



PLAN CHANGE 78
RURAL YARDS
PLANNING REPORT

The Western Bay Way



*Western Bay of Plenty
District Council*

March 2017



Produced by:

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1.0 Introduction

- 1.1 Plan Change 78 considered two potential changes to the rural yard rules of the District Plan to:
- Ensure approved building sites and consented (but not yet constructed) developments on adjacent properties are considered when applying the exemptions to the 30m setback requirement; and
 - Ensure approved building sites (authorised through subdivision consents) that are located less than 30m from site boundaries are provided for without the need for further land use consents.
- 1.2 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'.
- 1.3 No submission points were received on this Plan Change.

2.0 Recommendation

- 2.1 That the Plan Change is retained as notified.

3.0 Plan Change 78 – 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.
- 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 **Amend Rule 18.4.1(c)(i)(e) to refer to building sites approved through subdivision consents and other consented developments on adjacent properties which are yet to be constructed, as set out below:**

A side or rear yard may be reduced to not less than 10m in one or more of the following circumstances:

...

- (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 or consented dwelling, minor dwelling, accommodation facility, education facility or rural contractors depot, or any approved building site assessed as part of a subdivision in accordance with Rule 12.4.1(b), 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 other existing or consented buildings/structures ~~that are~~ is located on a title separate to that of the subject site and in different ownership;
 - Shall not be within 300m of any existing or consented intensive farming activity that is located on a title separate to that of the subject site and in different ownership.

Except that:

As provided for in (iii), (iv), (v) and (vi) below.

Explanatory Notes:

(a) – (e) above are provided for subject to submission to Council of a written statement from the applicant accepting any adverse environmental effect which may be created by the reduced yard.

The term “consented” within clause (e) above refers to activities that have been approved through a building consent and/or resource consent (if required), and where the relevant consent or consents have not lapsed.

3.4 Amend Rule 18.4.1(c)(i)(c) to remove the decisions date so that the exemption applies to all subdivisions with approved building sites and reduced yards as set out below:

A side or rear yard may be reduced to not less than 10m in one or more of the following circumstances:

...

- (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 in accordance with Rule 12.4.1 (b) 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