

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	Blueskin Projects Limited & others (ENV-2018-CHC-276) Federated Farmers of New Zealand Inc (ENV-2018-CHC-254) B W Taylor & the Estate of Lawrence Taylor (ENV-2018-CHC-244) Appellants
And	Dunedin City Council Respondent

Consent Memorandum

10 March 2020

Respondent's solicitors:

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May it please the Court:

1 This consent memorandum relates to the appeals by Blueskin Projects Limited & others (**Blueskin**), Federated Farmers of New Zealand Inc (**Federated Farmers**), and B W Taylor and the Estate of Lawrence Taylor (**Taylor**) on the Rural Strategic appeal management topic of the 2GP. These appeals have been considered (and resolved) together due to their inter-relationship with each other.

2 The appeal by Blueskin on Objective 16.2.1 (DCC reference number 153) sought:

Amend Objective 16.2.1 as follows:

~~Rural zones are reserved for that enable productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural environment rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.~~

3 Blueskin also appealed Policy 16.2.1.5 (DCC reference number 155) as follows:

Amend Policy 16.2.1.5 as follows:

~~Enable Require residential activity, with the exception of papakāika, in the rural zones to be at a level (density) that supports farming activity and achieves objectives 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.~~

4 In relation to Policy 16.2.1.7 the appeal by Federated Farmers (DCC reference number 189) sought:

Amend Policy 16.2.1.7 as follows:

Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless:

a. it is the result of a surplus dwelling subdivision; or

b. there will be significant positive effects for rural productivity in line with Objective 16.2.4.

5 And the appeal by Blueskin (DCC reference number 156) sought:

Delete Policy 16.2.1.7 and replace with:

Provide for rural residential living in the rural zones on existing undersized titles in the following circumstances:

(a) The title is located within or adjoins an enclave of existing undersized titles, some of which are developed;

(b) Natural hazards can be avoided, remedied or mitigated;

(c) Adequate set backs are provided to maintain the amenity values of adjoining properties and to minimise reverse sensitivity;

(d) Infrastructure, including the roading network, is not compromised.

Provide for further subdivision for rural residential living purposes in the rural zones within areas that are already fragmented.

6 The appeal by Blueskin also sought:

(a) DCC reference number 154:

Amend Policy 16.2.1.2 as follows:

Provide for rural activities, veterinary services, rural industry, rural contractor and transport depots, community activities, emergency services, cemeteries and crematoriums in the rural zones where the effects will be adequately managed ~~in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.~~

(b) DCC reference number 157:

Amend Policy 16.2.2.5 as follows:

~~Only allow~~ Enable rural tourism - large scale, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, intensive farming, domestic animal boarding and breeding (including dogs), rural industry, mining, service stations, or landfills where significant adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated.

(c) DCC reference number 159:

Amend Policy 16.2.3.6 as follows:

~~Only allow~~ Enable community and leisure - large scale, sport and recreation, early childhood education, service stations, and visitor accommodation where the adverse effects of development on rural character and visual amenity are avoided or, if avoidance is not practicable, no more than minor.

- (d) DCC reference number 160:

Amend Policy 16.2.3.8 as follows:

~~Only allow~~ Enable subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones or meets the criteria of Policy 16.2.1.7.

- (e) DCC reference number 163:

Amend Policy 16.2.4.2 by adding a new clause as a.iii:

iii. unless the location is an existing area of fragmented rural land

- (f) DCC reference number 164:

Amend Policy 16.2.4.3 by adding a new b.iii as follows:

iii. Consistent with Policy 16.2.1.7

OR

Add a new clause

e. where the subdivision is designed to enable the development of those activities anticipated in Policies 16.2.2.5 and 16.2.3.6.

- (g) DCC reference number 166:

Amend Policy 16.2.4.4 as follows:

Require residential activity in the rural zones to be at a density that will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities while recognising the need to enable appropriate development, including rural residential development, of existing undersized rural sites.

- (h) DCC reference number 168:

Amend density performance standard by adding the following after 16.5.2.3 a:

b. Standard residential activity on sites 15 hectares or above that were consented before 26 September 2015 shall be permitted activities.

c. Standard residential activity provided for by Policy 16.2.1.7 shall be a restricted discretionary activity.

Council's discretion is restricted to:

i. Setbacks and screening to minimise adverse effects on the amenity values of adjoining properties and to minimise reverse sensitivity effects;

ii. The provision of appropriate infrastructure to minimise any adverse effects water quality;

iii. The bulk and design of the dwelling to minimise adverse visual effects;

iv. Measures to avoid or mitigate natural hazards.

e. Standard residential activity on existing undersized rural sites as at 26 September 2015 not provided for by Policy 16.2.1.7 and that are smaller than 15 hectares shall be a discretionary

(i) DCC reference number 170:

Amend the minimum site size for the first residential activity per site as follows:

16.5.2.1.b ~~100ha~~ 15ha

16.5.2.1.f ~~20ha~~ 15ha

16.5.2.1.g ~~25ha~~ 15ha

(j) DCC reference number 171:

Amend Rule 16.7.4.1 (subdivision performance standard) so that the minimum site size for all zones is 15ha.

7 The appeal by Taylor on Rule 16.5.2.1.f (DCC reference number 10) sought:

Amend Rule 16.5.2.1.f (Peninsula Coast) so that the minimum site size is 15ha and allow all existing titles to be able to be used for residential activity if they have been in the past.

15 hectare titles should have no restrictions on them in terms of residential activity.

8 The section 274 parties to the appeals by Blueskin and Federated Farmers are Construction Industry and Developers Association, Gladstone Family Trust, Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou, and Otago Regional Council.

9 There are no section 274 parties to the Taylor appeal.

- 10 The parties have agreed to the following amendments, which are shown in **Appendix A**:
- (a) an amendment to Policy 16.2.1.7 in relation to residential activity on undersized sites, and consequential amendments including amendment to Rule 16.12.5.1 (assessment guidance), the addition of new Rule 16.13.2 (special information requirement), amendments to Policy 2.2.3.3, Policy 2.3.1.2, the introduction to Section 16 Rural Zones and Objective 16.2.1, and deletion of Policy 16.2.1.5;
 - (b) the addition of new Policy 16.2.1.5 in relation to subdivision below the minimum site size, and a consequential amendment to Rule 16.12.5.6 (assessment guidance);
 - (c) amendments to Rule 16.5.2 Density (performance standard) and consequential amendments including the addition of new Rule 16.9.3.X (assessment guidance) and new Rule 16.11.3.X (assessment guidance); and
 - (d) and amendment to Rule 16.5.14.2 Family Flats – Design (performance standard).
- 11 The rationale for the changes, and assessment of the changes in terms of section 32 of the RMA, is explained in the affidavit of Jane Macleod, a senior policy planner at Dunedin City Council, and supporting affidavit of Dr Anna Louise Johnson, the City Development Manager at Dunedin City Council.
- 12 Other than the amendments shown in **Appendix A**, there is no impact on any higher order objectives, policies or strategic directions.

Orders sought

- 13 The parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the RMA, including Part 2, and request:
- (a) That the amendments shown in underline and strikethrough in **Appendix A** are made; and
 - (b) That this resolves these listed parts of these appeals, and the balance of the appeals remain to be addressed.
 - (i) *Blueskin Projects Limited & others* ENV-2018-CHC-276 (DCC reference numbers 153, 155, 156, 160, 163, 164, 166, 168, 170);

- (ii) *Federated Farmers of New Zealand Inc* ENV-2018-CHC-254 (DCC reference number 189);
- (iii) *B W Taylor & the Estate of Lawrence Taylor* ENV-2018-CHC-244 (DCC reference number 10).

14 The parties agree that costs should lie where they fall and accordingly no order of costs is sought.

Dated this 10 day of March 2020



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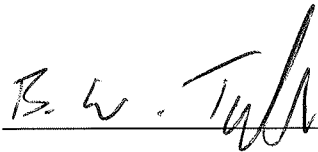
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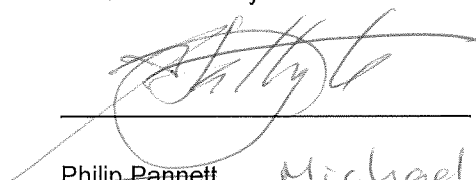
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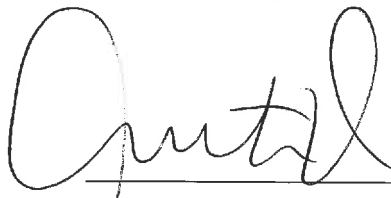
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Appendix A

The amendments are as follows:

Amend Policy 16.2.1.7 as follows:

Policy 16.2.1.7

Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless:

- a. it is the result of a surplus dwelling subdivision; or
- b. the residential activity will be associated with long term land management and/or capital investment that will result in:
 - i. significant positive effects for rural productivity; and/or
 - ii. a significant contribution to the enhancement or protection of biodiversity values.

Amend Rule 16.12.5.1 (assessment guidance for residential activities on undersized sites) as follows:

16.12.5 Assessment of non-complying performance standard contravention		
Activity		Guidance on the assessment of resource consents
1.	Density	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 16.2.1, 16.2.3, 16.2.4. b. Policies 16.2.1.7, 16.2.3.2, 16.2.4.4 c. Strategic Directions: objectives 2.2.2, 2.3.1, policies 2.2.2.1, 2.3.1.2, 2.4.6.2 c. <u>The residential activity is the result of a surplus dwelling subdivision (Policy 16.2.1.7.a); or will be associated with long term land management or capital investment that will result in:</u> <u>i. significant positive effects for rural productivity; or</u> <u>ii. a significant contribution to the enhancement or protection of biodiversity values (Policy 16.2.1.7.b)</u> <i>Related strategic directions:</i> d. <u>Objectives 2.2.2, 2.3.1, 2.4.6, policies 2.2.2.1, 2.3.1.2, 2.3.1.3, 2.4.6.2</u>

		<i>Relevant guidance from other sections (priority considerations):</i> e. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. <u>General assessment guidance:</u> f. <u>In assessing whether a proposal for land management or investment meets Policy 16.2.1.7.b.i and/or 16.2.1.7.b.ii, Council will consider the information provided with the consent application (see Special Information Requirements – Rule 16.13.2).</u> g. <u>Types of land management or capital investment that may meet Policy 16.2.1.7.b.i, depending on the specific circumstances of the site and proposal, include substantial investment in farm buildings or other farm assets required for commercial-scale horticulture or other commercial-scale farming.</u> h. <u>In assessing whether a proposal may meet Policy 16.2.1.7.b.ii, Council will consider the ecological context of the site and proposal at a local level, rather than requiring the contribution to be significant at an ecological district or citywide level.</u> <u>Conditions that may be imposed include, but are not limited to:</u> i. <u>Conditions to ensure that the land management or capital investment will be completed or substantially underway (and thereafter staged), prior to the establishment of residential activity, or, where this is not possible, a bond is taken to ensure the actions required to meet Policy 16.2.1.7.b are undertaken.</u> j. <u>Conditions to ensure that existing areas of indigenous vegetation and/or the habitats of indigenous fauna are legally protected in perpetuity.</u>
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Add new Rule 16.13.2 (special information requirement) as follows:

16.13.2 Land management or capital investment for productivity or biodiversity gains

1. A resource consent application that includes a proposal for land management or investment intended to achieve significant positive effects for rural productivity

(Policy 16.2.1.7.b.i) should, in most circumstances, be supported by a farm management plan or similar document, prepared by a suitably qualified person, which sets out how gains to rural productivity will be achieved over the medium to long term.

2. A resource consent application that includes a proposal for land management or investment intended to achieve a significant contribution to the enhancement or protection of biodiversity values (Policy 16.2.1.7.b.ii) must be supported by an ecological restoration plan, prepared by an ecologist or similarly qualified person, which includes the following:
 - a. a description of the site, including the area or areas to be enhanced;
 - b. a description of any indigenous vegetation present, including a species list;
 - c. a description of the indigenous wildlife present and known to use the site;
 - d. an ecological assessment of the significance of the site using the criteria in Policy 2.2.3.2;
 - e. an assessment of how ecological restoration may contribute to providing connectivity with ecological corridors or nearby areas of ecological importance;
 - f. an assessment of the benefits to biodiversity values of a range of practicable options for biodiversity enhancement, and confirmation that the proposed option is suitable for the site and conforms to best practice;
 - g. a schedule of ecologically appropriate species to be planted, including botanical names;
 - h. a planting plan depicting the location, species density and staging of planting;
 - i. measures that will be used to maintain plantings, including the replacement of any dead or non-thriving plants;
 - j. any other measures proposed to enhance habitat for indigenous fauna;
 - k. measures to be used to exclude stock from the enhancement area;
 - l. measures to be used to achieve long-term effective control of plant and animal pest species; and
 - m. the approach to be used to monitor the restoration measures set out in the restoration plan and actions to be taken if measures are not being fulfilled.

Amend Policy 2.2.3.3 as follows:

Policy 2.2.3.3

Maintain or enhance indigenous biodiversity in the rural environment through ~~rules~~ **that:**

a. rules that:

- ~~a. i.~~ i. require indigenous vegetation clearance to be set back from the coast, wetlands and water bodies, and that restrict indigenous vegetation clearance in the coastal environment and in wetlands;

~~b.~~ ii. protect significant indigenous vegetation and/or significant habitats of indigenous fauna in Areas of Significant Biodiversity Value (ASBVs);

~~c.~~ iii. protect threatened species and mature examples of important native trees, and otherwise limit the clearance of indigenous vegetation;

~~d.~~ iv. manage the location and scale of development adjacent to the coast and water bodies; and

~~e.~~ v. require esplanade reserves or esplanade strips when land is subdivided adjacent to the coast and identified water bodies; and

b. policies and assessment rules that:

~~f.~~ i. require the assessment of effects on biodiversity values for discretionary and non-complying land use, development and city-wide activities;

ii. require the assessment of positive effects on biodiversity values for restricted discretionary, discretionary or non-complying land use, development and city-wide activities; and

iii. create a pathway for residential activities to be established on sites in the rural zones that contravene the minimum site area for residential activity (density standard) where the activity is associated with a significant contribution to the enhancement or protection of biodiversity values.

Amend Policy 2.3.1.2 as follows:

Policy 2.3.1.2

Maintain or enhance the productivity of farming and other activities that support the rural economy through:

a. rules that enable productive rural activities;

b. rules that provide for rural industry and other activities that support the rural economy;

c. zoning and rules that limit subdivision and residential activity based on;

i. the nature and scale of productive rural activities in different parts of the rural environment;

ii. the location of highly productive land; ~~and~~

iii. potential conflict with rural water resource requirements; and

iv. in the case of residential activity:

1. recognition of the existing pattern of subdivision in different parts of the rural environment; and

2. provision for papakāika.

- d. ~~restrict residential activity within the rural environment to that which supports productive rural activities or that which is associated with papakāika;~~
- e. rules that require residential buildings to be set back from boundaries to minimise the potential for reverse sensitivity;
- f. rules that restrict subdivision that may lead to land fragmentation and create pressure for residential-oriented development;
- g. rules that prevent the loss of high class soils; and
- h. rules that restrict commercial and community activities in the rural zones to those activities that need a rural location or support rural activities.

Amend introduction to Section 16 Rural Zones as follows:

16.1 Introduction

In response to these issues, seven rural zones and their objectives, policies and rules manage Dunedin's rural environment in a manner that recognises its diversity. The Plan emphasises the importance of providing for rural activities and for other activities which are reliant on or associated with the rural environment, while acknowledging that residential uses are clearly secondary and subordinate to these activities. This approach seeks to achieve the strategic outcomes for the rural zones, while ensuring that environmental effects are managed at an acceptable level.

To achieve this, the plan sets a minimum site size for subdivision based on average rural property sizes in different parts of the rural environment, using the average property size as an indicator of the site size required for a commercial rural activity. A limited degree of flexibility has been incorporated into the subdivision rules that apply in the rural zones, via provision for surplus dwelling subdivision. The minimum site size required for new residential activities (Rule 16.5.2 Density) is set based on the median rural property size in each rural zone, to better reflect the current pattern of subdivision (which includes sites that are not used for commercial farming). The use of median rather than average property size as a basis for this standard reduces the number of existing sites that fall below the density standard for new residential activity because the median rural property size is lower than the average rural property size in all rural zones.

The rural zones are supported by overlays...

Amend Objective 16.2.1 as follows:

Objective 16.2.1

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. ~~Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.~~

Delete Policy 16.2.1.5 as follows:

Policy 16.2.1.5

~~Require residential activity, with the exception of papakāika, in the rural zones to be at a level (density) that supports farming activity and achieves objectives 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.~~

Add new Policy 16.2.1.5 as follows:

Policy 16.2.1.5

Avoid subdivision activities that create one or more resultant sites that contravene the minimum site size standard for the zone, unless:

- a. the subdivision is provided for under Policy 16.2.1.10; or
- b. the subdivision, considered as a whole:
 - i. will not result in an increase in the number of sites that contravene the minimum site size; and
 - ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard; and
 - iii. will meet policies 16.2.3.8 and 16.2.4.3.

Amend Rule 16.12.5.6 (assessment guidance for subdivision that does not meet the minimum site size performance standard) as follows:

16.12.5 Assessment of non-complying performance standard contravention		
Activity		Guidance on the assessment of resource consents
6.	Minimum site size	<i>Relevant objectives and policies:</i> a. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6 a. Objectives 16.2.1, 16.2.3, 16.2.4

		b. Areas important for food production are protected from subdivision activities that may diminish food production capacity (Policy 2.2.2.1). c. Subdivision activities that provide for residential activity at a rural residential or urban scale are avoided (Policy 2.2.4.4). d. The productivity of farming and other activities that support the rural economy is maintained or enhanced through restricting subdivision activities that may lead to land fragmentation and create pressure for residential-oriented development (Policy 2.3.1.2). e. The identified character values of the rural zones are maintained (Policy 2.4.6.2). f. The subdivision, considered as a whole: i. will not result in an increase in the number of sites that contravene the minimum site size (Policy 16.2.1.5.b.i); and ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard (Policy 16.2.1.5.b.ii); and iii. will meet policies 16.2.3.8 and 16.2.4.3 (Policy 16.2.1.5.b.iii). g. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8). h. Subdivisions are designed to ensure any future land use and development will: i. maintain or enhance the productivity of rural activities; ii. maintain highly productive land for farming activity, or ensure any loss is insignificant on any high class soils mapped area and no more than minor on other areas of highly productive land; iii. maintain land in a rural rather than rural residential use; and iv. not increase the potential for reverse sensitivity (Policy 16.2.4.3). <u>Related strategic directions:</u> i. <u>Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6, policies 2.2.2.1, 2.2.4.4, 2.3.1.2, 2.4.6.2</u>
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		<i>Potential circumstances that may support a consent application include:</i> j. <u>Where necessary, A a legal mechanism is proposed that will ensure that any proposed undersized allotment can not be used for a residential activity, and overall there is no net increase in residential development potential compliance with Policy 16.2.1.5.b.ii.</u> General assessment guidance: k. <u>With respect to Policy 16.2.4.3.c, Council will generally consider that a subdivision that creates a new undersized site intended for rural residential use meets this policy, provided that the subdivision meets Policy 16.2.1.5.b.i & b.ii – for example in the case of a subdivision involving an existing undersized site and a site that exceeds the MSS, which transfers land from the smaller site to the larger site, and transfers a residential development right from the larger site to the smaller site.</u> l. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/). <i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
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Amend Rule 16.5.2 Density as follows:

Rule 16.5.2 Density

1. The maximum density of standard residential activity is as follows:

Rural Zone		i. Minimum site size – first residential activity per site	ii. Minimum site size – second residential activity per site	i. Minimum site size – third residential activity per site
...	...	...	...	...

h. Except,

- i. papakāika may be developed at a density of 6 residential units, or 15 habitable rooms per site, whichever is the lesser.
 - ii. in the Middlemarch Basin, High Country and Hill Country rural zones, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger, provided the residential activity is established prior to 7 November ~~2023~~ 2025.
 - iii. in the Peninsula Coast Rural zone, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger.
 - i. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:
 - i. multiple residential units developed as part of papakāika may be located closer than 80m to each other.
 - j. if a site is crossed by a boundary between two or more rural zones, the maximum density of the standard residential activity must meet the density required for the rural zone in which the residential activity is to be established; and
 - i. the total site size must meet the minimum site size for the zone in which the residential activity is to be established; and
 - ii. for each new residential activity per site, a minimum of 2ha of the site per residential activity must be located within the rural zone in which the residential activity is to be established.
2. One family flat is allowed ~~per site~~ in association with a each standard residential activity that meets this performance standard for density.
3. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except:

- a. papakāika that contravenes the performance standard for density is a discretionary activity; and
- b. a family flat that contravenes Rule 16.5.2.2 is:
 - i. a restricted discretionary activity where the area of the site is 15ha or more;
 - ii. a discretionary activity where the area of the site is less than 15ha.

Add new Rule 16.9.3.X (assessment guidance for family flats that contravene density standard, on sites of 15ha or over) as follows:

16.9.3 Assessment of restricted discretionary performance standard contravention			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Family flats - design	...	a. ...
X.	<u>Density (family flats on sites of 15ha or over)</u>	<u>a. Effects on long term maintenance of rural land for productive rural activities</u>	<u>Relevant objectives and policies:</u> a. <u>Objectives 16.2.4.</u> b. <u>The scale, size and nature of activities on highly productive land means that any loss of current or potential future rural productivity would be:</u> i. <u>insignificant in any high class soils mapped area; and</u> ii. <u>no more than minor in other areas of highly productive land (Policy 16.2.4.2)</u> <u>Potential circumstances that may support a consent application include:</u> c. <u>Family flats are located in the existing curtilage of the main dwelling, outside productive parts of the site.</u>
		<u>b. Reverse sensitivity effects</u>	<u>Relevant objectives and policies:</u> a. <u>Objectives 16.2.2</u> b. <u>Residential buildings minimise, as far as practicable, the potential for</u>

			<u>reverse sensitivity by being set back an adequate distance from site boundaries (Policy 16.2.2.1.a)</u>
		<u>b. Effects on rural character and visual amenity</u>	<u>Relevant objectives and policies:</u> <u>Objectives 16.2.3</u> <u>The density of residential activity maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2).</u>
		<u>c. Effects on health and safety</u>	<u>Relevant objectives and policies:</u> <u>Objectives 9.2.2</u> <u>Only allow land use and development in areas without public water supply, wastewater and stormwater infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures adverse effects on the health of people on the site or surrounding sites are insignificant (Policy 9.2.2.7).</u>
		<u>d. Effects on efficiency and affordability of infrastructure</u>	<u>Relevant objectives and policies:</u> <u>Objectives 9.2.1</u> <u>Development will not lead to future pressure for unplanned expansion of the public wastewater and/or water supply infrastructure (Policy 9.2.1.1.b).</u>

Add new Rule 16.11.3.X (assessment guidance for family flats that contravene density standard, on sites less than 15ha) as follows:

16.11.3 Assessment of discretionary performance standard contravention		
Activity		Guidance on the assessment of resource consents
2.	Density (Papakāika)	b. ...
X.	<u>Density (family flats on sites less than 15ha)</u>	<u>Relevant objectives and policies (priority considerations):</u> c. <u>Objectives 16.2.3, 16.2.4.</u> d. <u>The density of residential activity maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2).</u> e. <u>The scale, size and nature of activities on highly productive land means that any loss of current or potential future rural productivity would be:</u> i. <u>insignificant in any high class soils mapped area; and</u> ii. <u>no more than minor in other areas of highly productive land (Policy 16.2.4.2)</u> f. <u>The density of residential activity will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities (Policy 16.2.4.4).</u> <u>Relevant guidance from other sections (priority considerations):</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2; and effects related to efficiency and affordability of infrastructure and public health and safety</u>

Amend Rule 16.5.14.2 Family Flats – Design as follows:

16.5.14.2 Family Flats – Design

- a. Family flats (which include farm workers' accommodation) in all rural zones must:
 - i. not exceed a maximum gross floor area of 60m²;

- b. Family flats in the Coastal, Hill Slopes, Peninsula Coast and Taieri Plain rural zones must:
- i. be on the same available water and wastewater infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;
 - ii. be on the same household electricity account;
 - iii. share the same vehicle access as the primary residential unit; and
 - iv. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat.
- c. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.