonstrate its compliance.~~

The following submissions are therefore:

Accepted

Submission	Point Number	Name
5	1	Stratum Consultants Ltd
23	1	Aurecon (Tauranga)

2.7 Reasons

2.7.1 The proposed explanatory note may actually create more confusion for applicants than what currently exists.

2.7.2 The resource consents team are comfortable with how the boundary adjustment rules are applied without the explanatory note despite any possible interpretation issues surrounding applicable minimum lot sizes. There are few applications where minimum lot sizes are an issue because most boundary adjustments involve smaller lots below both minimum lot sizes.

2.7.3 The requirements to provide sufficient information to determine compliance with the 6ha (opposed to the 40ha) minimum lot

size will lead to similar cost and time implications as production lot subdivisions. It is not appropriate for the same level of scrutiny to apply as no further lots are being created.

3.0 Plan Change 54 - Recommended Changes to the District Plan First Review

3.1 The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.

3.2 Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

3.3 That the proposed explanatory note be deleted;

~~**Explanatory Note:** The Rural Zone has two minimum lot sizes that are based on the productive capacity of the land. Rule 18.4.2(c) provides standards that are required to be met if the minimum of 6ha is to be used to assess compliance. Any application for a boundary adjustment in the Rural Zone, if it is reliant on determining its compliance with the 6ha hectare minimum lot size, will be required to provide sufficient information to demonstrate its compliance.~~