

DECISION REPORT



TO: Chief Executive

File Ref 18270

FROM: Planning & Regulatory Manager

DATE: 12 January 2009

SUBJECT: DISTRICT PLAN DECISIONS - PLAN CHANGE 14

1. **PURPOSE OF REPORT**

This report is to provide recommendations for Council on the submissions made in respect of Plan Change 14, except for those submissions made on the reverse sensitivity subject area. These will be presented in a further report.

Further decision reports will cover the various subject areas submitted on in respect of Proposed Plan Change 15 and the Proposed Stratford District Plan. The complete set of recommendations on all of the submissions will then be released to allow the adoption of the Stratford District Plan 2009.

2. **EXECUTIVE SUMMARY**

The recommendations essentially allow for:

- 2.1 The adoption of the proposed changes relating to Network Utilities including various amendments sought by the submitters either directly or as far as their intent is concerned.
- 2.2 The withdrawal of the proposed controls on rural subdivision.
- 2.3 The adoption of the proposed changes relating to rural amenity including detail changes to the purpose statement as sought by submitters but excluding any further changes sought.
- 2.4 The recommendations of this report will be carried forward to a final report confirming the Proposed Stratford District Plan 2009 following consideration of all of the submissions.

3. **BACKGROUND**

Plan Change 14 is the first part of the three parts to the review of the Stratford District Plan. The proposals were notified in August 2007 with submissions being heard in October 2008.

A total of 11 submissions, 5 cross submissions and 61 references were made on Plan Change 14. Twenty-four of these references will be considered in a further report relating to reverse sensitivity.

A further 27 references which were made on the Proposed Stratford District Plan are also considered in this report as they relate to the specific matters requiring decision.

4. **CONSULTATIVE PROCESS**

4.1 **Public Consultation**

There is no requirement for further consultation on the submissions received. In drafting the recommendations, however, all of the submitters and cross submitters have been further consulted with.

4.2 **Maori Consultation**

There is no requirement for further consultation with Iwi on the submissions received.

5. **RISK ANALYSIS**

Please refer to the Consequence and Impact Guidelines at the front of the reports in this agenda.

5.1 The risks associated with the decisions to be made in terms of financial, human resources, political and business risks are minor.

5.2 The major risk with the decisions is that any of the submitters may appeal the decision on their submission to the Environment Court. Council must be clear as to what the decision being made is and what the reasons for that decision are.

6. **DECISION MAKING PROCESS**

| Category | Factors to Consider |
|-------------------------------------|---|
| Direction | <ul style="list-style-type: none">• Is there a strong link to Council's strategic direction, LTCCP/District Plan.• Is there a strong link to identified community outcomes. |
| Data | <ul style="list-style-type: none">• Do we have complete data on the proposal(s).• Do we have reasonably reliable data on the proposals.• What assumptions have had to be built in. |
| Significance | <ul style="list-style-type: none">• Significance policy.• Whether this affects a strategic asset. |
| Choices | <ul style="list-style-type: none">• What options or choices are available.• Are the choices fully costed.• What interdependencies exist.• What are the disadvantages and advantages of each option?• Any legal/policy issues. |
| Prioritisation & Trade-off | <ul style="list-style-type: none">• Impact on funding and debt levels.• Council's capacity to deliver.• Contractor capacity to deliver.• Consequence of deferral.• Impact on community (four well beings). |
| Specify nature of decision required | |

6.1 **Direction**

The consideration of submissions is, with the exception of any appeals to the environment Court, the final part of the process of reviewing the operative Stratford District Plan (the Plan).

The decisions will assist Council in meeting the following identified community outcome:

“A region that appreciates its natural environment and its physical and human resources in planning, delivery and protection” by ensuring that *“sustainable development is encouraged”*.

The decisions will also assist Council in meeting the following identified community priority:

“Sustainable development”.

6.2 **Choices**

Where there are only submissions received do not require amendment of Council’s proposals as notified or no submissions were received, then those proposals shall be confirmed by Council.

In all other matters Council may uphold or decline any submissions or cross submissions made and may make any consequential changes which arise from those decisions. Where the intent of the submissions may be met more appropriately in a matter other than as outlined by the submitter, then Council may make those changes should it be deemed necessary.

6.3 **Data**

In the lists of submissions:

- Where submissions and cross submissions were made on the entire District Plan in regard to the specific references (ie., heard in the third Hearing), these are italicised. All other submissions and cross submissions were made on Plan Change 14.
- Cross submissions are indented beneath the submissions they refer to. Whether or not they support, oppose or seek to further amend the initial submission is also stated.

GENERAL

Submissions

IN SUPPORT - John & Valerie Mischefski
Tegel Foods - Oppose

Commentary on Submissions

The submission was a general statement in support of the proposals which was then opposed by Tegel Foods as the cross submitter is seeking amendments to the proposals.

RECOMMENDED

1. The submission in support of the proposals from John & Valerie Mischefski be accepted.

2. The cross submission from Tegel Foods be accepted.

Recommended Reasons

1. The submission is in support of the proposal.
2. The cross submission contains no detail but only serves to make a general statement on the cross submitter's position.

NETWORK UTILITIES

Proposals

Three linked proposals were made with the aim of allowing for the efficiency and effectiveness of network utilities to be taken into account in the administration of the District Plan. This was particularly, but not solely, in regard to multiple small lot subdivisions in the rural zone. These proposals were:

- Amending the Network Utilities objectives to include efficiency and effectiveness as objectives of the Plan
- Adding a Network Utilities policy to encourage appropriately sited residential development in respect of network utilities
- Adding a Network Utilities method allowing the above policy to be given effect to.

Proposed Objective

Submissions

IN SUPPORT - Transpower (NZ) Ltd
Transit NZ/NZ Transport Agency
Tegel Foods - Support
Powerco Ltd
Contact Energy Ltd
TrustPower - Support
Telecom NZ Ltd
TrustPower - Support
Transpower - Support
Kordia Ltd - Support
Trust Power

OPPOSED - Nil

Commentary on Submissions

All of the submissions received were in support of the proposal relating to the objective statement. Those detailed below sought amendments but none objected in principle to the proposal.

Transpower is seeking amendments to the proposals by replacing the word “any” with “significant” in regard to effects in both the objective and policy statements. There were no cross submissions received concerning these sought amendments. Transpower's reasons are essentially to reflect the limited scope for variation in the national grid and the need to align the policy with other policy statements in the Plan referring to the practicality of measures required to avoid, remedy or mitigate effects. The request can be met without compromising the plan, although it would be prudent to use similar wording as is found elsewhere in the Plan.

Transit NZ/NZ Transport Agency wish to see the District Plan provisions have stronger recognition of effects on State Highways and this view is supported by Tegel Foods. Whilst this may be the case, it would be more appropriate to address this concern in the Transportation section or by adopting appropriate standards.

Telecom NZ Ltd seeks the addition of the need to recognise that particular technical restraints on network utilities may limit their ability to deal with effects. This view is supported by each of the cross submitters. The adoption of the Transpower (NZ) Ltd submission will allow the concerns of Telecom et al to be met in the administration of the Plan.

TrustPower essentially seeks to have the objective also recognise the essential nature of network utilities in meeting social and economic needs. Other changes sought are to specify the needs of energy generation within the objective. Energy generators are not network utilities in terms of the Act and therefore, as pointed out in their submission, energy generation is not covered particularly well in the Plan. The appropriate way to deal with this is to review the entire energy subject area in regard to the Plan rather than amend the Network Utility provisions, which don't cover energy generation in any event. A review of energy as a subject area is scheduled within the Stratford District Plan Rolling Review programme for 2009, i.e., immediately following the current review.

RECOMMENDED

That:

3. The submissions from Powerco Ltd., Transpower (NZ) Ltd., Transit NZ/NZ Transport Agency, Tegel Foods Ltd., Contact Energy and TrustPower in support of the proposals be accepted.
4. The amendments sought by Transpower (NZ) Ltd be upheld, except that the words "*as far as practicable*" be inserted instead of replacing "*any*" with "*significant*".
5. The amendment sought by Telecom (NZ) Ltd and as supported by TrustPower, Transpower (NZ) Ltd and Kordia Ltd be declined
6. The amendment sought by TrustPower be declined.
7. Proposed Objective A13.2.1, as further amended, be confirmed. The objective therefore states:

"A13.2.1 The efficient and effective development and safe operation of network utilities in the District is provided for in a manner that avoids, remedies or mitigates as far as practicable actual or potential adverse effects on the environment, community, and adjoining land uses."

Recommended Reasons

3. The submissions are in support of the proposal.
4. The Transpower amendment aligns the proposed policy with existing policy within the District Plan.

5. Although declined, the Telecom request is in effect met by agreeing to the more general Transpower amendment.
6. The TrustPower request is more appropriately dealt with through a full review of the energy subject are immediately following the present review, i.e, 2009/10.
7. The provision allows for greater recognition of the need for efficiency of network utilities.

Proposed Policy

Submissions

IN SUPPORT - Transit NZ/NZ Transport Agency
Tegel Foods - Support
Powerco Ltd

OPPOSED - *Vodafone NZ Ltd*
Transpower (NZ) Ltd - Support
Vector Gas Ltd - Amend
Contact Energy
TrustPower - Support
Transpower - Support
Vector Gas Ltd - Amend

Commentary on Submissions

Vodafone NZ Ltd and Contact Energy submitted that the proposed policy does not fit well within the Network Utilities policies as it relates purely to residential development rather than any network utility issues. Vector Gas Ltd, in their cross submission on this, point out that residential development in rural areas can have adverse effects on network utilities and suggest that the policy wording could be improved. Each of the other cross submitters is in agreement with this.

The submissions therefore suggest that the policy should remain in the Network Utilities chapter, but be worded so that it addresses effects on network utilities.

It is noted that there is an existing policy, A13.3.4, which addresses the effects of subdivision on network utilities but that this policy only relates to subdivision of adjoining land. The difficulty raised is where either the network utility is located across land which is to be intensively subdivided or where the servicing of intensive subdivision may not be sustainable. This could be addressed by rewording the existing policy, A13.3.4, to allow for the effects of all subdivision on the development and operation of network utilities.

The existing policy, A13.3.2, also refers to adjoining land uses in the context of preventing effects on these from network utilities. That policy refers to general environmental and community effects which would include effects on the same land. That policy wording is therefore still appropriate and does not require a consequential change.

RECOMMENDED

That:

8. The submissions by Transit NZ/NZ Transport Agency, Tegel Foods and Powerco Ltd in support of the proposal be declined.

9. The submissions by Vodafone NZ Ltd and Contact Energy Ltd be upheld.
10. The cross submissions by TrustPower, Transpower and Vector Gas Ltd be declined, although accepted in principle by transferring the wording to an existing policy.
11. Proposed Policy A13.3.4 be withdrawn.
12. Policy A13.3.3 be amended by deleting the word “*adjoining*” and adding the words “*the development or operation of*”. The policy therefore states:

“A13.3.3 To avoid, remedy or mitigate any actual or potential adverse effects of land use, development or subdivision on the development or operation of network utilities”

Recommended Reasons

8. The proposed policy is found to be inappropriate as worded.
9. The proposed policy is required to be completely rewritten and is therefore withdrawn.
10. The cross submissions are accepted in that new wording is required, although it is considered that the new wording is more appropriate in an existing policy.
11. The proposed policy is inappropriate.
12. The amendments to the existing policy meet the concerns of the submitters and still allow the intent of the proposal to be satisfied.

Proposed Method

Submissions

- IN SUPPORT - Transpower (NZ) Ltd
Tegel Foods - Support
Transit NZ/NZ Transport Agency
Tegel Foods - Support
Powerco
Telecom NZ Ltd
TrustPower - Support
Kordia Ltd - Support
Vector Gas Ltd - Support
- OPPOSED - *Vodafone NZ Ltd*
TrustPower - Support
Transpower - Support
Vector Gas Ltd - Support/Amend

Commentary on Submissions

Telecom NZ Ltd supports the proposed method but objects to the reference to “*perceived*” effects. This is supported by the cross submitters who point out

that the Act refers to “actual or potential effects” which gives a clarity not afforded by perceptions. It is noted that the wording has been pulled over from the existing policy but does need to be changed to better reflect the Act.

Vodafone’s objection to the proposed method relates the point made by Telecom NZ Ltd concerning “perceived” effects and to the third bullet point which relates to residential development rather than network utilities. This is the same issue as discussed above in regard to the proposed policy. Vector Gas, supported by the other cross submitters, again suggests that the wording be amended to reflect the possibility of effects on network utilities from small lot subdivision. The preferred remedy is similar to that given for the above policy, although noting that in this case it the actual proposed clause which must be amended.

RECOMMENDED

That:

13. The submissions by Telecom NZ Ltd., Powerco, TrustPower, Kordia Ltd and Vector Gas Ltd be accepted.
14. The submissions by Transpower and Transit NZ/NZ Transport Agency and the cross submissions by Tegel Foods be accepted.
15. The submission by Vodafone NZ Ltd be upheld.
16. The cross submissions by TrustPower, Transpower and Vector Gas Ltd be upheld.
17. Method A.4.1 be amended by deleting the words “*perceived degree of*” and deleting the word “*adjoining*” in the second bullet point and deleting the third bullet point in its entirety. The method therefore reads:

“A13.4.1 To develop zones, rules, standards, conditions and terms, based on the actual or potential effect, to:

 - *Control the impact of the development and operation of network utilities on the environment, community, and adjoining land uses, particularly (but not limited to) in relation to the design and location of network utilities.*
 - *Avoid, remedy [and] mitigate any adverse effects of land use, development or subdivision on network utilities.”*

Recommended Reasons

13. The reference to perceived effects is inappropriate.
14. The submissions and cross submissions are in support of the intention of the proposal.

15. The third bullet point does not relate to network utilities and is inappropriate.
16. The policy wording does require changing to reflect possible effects of subdivision on network utilities on the land.
17. The proposed method is appropriate when incorporating the changes sought by the submitters.

RURAL SUBDIVISION CONTROLS

Proposals

Rule B1.2.1.2 (the 4ha rule) is proposed as an attempt to place controls on rural subdivision which would prevent large scale small allotment developments in the rural zone.

A consequential proposal, which also takes into account the possible deletion of the Rural/Residential Area, is the deletion of Standard B2.1.3 relating to minimum lot size.

4ha Rule

Submissions

IN SUPPORT - Transit NZ/NZ Transport Agency
Tegel Foods - Support

OPPOSED - Mike Gibson
Grant & Katrina Brunton - Support
Villabrook Trust - Support
Monmouth Farm Co Ltd - Support

Commentary on Submissions

IN SUPPORT

Transit NZ/NZ Transport Agency sought an amendment to the proposed standard whereby the subdivision of land adjoining a state highway be dealt with as a Restricted Discretionary, as opposed to a Controlled activity. This would then allow the declining of the subdivision should effects on the highway network not be able to be avoided, remedied or mitigated. This view was supported by Tegel Foods Ltd.

OPPOSED

The submission from Mike Gibson and the cross submission from Grant & Katrina Brunton were also heard. Both submitters gave evidence in opposition of the proposal based on the current review of the New Plymouth District Plan rural rules on which the proposals are based. Neither submitter was, however, able to offer any viable alternative approach.

Essentially the rule has lead directly to inappropriate subdivision of rural land into 4ha allotments irrespective of practicality and despite the allowance of a limited number of smaller allotments by the same rule.

Minimum Lot Size deletion

Submissions

IN SUPPORT - Ministry of Education
Tegel Foods - Support

OPPOSED - Mike Gibson
Villabrook Trust - Support
Monmouth Farm Co Ltd - Support
Tegel Foods - Oppose
Grant & Katrina Brunton - Support

Commentary on Submissions

IN SUPPORT

The Ministry of Education, with Tegel Foods, support the proposal from the perspective of it encouraging flexible land use. It is noted, however, that the proposal really only affects the rural/residential area as the other zones do not have minimum lot sizes anyway. If the rural subdivision proposal is not given effect to, then the rural zone will also remain without minimum lot sizes.

OPPOSED

The submissions in opposition all relate to the risk of the 4ha proposal, i.e., the two proposals are inextricably linked. The opposition by Tegel Foods to these submissions was related to the cross submitter's support of Council's proposals to limit the opportunities for residential subdivision in the rural zone.

Summary

The concerns raised by the submitters in opposition must be accepted due in no small part to both submitters being involved in the NPDC review, one as a surveyor and the other as a Council Planner. Their views, although opposed by Tegel Foods, did not have any substantive argument put in opposition.

It is of note that the apparent economic cycle has revolved to reduce the pressure on subdivision within Stratford District and therefore has taken the urgency out of any need to review the rural subdivision rules. It is therefore proposed that the rural subdivision rules be brought up again for review as detailed in the Stratford District Plan Rolling Review Programme when any new information resulting from the NPDC review can be taken account of.

In deleting the 4ha proposal, it is noted that the request from Transit NZ/NZ Transport Agency would also be declined as that request is dependant on the proposed rule being made operational. Their request can, however be considered when the subdivision rules are further reviewed. Transit NZ/NZ Transport Agency have requested further standards relating to access onto state highways which could serve to mitigate any actual or potential effects from rural subdivision. It is also noted that, under the District Plan rules as they stand, any subdivision with seven or more allotments requires the access from those allotments to be via a separate formed road rather than directly onto a road via an access way.

RECOMMENDED

That:

18. The submissions from the Ministry of Education and Tegel Foods in support of the deletion of Standard B2.1.3 be declined.
19. The submission from Mike Gibson in opposition to proposed Rule B1.2.1.2 and the proposed deletion of Standard B2.1.3 be upheld.

20. The cross submission from Grant & Katrina Brunton in opposition to proposed Rule B1.2.1.2 and in opposition to the deletion of Standard B2.1.3 be upheld.
21. The cross submission from Villabrook Trust and Monmouth Farm Co Ltd in opposition to proposed Rule B1.2.1.2 and in opposition to the deletion of Standard B2.1.3 be upheld.
22. The submission from Transit NZ/NZ Transport Agency in support of proposed Rule B1.2.1.2 be declined.
23. The cross submission from Tegel Foods Ltd in support of proposed Rule B1.2.1.2 be declined.
24. Proposed Rule B1.2.1.2 be withdrawn.
25. The proposed deletion of Standard B2.1.3 be withdrawn.

Recommended Reasons

- 17-24. The proposal will potentially create an unsustainable land use environment due to the 4ha limitation.
25. The reduced pressure on rural subdivision will allow further analysis of possible alternative means of regulating rural subdivision as detailed in the Stratford District Plan Rolling Review Programme.

RURAL AMENITY CONTROLS

Proposals

The three proposals relating to general rural amenity are an extension of the site coverage standard to include the rural zone, a change to the limit on the number of dwellings per allotment in the rural zone and an increase in the rural yard setback requirements.

The site coverage proposal is in response to the lower allotment sizes being introduced in areas of the rural zone.

The dwelling number limit proposal is to correct an anomaly within the current District Plan.

The increase in setbacks is to assist in maintaining the rural open space amenity. The submissions received on this proposal were, however, in regard to reverse sensitivity issues and therefore they will be considered in conjunction with the remaining submissions concerning that particular issue.

Site Coverage Proposal

Submissions

IN SUPPORT - Mike Gibson
Tegel Foods

OPPOSED - Nil

Commentary on Submissions

No amendment is sought in respect of the site coverage proposal and the only submissions received were in support.

RECOMMENDED

That:

26. The submissions from Mike Gibson and Tegel Foods in support of the proposal relating to Standard B2.1.2 be accepted.

27. Proposed Standard B2.1.2 be confirmed. This standard states:

“B2.1.2 Maximum Site Coverage (Residential Zone and Rural Zone only)

(a) Residential Zone:

- *Development of a site in the Residential Zone or Rural Zone is a permitted activity if total coverage does not exceed 45% of the total allotment area.*

(b) Rural Zone:

- *Construction or alteration of a building in the Rural Zone is a permitted activity if total building coverage does not exceed 35% of the total allotment area.*

(c) Business Zone:

- *There are no controls on site coverage in the Business Zone.*

Purpose: To limit the density of residential development to provide for the contribution of open space to residential and rural amenity.”

Recommended Reasons

26. The submissions are in support of the proposal

27. The proposal allows for consistent regulation of site coverage on smaller allotments in particular.

Dwelling Limit Proposal

Submissions

IN SUPPORT - Transit NZ/NZ Transport Agency

Tegel Foods - Oppose

Tegel Foods

Federated Farmers

Tegel Foods - Oppose

OPPOSED - Nil

Commentary on Submissions

The submitters all support the proposal although it is noted that each submitter is seeking amendments to the wording.

The Transit NZ/NZ Transport Agency submission seeks the addition of the efficiency of the state highway network as a consideration in the purpose of the rural dwelling limit proposal. This sought amendment is opposed by Tegel Foods, although their cross submission does not in fact relate to the change sought by the submitter in respect of state highways. It instead focuses on the

need to retain farm worker housing as being exempt from the dwelling limit controls.

The removal of the allowance for farm worker housing, as accommodation ancillary to permitted activities, is one of the core changes to the standard. The wording has created difficulties by establishing a permitted activity baseline which then allows residential development. This is particularly clear when considering that any excess farm accommodation can be subdivided off and sold as residential accommodation with no environmental change. The preference is to remove the allowance, given that one of the major changes in the structure of farming in the District has been the decreased need for farm workers.

The more succinct way of achieving recognition of effects on state highways would be through appropriate standards for access onto these highways, and it is noted that this is the subject of another submission by Transit NZ/NZ Transport Agency.

The Tegel Foods submission seeks amendments to the stated purpose of the proposal. These amendments would replace the word “*aggregate*” with “*inappropriate*”, “*environment*” with “*area*” and introduce the productive capacity and character of rural land as elements to be protected. In considering these requests it is first noted that the purpose statement has remained unchanged from the current plan except in that the problematic reference to allowing accommodation ancillary to permitted activities has been removed.

The limit on the maximum number of dwellings is a targeted tool purely to prevent multiple dwellings on the one property. Dwellings may be inappropriate for various reasons (inadequate yard distances, excess height, inadequate access, inadequate services etc) which are covered by the various standards of the Plan relating to those matters. Therefore the use of the word “*inappropriate*” in the purpose statement is not supported.

The use of the word “*area*” in lieu of “*environment*” is possibly an improvement as the standard relates to a particular zone rather than a particular environment. This amendment is therefore supported.

The reservation of rural land for “productive capacity” has not been and is not a priority issue for this Council, due at least in part to the low level of development pressure within the District. The need to review the rural subdivision rules and standards was driven not so much by the quantity or land area of “non-productive” subdivisions as the tendency towards small allotment sizes which then carry the risk of an unsustainable servicing liability for Council. The District Plan remains structured so as to allow for a range of activities in the rural zone, provided those activities can be sustained. Therefore the request to include “productive capacity” as a matter to be protected is declined.

Rural character is not referred to in the District Plan. The term is usually reserved for areas of a specific geographic, topographic or land cover nature and is referred to as such in the Tegel Foods submission. Whilst the Stratford District does have areas of specific rural character, these areas are not subject to specific controls relating to housing density. The preference is to rely on the term “amenity” for which there is now a solid base of case law to assist in

interpretation and enforcement. Therefore the request to include rural character as a matter to be protected is declined.

Federated Farmers seeks the removal of any limit on allotments over 1.0ha in size whereas the proposal is to impose a limit of two. Tegel Foods oppose this and require a limit to be imposed. Tegel Foods wish the current exemption for dwellings associated with permitted activities in the rural zone to remain and are opposed to the request from Federated Farmers which, in effect, would allow any number of dwellings whether or not they were associated with farms etc.

The need for the dwelling limit standard is intrinsically tied in with the rural subdivision rules. Effectively there are no controls on subdivision within the rural zone and the District Plan has failed to prevent the development of small residential style allotments in the rural area. The proposed subdivision rules would have gone some way to avoiding this, except that there still was no link between subdivision and the use of that land for dwellings.

The situation is compounded if it is then permitted to have any number of dwellings on a larger allotment as this again sets a permitted baseline. In addition the operative plan has somewhat conflicting standards where there is a limit of one dwelling per allotment, of any size, in the rural area unless those dwellings are ancillary to the permitted activity, in which case there is no limit. The proposal is in one sense a relaxation of the standard whereby two dwellings, rather than one, will be permitted. In another sense the proposal is to add consistency to the District Plan standard, especially given the accepted purpose of the standard to maintain rural amenity. Therefore it is proposed to retain the revised standard.

In reference to that purpose statement Federated Farmers also seeks that the word “*protect*” be removed as the Act does not require the protection of amenity values. It is accepted that Section 7 of the Act does refer to the need for the maintenance and enhancement of amenity values and the wording should reflect this. Somewhat perversely, however, it is noted that the word “*enhancement*” provides a higher test than the word “*protection*”.

RECOMMENDED

That:

28. The submissions from Transit NZ/NZ Transport Agency seeking an amendment to the proposal relating to Standard B2.1.5(c) be declined.
29. The amendment sought by Tegel Foods to withdraw the deletion of the allowance for dwellings ancillary to permitted activities within Standard B2.1.5(c) be declined.
30. The amendment sought by Tegel Foods to use the word “*area*” in lieu of “*environment*” in the purpose statement for the proposed Standard B2.1.5(c) be upheld.
31. The remaining amendments sought by Tegel Foods be declined.
32. The amendment sought by Federated Farmers to allow an unlimited number of dwellings on an allotment over 1ha in size be declined.

33. The amendment sought by Federated Farmers to delete the reference to the protection of amenity values in the purpose statement be upheld.
34. Proposed Standard B2.1.5(c) be confirmed except that the word “*area*” be used in lieu of “*environment*” and the words “*protect and maintain*” be replaced by the words “*maintain and enhance*” in the purpose statement for the proposed Standard B2.1.5(c). The standard will therefore state:

“B2.1.5 Maximum Number of Dwellings (excluding Business Zone)

(a) *Residential Zone:*

- *No limit, provided the requirements of any relevant rule or any other Standard, Condition, and/or Term of the District Plan are met.*

(b) *Rural Zone:*

- *One dwelling per allotment under 1 hectare.*
- *Two dwellings per allotment 1 hectare and over.*

Purpose:

To prevent aggregate residential development in the rural area, so as to maintain and enhance rural amenity.”

Recommended Reasons

28. The effects on state highways are more appropriately managed through separate standards relating to access onto state highways.
29. The removal of the ancillary dwellings allowance is required to remove its consequent permitted baseline effect.
30. The amendment sought to use the word “*area*” is an improvement on the current policy wording.
31. The word “*inappropriate*” is too broad to use in the required context and takes into account more than the Standard attempts to achieve and effects on productive capacity and rural character are not matters to which the policy is directed to control.
32. The restriction is required to address a permitted baseline issue in the Plan.
33. The protection of amenity values is not a matter required under Section 7 of the Act.
34. The proposed standard allows for consistency in determining the permitted status of dwellings in the rural zone.

The decisions on submissions are significant in terms of the Policy on Significance in that they potentially affect the community at large through the District Plan. In turn, these decisions can affect the ability and cost to Council of being able to carry out its resource management responsibilities.

The review of the District Plan has been subject to consultation as required by the Act.

6.5 **Prioritisation & Trade-off**

The consideration of this report has no direct impact on Council's ability to deliver its services or on its funding ability. The decisions, as noted, are part of the review process which must be released by Council within two years of notifying the proposals to meet the time restrictions of the Act.

6.6 **Specify Nature of Decision Required**

Council is required to make its decisions on the submissions received and to provide reasons for those decisions. The release of the decisions will be deferred until all of the submissions made have been considered.

6.7 **Sustainability**

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

The administration of the Stratford District Plan is a primary means of ensuring the encouragement and regulation of sustainable development within the district.

7. **RECOMMENDATIONS**

Please note that if the recommendation is not consistent with documents stated in Clause 6 or any other Council Policy then need to elaborate.

7.1 **THAT** recommendations 1 to 34, as contained within this report, be approved.

Recommended Reason

1. The reasons for each of the recommendations are provided within this report.

M R Avery
PLANNING & REGULATORY MANAGER

Approved by
M R Freeman
CHIEF EXECUTIVE

DATE