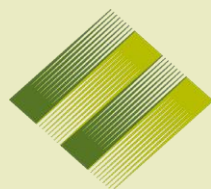




PLAN CHANGE 78
RURAL YARDS
DECISION REPORT

The Western Bay Way



*Western Bay of Plenty
District Council*

April 2017



1.0 Introduction

1.1 No submission points were received on this Plan Change.

1.2 The Plan Change was incorporated into the District Plan on 24 December 2016 and made Operative on 8 April 2017.

2.0 Plan Change 78 – Changes to the District Plan First Review

2.1 Changes to rules are shown as follows; existing District Plan text in black, and changes in red.

2.2 **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.

2.3 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