

Planners Report 20

Variation 1: Lifestyle Zones and Minden Structure Plan Area

Lifestyle Section – Subdivision Activity Performance Standards

Walkway and Equestrian Lot Entitlements

1.0 Background

- 1.1 This report relates to the Subdivision Activity Performance Standards for the Minden Lifestyle Structure Plan Walkway, Bridleway and Equestrian Lot Entitlements as per Rule 16A.4.2 (d).
- 1.2 For the purpose of this report the term “Lot Entitlements” will be used to generically refer to Walkway, Bridleway and Equestrian Lot Entitlements from this point onwards.
- 1.3 The term “Transferable Subdivision Entitlements” shall refer to those which must be purchased from the Rural Zone.
- 1.4 In the notified Variation it was proposed that if a land owner provided a public walkway or bridleway (shared or unshared) in general accordance with the Structure Plan or an Equestrian Facility then they were able to obtain a Lot Entitlement. This was based on the following:
 - 1.4.1 That the walkway vested was not less than 7m in width and 100m in length.
 - 1.4.2 That the bridleway vested was not less than 15m (unshared) and 10m (shared) in width and 100m in length.
 - 1.4.3 That the Equestrian Facility of 2500m² be provided on a suitable contour.
 - 1.4.4 That no monetary compensation is payable for these vested walkways and bridleways. Instead the incentive is the opportunity to subdivide to smaller minimum and average lot sizes than generally allowed.
 - 1.4.5 That lots created on-site as a result of vesting the above can be as small as 2500m² (this applies to all lots within the subdivision).
- 1.5 Under the notified variation, these Lot Entitlements cannot be used until all the Transferable Subdivision Entitlements of the site had been obtained first from the Rural Zone.

- 1.6 The idea underpinning the provision of these Lot Entitlements was to provide some incentives for lots to in turn provide this infrastructure as part of the Structure Plan. The intent is that the rules will negate the need for Council to raise revenue from other developers by way of financial contributions in order to pay for community infrastructure.

2.0 Issues

- 2.1 14 submission points were received on the subject of these Lot Entitlements. Of these, eight submissions points were received in opposition to the provisions and three were received in support with amendments. Three further submissions were received.
- 2.2 The main issues raised by submitters can be summarised as follows:
 - 2.2.1 Three submission points sought that the provisions for these Lot Entitlements be deleted in their entirety.
 - 2.2.2 Three submission points opposed the allocation mechanism which requires the full amount of Transferable Subdivision Entitlements to be used first before the benefits of the Lot Entitlements could be taken advantage of.
 - 2.2.3 Two submission points sought that walkways were provided but that these were compensated either with additional lots or rate reductions at no additional cost to the landowner.
 - 2.2.4 WBOPDC submitted that these rules need to be more clearly explained so people can understand how minimum lot sizes can be reduced and how exactly this removes the requirement to comply with the minimum average lot size rule.
 - 2.2.5 WBOPDC and one other submitter have also highlighted that there is an inequity between walkway and bridleway width requirements in terms of obtaining subdivision entitlements and that these need to be corrected to be more comparable.
 - 2.2.6 In other submission points it was noted that "bridleway" had been excluded from the title of "Walkway and Equestrian Lot Entitlements" and that "Cycleways" should also be included as these are mentioned in the Explanatory Statement.
 - 2.2.7 One submitter also sought that these entitlements were renamed to "Greenlane Bonus Lot Entitlements" rather than stating each specific one.
 - 2.2.8 WBOPDC's submission has also pointed toward the need to provide a definition for "communal equestrian facilities".

3.0 Options

3.1 Option 1

3.1.1 Retain Rule 16A.4.2 (d) - Minden Lifestyle Structure Plan Walkway and Equestrian Lot Entitlements as notified.

3.2 Option 2

3.2.1 Revert to the status quo – Delete Rule 16A.4.2 (d) Minden Lifestyle Structure Plan Walkway and Equestrian Lot Entitlements.

3.3 Option 3

3.3.1 Add a provision for cycleways to generate bonus lots.

3.4 Option 4

3.4.1 Rename Lot Entitlements as “Green Lane Bonus Lot Entitlements” and include Bridleways.

3.5 Option 5

3.5.1 Reword the table to clearly explain how walkway and equestrian lots are exempt from minimum and average lot sizes (with an example).

3.6 Option 6

3.6.1 Amend the table by allowing a bonus lot for every 700m² (or other equivalent) of land provided for each walkway, bridleway, equestrian facility or other.

3.7 Option 7

3.7.1 Reword Rule 16A.4.2 (d) (ii) to clearly explain that walkway and equestrian lots can only be used after the standard subdivision opportunities have been utilised (with an example).

3.8 Option 8

3.8.1 Amend Rule 16A.4.2 (d) (ii) by deleting the requirement to use the full number of Transferable Subdivision Entitlements before being able to use the Lot Entitlements.

3.9 Option 9

3.9.1 Council compensates landowners by purchasing the land required, rate reductions, or provision of additional lots at no expense to landowner.

3.10 Option 10

3.10.1 Add a new definition for “Communal Equestrian Facilities”.

4.0 Advantages and Disadvantages

4.1 Option 1: Retain Rule 16A.4.2 (d) Minden Lifestyle Structure Plan Walkway and Equestrian Lot Entitlements as notified.	
Advantages	Disadvantages
<ul style="list-style-type: none"> Encourages establishment of walkways, bridleways and equestrian parks by way of incentives. Creates greater yield for lifestyle zone and more opportunities to transfer entitlements from the Rural Zone. 	<ul style="list-style-type: none"> Current drafting of rules is confusing and does not clearly explain how the rules intend to work. Equestrian facilities are over-incentivized. Submitters have raised a number of issues largely relating to cost.

4.2 Option 2: Revert to the status quo – Delete Rule 16A.4.2 (d) Minden Lifestyle Structure Plan Walkway and Equestrian Lot Entitlements in its entirety.	
Advantages	Disadvantages
<ul style="list-style-type: none"> Landowners against the proposal do not have to provide these features when they subdivide. Equestrian Lot Entitlements have over-incentivized the provision of these features. These are not guaranteed to be for public use and have not actually been identified. 	<ul style="list-style-type: none"> Walkways and bridleways would not be established. Recreational value and amenity of the zone decreases. Council would need to purchase land which would be at the expense of the general ratepayer. Would result in lesser yield and less Transferable Subdivision Entitlements able to be transferred from the Rural Zone.

4.3 Option 3: Add a provision for cycleways and other green lanes to generate bonus lots.	
Advantages	Disadvantages
<ul style="list-style-type: none"> Walkways will also be used as cycleways so can be included under walkways. 	<ul style="list-style-type: none"> None

4.4 Option 4: Rename entitlements as “Green Lane Bonus Lot Entitlements” and include Bridleways.	
Advantages	Disadvantages
<ul style="list-style-type: none"> Would be consistent with “greenlanes” which are mentioned in the Explanatory Statement. Referring to “greenlanes” simplifies the name of the entitlements. “Bonus” shows that these lots are in addition to other subdivision rights. A submitter has noted that bridleways were accidentally 	<ul style="list-style-type: none"> Equestrian facilities are not greenlanes.

excluded from the title and this needs to be corrected.	
---	--

4.5 Option 5: Reword the table to clearly explain how walkway and equestrian lots are exempt from minimum and average lot sizes (with an example).

Advantages	Disadvantages
<ul style="list-style-type: none"> • Current wording does not clearly show that the minimum lot size reduces from 3000m² to 2500m² for <u>all</u> lots within a subdivision under this rule. • Also does not clearly show that the average of 4000m² no longer applies e.g. because all lots can be as small as 2500m². • Wording changes will make the rule easier to administer. 	<ul style="list-style-type: none"> • Rules for Equestrian Lot Entitlements need to be reconsidered.

4.6 Option 6: Amend the table by allowing a bonus lot for every 700m² of land provided for each walkway, bridleway, equestrian facility or other.

Advantages	Disadvantages
<ul style="list-style-type: none"> • More equitable as landowners would receive a Lot Entitlement for each 700m² for land regardless of what feature is vested. As opposed to 700m², 1000m², 1500m² and 2500m² depending on which feature they provided. • For Bridleways, reduces the number of Transferable Subdivision Entitlements that Lifestyle Zone residents need to purchase. • Would encourage the quicker provision of bridleways and shared bridleways. • Allows even greater yield and transfer of entitlements from the Rural Zone 	<ul style="list-style-type: none"> • Landowners still gain a similar advantage regardless of which feature is vested as <u>all</u> lots in the resultant subdivision can be reduced to 2500m² (increasing yield). • This needs to be reconsidered however for Equestrian Facilities, as this was not the intention.

4.7 Option 7: Reword Rule 16A.4.2 (d) (ii) to clearly explain that walkway and equestrian lots can only be used after the standard subdivision opportunities have been utilised (with an example).

Advantages	Disadvantages
<ul style="list-style-type: none"> • Makes the rule clearer. 	<ul style="list-style-type: none"> • This rule first needs to be reconsidered under Option 8 below.

4.8 Option 8: Amend Rule 16A.4.2 (d) (ii) by deleting the requirement to use the full number of Transferable Subdivision Entitlements before being able to use the Lot Entitlements.	
Advantages	Disadvantages
<ul style="list-style-type: none"> Provides encouragement to landowners to vest these features as they can gain benefits of subdividing before needing to purchase any Transferable Subdivision Entitlements. Current rule exaggerates the number of Transferable Subdivision Entitlements that may actually be required as the 4000m² may be unachievable (see discussion for more detail). 	<ul style="list-style-type: none"> Uptake of Transferable Subdivision Entitlements from the Rural Zone decreases. Landowners may choose to only create a number of lots equal to the amount of Lot Entitlements gained to avoid the need to purchase any Transferable Subdivision Entitlements. This also reduces yield.

4.9 Option 9: Council compensates landowners by purchasing the land required, rate reductions, or provision of additional lots at no expense to landowner.	
Advantages	Disadvantages
<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Compensation and rate reductions are not required because landowners will receive the financial benefit of creating a significantly larger number of lots as well as not needing to purchase any many Transferable Subdivision Entitlements.

4.10 Option 10: Add a new definition for "Communal Equestrian Facilities",	
Advantages	Disadvantages
<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> This definition is no longer required.

5.0 Discussion

5.1 Options 1 and 2 – Retaining versus deleting provisions for Lot Entitlements

5.1.1 These Lot Entitlement provisions are required in order to encourage landowners to provide walkways, cycleways and bridleways in the Minden Lifestyle Zone.

5.1.2 When vesting features, landowners will receive the benefits of reduced lot sizes for the entire subdivision. This includes the reduction of the minimum lot size from 3000m² to 2500m² and an exemption from the 4000m² average lot size. They will also require one less Transferable Subdivision Entitlement per Lot Entitlement gained. The alternative is to require ratepayers to

fund the establishment of these features, which is not appropriate.

5.1.3 Allowing Lot Entitlements for Equestrian Facilities under these same provisions has been reconsidered. Although these features are still intended to contribute at some stage to the Minden Lifestyle Zone, the way in which they were provided for is flawed. Problems include;

- No facilities have been identified on the Structure Plan.
- The Lot Entitlement provisions allow for the creation of an unlimited number of these facilities when only a certain number will be required.
- The Lot Entitlement provisions over-incentivize landowners to provide these facilities (as these can already be established as Permitted Activities).
- These facilities will be in private ownership so may only benefit a small number of landowners.
- It is uncertain how these facilities are to be established and operated as they will not be owned by Council.

5.1.4 Overall, this is not a good way of providing for these features. The alternative is to remove these Lot Entitlement provisions for equestrian facilities and instead provide for their establishment as Non-Complying Activities and assess each one on a case-by-case basis. This was the status quo before these provisions were introduced. Objectives and Policies that refer to equestrian facilities should be retained to support their establishment.

5.2 Option 3 – Lot entitlements for Cycleways

5.2.1 Walkways and shared bridleways will be used also as cycleways. Rather than creating a whole new entitlement for cycleways these should instead be combined with walkways and shared bridleways. A common definition will be needed as discussed in Option 4 below.

5.3 Option 4 – Renaming title to “Greenlane” Entitlements and including Bridleways.

5.3.1 Simplifying the name of these entitlements to “greenlane” has merits because otherwise they could be named “Walkway, Cycleway, Bridleway, Shared Bridleway and Equestrian Lot Entitlements” which is too lengthy. This term is also used in the Explanatory Statement.

5.3.2 Equestrian facilities should be removed from the title however as the recommendation is to remove them from these provisions.

5.3.3 Another issue with the title that was noted by submitters was that “bridleways” were omitted and need to be added. These will be included through a definition of “greenlanes”.

5.4 Option 5 – Explaining exemptions from minimum and average lot sizes

5.4.1 The table needs to be reorganized and reworded to make it clear what lot size exceptions (minimum and average) are actually intended for subdivision under these provisions for walkways/cycleways and bridleways. Equestrian facilities should be removed as per previous discussions.

5.4.2 The intention is that all lots within the resultant subdivision can be reduced to a 2500m² minimum lot size and that no average will therefore apply. The wording in the table does not clearly explain that this reduction to 2500m² applies to all lots, and so could be read either as this, or that the reduction only applies to a limited number of lots equal to the number of Lot Entitlements.

5.5 Option 6 – Lot entitlements per every 700m² area of feature vested.

5.5.1 Under the notified Variation, there was quite a disparity between the areas of land that needed to be vested in return for a lot entitlement. For example, walkways, bridleways and shared bridleways all required a vesting of 100m however at 7m, 10m and 15m. Report 15 on Walkway and Bridleway Widths has now recommended the following;

Walkways	7m = (700m ²)
Shared Bridleways	7m = (700m ²)
Bridleways	8m = (800m ²)

5.5.2 This has helped to reduce the disparity and bring about a more equitable provision of Lot Entitlements between the above features. Equestrian facilities are not considered (see previous discussion).

5.6 Options 7 and 8 – The requirement to purchase the full amount of Transferable Subdivision Entitlements before using Lot Entitlements.

5.6.1 Rule 16A.4.2 (ii) stipulates that the Lot Entitlements gained from vesting these features cannot be used until the full amount of Transferable Subdivision Entitlements from the Rural Zone are purchased for a subdivision first.

5.6.2 This means for example that a 4ha lot which is technically capable of realising 10 lots at the 4000m² average, must presumably first obtain 10 Transferable Subdivision Entitlements from the Rural Zone. Upon re-calculating the average at 2500m² under the Lot Entitlement provisions, this 4ha lot would actually

be capable of realising 16 lots, providing 6 additional lots from these Lot Entitlements.

5.6.3 The first problem with this approach is that landowners may be discouraged from subdividing because of the costs of purchasing these 10 Transferable Subdivision Entitlements. Reversing this requirement to allow for the other Lot Entitlements to be used first, would have the opposite effect and help establish these connections quicker.

5.6.4 Another problem with this approach is that a 4000m² average may not always be possible due to topography; therefore the initial calculation may over exaggerate how many Transferable Subdivision Entitlements must be purchased from the Rural Zone.

5.6.5 For example, the 4ha lot may actually only be capable of realizing 5 lots at 8000m² however the (assumed) calculation automatically requires that 10 Transferable Subdivision Entitlements be purchased from the Rural Zone first before the other Lot Entitlements can be used. The exaggerated figure of 10 may also limit the number of Lot Entitlements which can be used as these can only be used for the balance.

5.6.6 Rule 16A.4.2 (d) (ii) should be changed to allow landowners to use their full amount of Lot Entitlements first and then to create the remaining lots using Transferable Subdivision Entitlements from the Rural Zone if they choose to do so. This way, the problem of over-exaggerating the required number of Transferable Subdivision Entitlements is avoided and landowners only need to purchase the required amount as they wish. As a result, it also provides encouragement for landowners to use these provisions.

5.7 Option 9 - Compensation to landowners who provide features.

5.7.1 Direct financial compensation is not necessary because landowners will receive financial benefits from subdividing down to a smaller minimum lot size with no average and from needing to buy less Transferable Subdivision Entitlements.

5.8 Option 10 – Definition of “Community Equestrian Facilities”

5.8.1 This definition is no longer need because of the reconsideration of the Equestrian Lot Entitlement rules.

6.0 Recommendation

6.1 That Rule 16A.4.2 - “Walkway and Equestrian Lot Entitlements” is redrafted as shown in Attachment A.

6.2 That the terms “walkways” (with the addition of cycleways) and “bridleways” are merged into a definition for “Greenlane” as follows;

“Greenlane” means any one or more of the following features as shown on the Minden Structure Plan;

Walkway/Cycleway
Bridleway
Shared Bridleway”

6.3 The following submissions are therefore:

6.4 Accepted

Submission	Point Number	Name
39	5, 6	Ainsworth Farm Trust
66	3	Soby, Deidre Gail
49	36, 38	Surveying Services
40	3, 4	Western Bay of Plenty District Council

6.5 Accepted in Part

Submission	Point Number	Name
FS 88	25	Hatton, GW & M Supports 46.6
FS 88	15	Hatton, GW & M Supports 77.2
77	2	Janello, Andreaus
46	6	Purves, D & S
49	31, 32, 34	Surveying Services

6.6 Rejected

Submission	Point Number	Name
29	12	Cobb Ray & Michelle
11	4	G & A Hart
FS 88	35	Hatton, GW & M Supports 29.12
61	2	Walpole, Bruce
40	10	Western Bay of Plenty District Council

7.0 Reasons

7.1 Options 1 and 2

7.1.1 The “Lot Entitlement” provisions in Rule 16A.4.2 (d) are required in order to encourage landowners to provide walkways, cycleways and bridleways to the Minden Lifestyle Zone. When vesting features, they will receive the benefits of reduced lot sizes for the entire subdivision and they will need to purchase less Transferable Subdivision Entitlements.

7.1.2 Equestrian Lot Entitlements should be removed for the reasons given in Section 5.1 above.

7.2 Option 3

7.2.1 Walkways will also be used as cycleways. The term "cycleways" has therefore been merged with "walkways" under a new definition for "Greenlane".

7.3 Option 4

7.3.1 The term "Greenlane" simplifies the name given to the entitlements.

7.4 Option 5

7.4.1 This submission point has resulted in a new table being provided which clearly explains how the provisions work.

7.5 Option 6

7.5.1 This request has indirectly been given effect to through the reduction of walkway/cycleway and bridleway widths (see Report 15).

7.6 Options 7 and 8

7.6.1 Rule 16A.42 (d) (ii) has been amended in response to Option 8. It now allows for Lot Entitlements to be used first and the remaining lots to be created from Transferable Subdivision Entitlements.

7.6.2 This encourages landowners to provide these features.

7.6.3 It also avoids the issue of calculating how many Transferable Subdivision Entitlements are required to be purchased before the other Lot Entitlements can be used. The assumed formula of calculating these at the 4000m² average did not take into account constraints and over-exaggerated how many were required to be purchased.

7.7 Option 9

7.7.1 Direct financial compensation is not necessary because landowners will receive financial benefits from subdividing down to a smaller minimum lot size with no average and from needing to buy less Transferable Subdivision Entitlements.

7.8 Option 10

7.8.1 This definition is no longer need because of the reconsideration of the Equestrian Lot Entitlement rules.

Attachment A

(d) Minden Lifestyle Structure Plan Greenlane Lot Entitlements

~~Walkway and Equestrian Lot Entitlements~~

<u>Greenlane Lot Entitlements</u>	
<u>General Requirement:</u>	<u>The subdivision provides public Greenlanes in general accordance with the Minden Lifestyle Structure Plan.</u>
<u>Area Per Entitlement:</u>	<p><u>One entitlement will be provided for each complete 100m of Greenlane (regardless of width) vested in Council as part of the subdivision.</u></p> <p><u>There shall be no limit to the number of entitlements that can be generated under this rule, other than by the limitation directly above.</u></p>
<u>Reduced Lot Sizes:</u>	<p><u>Exception to Rule 16A.4.2 (ii) as follows:</u></p> <p><u>Minimum - 2500m²</u> <u>Average – n/a</u></p> <p><u>Where a subdivision qualifies for one or more Greenlane Lot Entitlements, these lot sizes shall apply to the entirety of that subdivision and any subsequent stages, not only to those lots established using Greenlane Lot Entitlements.</u></p>

<u>Qualifying Requirement</u>	<u>Walkway and Equestrian Lot Entitlements</u>	<u>Maximum Walkway and Equestrian Lot Entitlements</u>
<u>The subdivision provides public walkways or bridle ways in general accordance with the Structure Plan.</u>	<u>A single walkway lot entitlement will be provided for each complete 100m of walkway, provided that all walkways shall be no less than 7m in width and vested in Council as part of the subdivision.</u>	<p><u>No limit, provided that no lot smaller than 2500m² in area may be created.</u></p> <p><u>For the purpose of this rule the average area requirement in Rule 16A.4.2(a)(ii) shall not apply.</u></p>
<u>The subdivision provides, on land of a suitable contour, at</u>	<u>A single equestrian lot entitlement will be provided for each</u>	<u>Provided that no lot smaller than 2500m² in area may be</u>

<p>least 2500m² of communal equestrian facilities including;</p> <p>Horse trailer parks and loading/unloading facilities, provided that these are connected, or are able to be connected, to at least 2km of bridleway in general accordance with the Structure Plan.</p> <p>Bridleways or shared bridleways/walkways.</p> <p>Equestrian exercise areas.</p>	<p>2500m² of communal equestrian facilities.</p>	<p>created and that all lots shall provide for the onsite disposal of wastewater and stormwater</p> <p>For the purposes of this rule the average area requirement in Rule 16A.4.2(a)(ii) shall not apply.</p>
---	--	---

~~(i) Where a subdivision in the Minden Lifestyle Structure Plan area qualifies for one or more Greenlane Walkway and Equestrian Lot Entitlements under Rule 16A.4.2 (d) above, the section of Greenlane walkway or bridleway that falls within the subdivision shall be vested in Council with no compensation payable.~~

~~(ii) Walkway and Equestrian Lot Entitlements can only be used for the creation of new lots after the full entitlement of new lots able to be created by the following has been used;~~

~~Greenlane Lot Entitlements shall be used for the creation of new lots prior to the creation of new lots under Rule 16A.4.2 (b) (i) through the use of the following;~~

- ~~- Transferable Amalgamation Lots;~~
- ~~- Transferable Rural Entitlements;~~
- ~~- Transferable Protection Lots.~~