

# **Topic 17: Subdivision**

## **Reply to Minute 24**

**Ian Sutherland**  
**Reporting Officer**

**11 May 2018**

## Background

My final recommendations on boundary adjustments included the following paragraph explaining why I only recommended such provision apply to the Rural Environment Zone:

*I also believe that there is no need for other zones to be included (which are rural living, coastal living, residential, commercial, industrial and open space) as boundary adjustments are not as often sought in those areas, and conflicts with policies may arise if lot sizes were proposed significantly less than the minimum allotment standards.*

The recommended rule was:

### **24.1.1. Boundary Adjustments**

24.1.1.1. *Available in the Rural Environment Zone, excluding the Wairau Plain and Omaka Valley overlay areas*

*The Council may consent to the re-arrangement of boundaries between adjacent existing Computer Registers where one or more proposed allotments do not comply with the minimum area requirements as set out in Rule 24.3.1.2, provided that the following standards are met:*

#### **Standards and terms:**

24.1.1.2. *The proposed subdivision shall not create any additional Computer Registers (excluding any reserves), or any additional permitted right to erect a dwelling.*

24.1.1.3. *All new allotments must demonstrate adequate access and servicing is available as required by the Plan, and each lot provides sufficient area for a dwelling meeting the standards for permitted activities in relation to building setback and/or recession plane controls.*

24.1.1.4. *Allotments comprised in the application may be separated by a road, railway, drain, water race, river or stream.*

#### **Matters over which the Council has restricted its discretion:**

24.1.1.5. *The extent that the boundary adjustment will result in adverse effects on productive land.*

24.1.1.6. *The extent that the boundary adjustment is likely to result in reverse sensitivity conflicts arising.*

24.1.1.7. *The matters set out in 24.3.1.8 to 24.3.1.27.*

24.1.1.8. *Amalgamation conditions.*

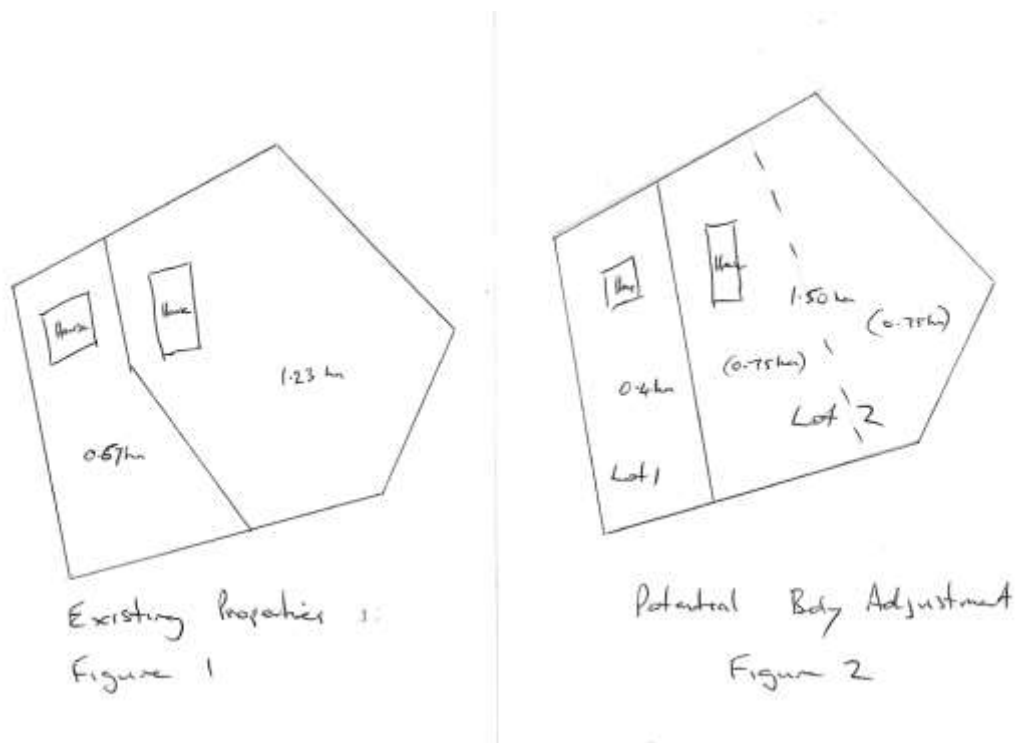
## Response to Minute

The minute from the Panel requests that I identify the policies and objectives in the Coastal Living and Rural Living zones upon which I formed that view [that these the rule should not apply in these zones].

Before I turn to the objectives and policies, I would like to explain my concerns with providing for boundary adjustments in these two zones. I believe that it would result in unintended consequences by applications being lodged with much smaller lot sizes than the minimum controlled activity standard. There are no specific standards in the boundary adjustment rule that would limit the minimum size. (Note that the boundary adjustment rule would only be needed if one or more of the proposed lots was less than the controlled activity size).

Any such application could be submitted seeking a boundary adjustment between two lots, with one proposed lot being quite small but large enough to accommodate a dwelling and servicing, and the other becoming large enough to then be able to further subdivided as a controlled activity.

This is demonstrated below (in principle) for lots in the Rural Living zone, with Figure 1 being a possible current layout, and Figure 2 showing the possible outcome of a boundary adjustment, leaving Lot 2 large enough to be further subdivided as a controlled activity. I have checked, and believe that this could actually occur within these zones.



#### Rural Living Zone:

Relevant Objectives and Policies for the Rural Living Zone are contained in Chapter 14 of the MEP.

Policy 14.5.5 seeks to maintain the character and amenity values of Rural Living zone areas by the setting of standards that include (b) lot building density; (d) privacy; (e) ample sunlight; (g) views to the surrounding environment; and (i) limited infrastructure and services and low volumes of traffic.

Policy 14.5.6 is to ensure that subdivision is undertaken in a manner that (a) is consistent with 14.5.5; (b) is appropriate to the character of the locality; and (d) assimilate wastewater.

#### Coastal Living Zone:

Relevant Objectives and Policies for the Coastal Living Zone are contained in Chapter 13 of the MEP.

Policy 13.5.6 seeks to maintain the character and amenity values of Coastal Living zone areas by the setting of standards that include (b) peaceful environments with relatively quiet background noise levels; (d) privacy; (e) ample sunlight; (g) views to the surrounding environment including the sea; and (i) limited infrastructure and services and low volumes of traffic.

Policy 13.5.7 is to ensure that subdivision is undertaken in a manner that (a) is consistent with 13.5.6; (b) is appropriate to the character of the locality; (c) maintenance of maintenance attributes expressed in policies 13.2.4 & 13.2.5; and (e) assimilate wastewater.

Policy 13.2.4 – This lists the attributes to be considered.

Policy 13.2.5 – This lists the amenity values to be maintained and enhanced

### Coastal Environment

Although the minute hasn't asked for this zone, I will address this zone too.

The relevant objectives and policies are in Chapter 13.

Policy 13.2.1 provides a list of values of which subdivision needs to recognise and provide for, including: natural character and landscapes.

Policy 13.2.2 provides for more matters to be considered for subdivision, including (f) sprawling or sporadic patterns of subdivision.

Objective 13.5 seeks to ensure that residential activity takes place within appropriate locations and limited within the coastal environment. Policy 13.5.1 & 13.5.2 specify that the appropriate location for residential activity is the Coastal Living Zone.

### **Summary**

Not all boundary adjustments in these zones will conflict with these policies, but some (such as the example above in the Rural Living Zone or the creation of a small residential allotment in the Coastal Environment Zone) are very likely to conflict. The matters to which Councils consideration is limited to in the proposed Boundary Adjustment Rule 24.1.11 are too narrow and would not enable these policies to be applied if the Rural and Coastal Living Zones (or the Coastal Environment Zone) were included into the Rule. For instance there are no matters of control on natural character, landscapes, or sprawling or sporadic subdivision.

One option is to add more standards and terms and matters of control to ensure these matters will be considered, however trying to include matters that only apply to some zones and not others in this rule would make it more complex, and there is a greater risk of something important identified in these policies being missed out.

To avoid that risk, I believe that it would be more appropriate to continue to require subdivision in these zones other than the Rural Environment Zone (to create lot sizes less than the controlled activity standard) to be a Discretionary Activity to ensure that all of relevant policies are still in play.

I have also checked that the proposed boundary adjustment rule will not conflict with Chapter 14 for Rural Environment zone. This biggest risk of adverse effects occurring is the creation of smaller residential lots. There is good commentary under Issue 14C in relation to this matter. It lists the range of effects that can arise, with the first two being effects on primary production and effects on amenity values. Both of these are picked up by the proposed matters of control 24.1.1.5 & 24.1.1.6. The other matters are picked up by matter of control 24.1.1.7.

I hope this helps you with your deliberations.



**Ian Sutherland**  
**Reporting Officer**

11 May 2018