

Planners Report 18

Variation 1: Lifestyle Zones and Minden Structure Plan Area

Lifestyle Section – Subdivision Activity Performance Standards Transferable Subdivision Entitlements

1.0 Background

- 1.1** This report relates to a number of minor amendments made to those existing provisions which require landowners to purchase Transferable Subdivision Entitlements from the Rural Zone before subdividing within the Lifestyle Zones. These provisions are now established and not subject to review.
- 1.2** The only notable amendment to this part of the Lifestyle Section is the reference to “Walkway and Equestrian Lot Entitlements” as an option in the Minden Lifestyle Zone. The other amendments have been for housekeeping purposes only and do not change the effect of the provisions.

2.0 Issues

- 2.1** Five submission points were received in opposition to the provisions for transferable subdivision entitlements. One further submission was received on the topic.
- 2.2** The main issues raised by submitters can be summarised as follows:
 - 2.2.1** Landowners who have ecological areas suitable for protection should be able to generate protection lots to subdivide within the lifestyle zones.
 - 2.2.2** The requirement for transferable subdivision entitlements provides no financial benefit to the local community.
 - 2.2.3** Walkway and Equestrian Lot Entitlements should be provided for in all of the Lifestyle Zones.
 - 2.2.4** The need to purchase subdivision rights imposes an additional cost that will make development cost prohibitive.

3.0 Options

3.1 Option 1

3.1.1 Retain the Subdivision Activity Performance Standards for Transferable Subdivision Entitlements as notified.

3.2 Option 2

3.2.1 Delete all requirements for Transferable Subdivision Entitlements e.g. allow subdivision to occur as of right within Lifestyle Zones.

3.3 Option 3

3.3.1 Replace transferable subdivision entitlements with a dedicated charge for subdivision at the Minden Lifestyle Zone that will go into a capital fund for development of major community facilities.

3.4 Option 4

3.4.1 Allow opportunity for protection lots within the Minden Lifestyle Zone.

3.5 Option 5

3.5.1 Amend Rule 16A.4.2 (b) (i) by deleting the heading "Minden Lifestyle Zone only" (so that these entitlements apply within all Lifestyle Zones).

4.0 Advantages and Disadvantages

4.1 Option 1: Retain the Subdivision Activity Performance Standards for Transferable Subdivision Entitlements as notified.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • These provisions have been legally established and are therefore required for the Lifestyle Zones to develop. • Allows for the transfer of Transferable Subdivision Entitlements from the Rural Zone, which can no longer be transferred within the Rural Zone following the District Plan Review. • The ability to transfer these entitlements into Lifestyle Zones retains an incentive for Rural Zone landowners to protect ecological features and amalgamate lots yet to have a dwelling constructed. 	<ul style="list-style-type: none"> • Submitters have raised a number of concerns.

4.2 Option 2: Delete all requirements for Transferable Subdivision Entitlements e.g. allow subdivision to occur as of right within Lifestyle Zones.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Less expensive to subdivide. • Development of the Lifestyle Zones may progress faster. 	<ul style="list-style-type: none"> • Won't allow for the unlocking of Transferable Subdivision Entitlements from the Rural Zone. • Removes incentive for Rural Zone landowners to protect ecological features and amalgamate undeveloped lots.

4.3 Option 3: Replace transferable subdivision entitlements with a dedicated charge for subdivision at the Minden Lifestyle Zone that will go into a capital fund for development of major community facilities.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Landowners would no longer need to purchase the right to subdivide at an uncertain and varying market price. • A set amount of money would instead go directly into a fund helping to pay for community facilities (in addition to existing Financial Contributions). • This is more certain for landowners planning subdivision. 	<ul style="list-style-type: none"> • Won't allow for the unlocking of Transferable Subdivision Entitlements from the Rural Zone. • Removes incentive for Rural Zone landowners to protect ecological features and amalgamate undeveloped lots. • Financial Contributions and incentives are in place to ensure community facilities are provided. Further contributions are not necessary.

4.4 Option 4: Allow opportunity for protection lots within the Minden Lifestyle Zone.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Encourages protection of significant ecological features which are not yet protected but which could have previously been under the Rural Zone provisions. • One for one, these would replace the need for landowners in the Lifestyle Zone to purchase Transferable Subdivision Entitlements from the Rural Zone. 	<ul style="list-style-type: none"> • None

4.5 Option 5: Amend Rule 16A.4.2 (b) (i) by deleting the heading "Minden Lifestyle Zone only" (so that these entitlements apply within all Lifestyle Zones).

Advantages	Disadvantages
<ul style="list-style-type: none"> • None at this stage. 	<ul style="list-style-type: none"> • Structure plans are yet to be prepared for the Te Puke (except Stage 1) and Katikati Lifestyle Zones,

	therefore it is uncertain whether this same approach will be employed.
--	--

5.0 Discussion

5.1 Options 1 and 2

5.2 Effect of Proposed District Plan Decisions January 2010.

5.2.1 The Transferable Subdivision Entitlement provisions have already been legally established, having undergone the public submission and hearing process following notification under the review of the Proposed District Plan, for which Decisions were released in January 2010. This matter was appealed but has since been withdrawn.

5.2.2 This approach has not been reviewed under this Variation; therefore it cannot be challenged under this process. The only challenges that can be made are against those smaller amendments.

5.3 The relationship between the Lifestyle Zones and Transferable Subdivision Entitlements

5.3.1 Prior to the review of the rural subdivision rules, lifestyle subdivision opportunities were provided for in the Rural Zone in return for the protection of ecological features (protection lots) and on those titles meeting age and size requirements.

5.3.2 Following the District Plan Review, the total number of protection lots that could be used on-site was reduced to five and provisions allowing the transfer of protection lots to other Rural Zone landowners were removed. The age and size of title option was removed in its entirety. Landowners who lost that opportunity to subdivide received a Transferable Subdivision Entitlement in place of each lot. These entitlements cannot be transferred to other rural landowners either.

5.3.3 The Lifestyle Zones have been established as a way of absorbing these previous subdivision opportunities lost by Rural Zone landowners. These zones essentially provide for the shifting (rather than loss) of lifestyle opportunities in the District from the Rural Zone to areas more appropriate for such development.

5.3.4 The requirement to purchase transferable subdivision entitlements from the Rural Zone provides a form of 'compensation' to rural landowners who have lost their opportunity to subdivide, while providing new opportunities to many landowners who would have previously been unable to subdivide.

5.4 Option 3 – Capital Fund for the Minden Lifestyle Zone

5.4.1 Under Option 2, subdivision could occur as of right and be more cost-certain for landowners, representing less obstacles and disincentives for landowners to subdivide.

5.4.2 Notwithstanding that the Transferable Subdivision Entitlements provisions have been established beyond challenge, this option adds to the financial contributions payable by landowners or developers and will exceed the level of financial contributions needed for funding the planned infrastructure, facilities and amenities.

5.5 Option 4 – Protection Lots for the Lifestyle Zones.

5.5.1 Option 4 considers the possibility of allowing on-site protection lot subdivisions within the Minden Lifestyle Zone. The obvious advantage of this being the protection of Significant Ecological Features which are no longer afforded this option due to the rezoning from Rural to Lifestyle. Retaining the Protection Lot provisions for the Minden Lifestyle Zone is logical because there are still large areas that can be protected and Council wants to encourage this to happen.

5.6 Option 5 – Walkway and Equestrian Lot Entitlements for all Lifestyle Zones.

5.6.1 Option 5 presents an opportunity to introduce the Walkway, Bridleway and Equestrian Lot Entitlement provisions to the other Lifestyle Zones in Te Puke and Katikati.

5.6.2 This change would be premature because until structure plans have been prepared for these areas, there is no certainty that the same walkway/bridleway network approach will be used. This opportunity should be looked at though when these structure plans are prepared, as it provides the incentive to provide such amenities.

6.0 Recommendations

6.1 That there is no change to the Subdivision Activity Performance Standards for Transferable Subdivision Entitlements in Rule 16A.4.2 (b) other than in the amendments (and consequential amendments) below;

6.2 That protection lots are provided for in the Minden Lifestyle Zone by adding a new rule to 16A.3.4 (Discretionary Activity List) as follows;

(x) Protection lot subdivision as provided for in Rule 16A.4.2 (x).

6.3 That the abovementioned new Rule 16A.4.2 (x) is then added to the Subdivision Activity Performance Standards for Transferable Subdivision Entitlements as follows;

(x) Onsite Protection Lots

(i) Application

Additional lots may be created in exchange for the protection of a “feature of value to the community” as defined in Rule 16.4.2 (h) (i) on the following basis.

1. The feature being protected must be within the land being subdivided.
2. The feature being protected shall meet the qualifying standards in Rules 16.4.2 (h) (iii) to (viii).
3. Additional lots can be transferred within the Lifestyle Zone.
4. Where the land being subdivided also contains a *Greenlane* as identified on the Minden Lifestyle Structure Plan, then the creation of additional lots under this rule shall not occur before the creation of new lots under Rule 16A.4.2 (d).
5. Subdivision under this rule shall also be subject to Rules 16A.4.2, 16A.5.2 and 16A.6.3.

6.4 The following submissions are therefore:

6.5 Accepted in Part

Submission	Point Number	Name
11	6	Hart, G & A
FS 89	13	NZ Transport Agency Opposes 11.6

6.6 Rejected

Submission	Point Number	Name
12	2	Carter, Grant
65	1	Reyland, Basil & Joy
64	1	Reyland, Bryce & Jude
49	32	Surveying Services

7.0 Reasons

7.1 Options 1 and 2

7.1.1 The Transferable Subdivision Entitlement provisions were retained because they have already been established under the District Plan Review process and are not subject to further challenge.

7.2 Option 3

- 7.2.1** In addition to the above, a dedicated charge is not required because the proposed Financial Contributions have already accounted for the required community infrastructure and amenities.

7.3 Option 4

- 7.3.1** Protection lot subdivisions ensure that Significant Ecological Features are protected as they previously would have been under the Rural Zone.
- 7.3.2** The recommended wording provides that these protection lots can be transferred within the Lifestyle Zones. This is logical given that protection lots were previously all within the Rural Zone and need to be transferred to the Lifestyle Zone. It still ensures the same number of entitlements will be absorbed by the Lifestyle Zone.
- 7.3.3** It also ensures that protection lot subdivision cannot occur in place of subdivision occurring as a result of vesting walkways and bridleways etc. However, it does not preclude protection lot subdivision from occurring at the same time or afterwards.
- 7.3.4** It also ensures that all other subdivision requirements are met by providing a cross-reference.

7.4 Option 5

- 7.4.1** The bonus lot provisions (for walkways, bridleways, equestrian features) should be considered for the Lifestyle Zones in Te Puke and Katikati at the time of preparing the relative structure plans.