
Part 6: Section 32 Evaluation

1. PURPOSE OF REPORT

The following report provides an evaluation of Proposed Plan Change 12 (referred to as the 'Plan Change') as required under section 32 of the Resource Management Act 1991 (referred to as the 'Act'). Section 32 stipulates a requirement to consider the costs and benefits, effectiveness, efficiency and appropriateness of a full range of options to achieve the objective of the Plan Change.

2. BACKGROUND

The City of Lower Hutt District Plan (referred to as the 'District Plan') became operative in March 2004. As set out under section 79(2) of the Act, District Plans are required to be reviewed no later than every 10 years. The Hutt City Council (referred to as the 'Council') has elected to undertake the review of its District Plan in components. The reasoning for this approach being to lessen the administrative burden of reviewing an entire District Plan within the statutory timeframes and to allow the public to comment on more manageable topics.

The first of these District Plan reviews involved the Residential Areas. This review covered all provisions, including the Issues, Objectives, Policies and Rules of the following residential activity areas:

- 4A General Residential
- 4B Special Residential
- 4C Historic Residential
- 4D Hill Residential
- 4E Landscape Residential

In reviewing these areas Council found a number of issues that could be better accommodated in the District Plan. There are a number of reports that document the outcomes of the review which are not referred to in this Plan Change yet which form the background to purpose of the Plan Change.

This Plan Change addresses the following review issues:

- Higher density residential areas
- Comprehensive residential development
- Yard requirements
- Accessory buildings
- Recession planes
- Decks
- Building length
- Home occupations
- Child care facilities
- Permeable surfaces
- Courtyard/outdoor living areas

In addition it was considered that the financial contributions provisions of the plan should be reviewed as they apply to residential (and rural) development.

In addressing these issues, the Plan Change either clarifies the intent or application of the provisions or adds new policy direction to address issues which were either unanticipated at the time of writing the District Plan or have since emerged as important in Regional Policy Statements or through consultation.

3. CONTEXT

The Plan Change process has been informed by research, extensive public consultation, relevant statutory and non-statutory documents, and recent Environment Court decisions. A summary of this follows.

3.1 Resource Management Act 1991

This Plan Change has been prepared as a means of achieving the purpose of the Act as expressed in section 5, namely sustainable management of natural and physical resources.

Section 74(1) of the Act requires that the Plan Change be in accordance with the Council's functions under section 31, the provisions of Part 2, direction given under section 25A(2), its duty under section 32 and any regulations.

Section 31 sets out the functions of territorial authorities for the purpose of giving effect to the Act. Section 32 sets out the Council's duty to consider alternatives, benefits and costs before adopting any objective, policy, rule or other method.

Part 2 of the Act sets out the purpose and principals of the Act including matters of national importance (section 6), other matters the Council must have regard to (section 7), and the Treaty of Waitangi (section 8). There are no section 6 (national importance) matters of relevance to this Plan Change. Section 7 matters which are relevant and require consideration include the efficient use and development of natural and physical resources and the maintenance and enhancement of amenity values.

Section 25A relates to directions issued by the Minister for the Environment, which in this case is not applicable.

In preparing this Plan Change Section 74(2) of the Act requires Council to have regard:

- Regional policy statements or plans;
- Management plans and strategies; and
- Surrounding local authority district plans.

3.2 Non-Statutory National Direction

3.2.1 The New Zealand Urban Design Protocol

The Hutt City became a signatory to this protocol in early 2008. By becoming a signatory Hutt City agreed to work to raise the standard and quality of the urban design of developments built in the city. The Plan Change has been assessed against the criteria of the protocol to ensure a degree of consistency.

3.3 Regional Direction

3.3.1 The Greater Wellington Regional Policy Statement

The Regional Policy Statement sets the regional perspective for managing the environment and providing for growth and its effects. At present this document is under review. In this respect the Plan Change gives regard to both the Proposed Regional Policy Statement and the Operative Regional Policy Statement.

3.3.2 The Wellington Regional Strategy

The Wellington Regional Strategy charts the course for the economic development of the Greater Wellington Region. The Strategy has an emphasis on regional urban form, to which our residential areas and this Plan Change has important inputs.

3.3.3 Consistency with surrounding District Plans

Section 74(2)(c) requires territorial local authorities to consider the extent to which their plans must be consistent with the District Plans or proposed plans of adjacent territorial local authorities. Hutt City borders four other councils, South Wairarapa District, Upper Hutt City, Porirua City and Wellington City. These boundaries range in the sensitivity to effects generated by the Plan Change.

The boundary with South Wairarapa can be seen as extremely insensitive due to the buffering effects of the Rimutaka range and rugged coastline. Both of these features prevent direct access between the two local authorities. South Wairarapa can be characterised as an agricultural district with small towns that face development issues very different from Hutt City's. Because of these factors it can be determined that the need for consistency in the District Plans can be satisfied by consistency with the Wellington Regional Strategy.

The boundaries with Wellington City and Porirua City can also be seen as similarly insensitive. In these cases the boundary runs through the Belmont Regional Park or rural lands unaffected by the Plan Change. Both of these cities are however facing similar growth pressures and issues to that of Hutt City, and have direct transportation connections with Hutt City. Because of these transportation connections and their similarity in composition, the extent to which the District Plans must be consistent is greater. Adherence with the Wellington Regional Strategy will ensure this consistency in approach.

The boundary with Upper Hutt City is more sensitive to the effects of this Plan Change as there are residential activity areas adjacent to this boundary. In order to maintain the necessary consistency of approach this Plan Change has adhered to the Wellington Regional Strategy in its location of proposed higher density living. It has also taken into account the provisions of the Hutt River Floodplain Management Plan. Both of these documents were drafted with significant input from both Hutt and Upper Hutt City's and so offer a means of ensuring consistency between the two District Plans.

3.4 District Direction

The Hutt City Council has a number of strategies and plans that detail the priorities for the City. Many of these strategies and policies were not drafted under the Resource Management Act; however they still contain policies which citizens expect Hutt City Council to implement. This Plan Change has been assessed in light of these strategies so that the proposed changes are not in conflict with these policies.

The Policies which were assessed include:

- The Hutt City Affordable Housing Policy
- The Active Recreation and Sport Policy
- The Cycling Strategy
- The Economic Development Strategy
- Housing Policy
- Hutt City Walking Strategy

3.5 Research

A number of initiatives and research projects have been undertaken in the course of the Residential Area review and drafting of this Plan Change. A summary of these projects follows.

3.5.1 Issues Papers

The review of the residential areas identified a number of issues. In order to further investigate the issues a series of issues papers were drafted. These issues papers were used to focus on particular aspects and to evaluate various solutions. The papers formed the basis for the majority of the Plan Change provisions. A second combined issues paper was written in 2008 with a view to summarising these issues into a single document. This issues paper covers the issues which have been taken forward into the Plan Change and outlines the reasons why Council has elected to propose the changes in the way it has.

3.5.2 Demographic Reports

The Plan Change has been created with reference to a demographic report entitled “Demographic Characteristics of Hutt City”. This report quantifies the population and population projections for the Hutt City and examines the demands for dwelling unit types. The conclusions of this report is that Hutt City is not growing, but rather because of a general ageing and movement towards smaller households there would be a greater demand for smaller dwelling units in the City. This report has been of value to the residential review process as it has identified a longterm trend towards smaller homes with more amenities, while there will still be a demand for traditional family homes.

A later report commissioned by the Council in 2008 shows that the trends identified in the earlier report have continued, however there has been a change in the overall growth trend from a stable population to a slowly growing population. This change has influenced the Plan Change to take a more selective approach to accommodating growth, in order to ensure a greater mix of housing options. This has been followed through in the density proposals of the Plan Change.

3.5.3 Survey Analysis

In 2005, a series of surveys were commissioned to inform the Council of the opinions of residents in respect of the urban development of the City. The initial 2005 survey was the most exhaustive of these exercises. This survey was valuable in providing input into the features of communities which people valued, the reasons they were attracted to particular communities, and the forms of housing expansion they most desired. The results of this survey informed the initial decision to focus on infill and the absorption of growth within the existing urban areas.

Since 2005 an annual Communitrak survey has been carried out. This survey is not specifically targeted towards the residential review process, however it has been useful in the drafting of this Plan Change to determine if opinions had changed since 2005. In general the trend to desiring more growth to be accommodated through infill has not diminished, nor has the execution of this policy (on a limited scale) lead to the erosion in peoples positive perception of the City.

3.5.4 Residential Character Studies

In order to establish the effectiveness of the current District Plan and the relationship between current provisions and the current ground situation, a character study was undertaken. The aims of this character study were to determine how the current district planning provisions related to the residential environments experienced on the ground. This match was then assessed to determine if the provisions were indeed a good 'fit' with the current or envisioned character. While some minor boundary adjustments could be made as a result of this study, these were not determined to be substantive enough to make an amendment.

3.6 Consultation

3.6.1 Internal Consultation

The Plan Change has been developed in consultation with officers from various divisions in Council. In particular, input has been gathered from the Environmental Consents Division. These officers were consulted in a series of meetings to determine the substantive and process issues in the current residential planning provisions. A similar, but more extensive process was undertaken with elected Councillors. These meetings looked at ascertaining Councillors aspirations for the residential sections of the District Plan and the City.

3.6.2 Public Consultation

The Act requires the Hutt City Council to consult publically on changes to the District Plan. Public consultation has included:

- Distribution of a Discussion Document in July 2008 which attracted 46 submissions;
- District Plan committee meeting hear submissions on the Plan Change;
- Media release in July 2008; and
- Radio interview mid 2008.

4 EVALUATION – BROAD OPTIONS

Having identified through the review process that there are issues with the existing Residential Areas, it is necessary to consider the alternative methods of overcoming these issues. Firstly, it needs to be decided how these issues should be addressed and then in what form.

The following evaluations work through the options available to the Council at the broadest level and then in more detail under the zone provision options.

Issues

As discussed above, the review of the District Plan Residential Areas identified a number of issues with respect to implementation and policy direction of the District Plan. The following options were considered in determining the most appropriate means to address these issues.

Options

1. Status Quo – Retain the existing Residential Area chapters

Involves retaining all the Residential Areas chapters of the District Plan as existing. This would be ineffective in resolving the issues identified in the District Plan review and would allow current problems to persist. It is therefore considered inappropriate and it is recommended that the option be disregarded.

2. Complete re-write of the Residential Area chapters

This would result in an entire new set of Residential Area chapters. It would ensure all existing issues are addressed. However, it would also involve a large amount of unnecessary costs and time from the re-write of provisions which are currently considered to be appropriate. This option is thus considered inefficient, with the costs clearly outweighing the benefits. It is therefore concluded to be ineffective and inappropriate and it is recommended that the option be disregarded.

3. Retain Residential Area chapters and amend provisions where appropriate

The option involves amendment of the Residential Areas provisions which directly relate to the identified issues. It would ensure that the issues are addressed effectively and in an efficient manner, while those provisions deemed appropriate can be retained as existing. It is concluded that this option is therefore appropriate in achieving the purpose of the Act and intent of the Plan Change.

Recommendation

It is recommended that Option 3 be adopted, that being amendment of the Residential Area provisions which directly relate to identified issues.

5 EVALUATION – ZONE PROVISION OPTIONS

5.1 Higher Density Residential Area

Issues

The Wellington Regional Strategy aims to accommodate future growth in a strategic and sustainable manner. This includes residential growth within Hutt City. There are a number of options to achieve this, the more common being to ensure green field areas are available for residential expansion or that infill housing is encouraged.

The Residential Areas review found that infill housing was the preferred method for housing expansion across the City. The existing Higher Density Residential area currently provides for infill housing through allowing smaller net site areas and a greater building coverage. The issue is whether this current area sufficiently provides for future growth in a strategic manner.

Currently the District Plan seeks to provide Higher Density Residential areas along major transport routes and around some commercial centres. The Residential Areas review incorporated a modelling exercise to ensure the existing higher density overlay achieved this. This involved checking that the higher density areas extended to within approximately a 5 minute walking distance from the edge of particular shopping centres, with some rationale and variation applied to allow for different circumstances such as elderly walking times. The result of this modelling found that the current density overlay was inconsistent and lacked strategic direction.

It is noted that the Residential Areas of Petone, Eastern Bays and Moera have been excluded from this assessment as these areas are subject to further analysis.

Options

- 1. Status quo – Retain the boundaries of the Higher Density Residential area*
Continues to rely on the existing boundaries of the Higher Density Residential area, as shown on the Planning Maps.
- 2. Extend the Higher Density Residential area to include residential areas within walking distance of centres*
Would involve extending the Higher Density Residential area overlay on the Planning Maps to include areas that are within an acceptable and approximate walking distance from the edge of particular shopping centres. Such shopping centres include those that can adequately provide for peoples daily needs.
- 3. Extend the Higher Density Residential area to include areas adjacent open spaces and schools*
Involves extending the Higher Density Residential area overlay on the Planning Maps to include areas that are adjacent to open spaces and education facilities, such as schools, tertiary educations facilities and child care services.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|---|---|---|--|
| 1. Status quo | <ul style="list-style-type: none"> • No impact on projects already in the planning phase. • No administration costs to process the Plan Change. • No new risks acquired by Council. | <ul style="list-style-type: none"> • Lack of strategic direction in accommodating future residential growth of the City. | Is ineffective and inefficient in providing for future growth of the City. It is therefore considered inappropriate. |
| 2. Extend the Higher Density Residential area to include areas within walking distance of centres | <ul style="list-style-type: none"> • Accommodates future growth in a strategic manner. • Increases property values of sites included in the new areas. • Greater flexibility for landowners included in the new areas. • No impact on projects already in the planning phase. • Provides opportunity for people to have less reliance on their motor vehicles. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. • Potential for some adverse effects to result for property owners within or neighbouring the new higher density area, specifically effects resulting from building bulk. | Is effective in providing for future growth in a strategic and sustainable manner. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 3. Extend the Higher Density Residential area to include areas adjacent open spaces and schools | <ul style="list-style-type: none"> • Accommodates future growth. • Increases property values of sites included in the new areas. • Greater flexibility for landowners included in the new areas. • No impact on projects already in the planning phase. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. • Potential for some adverse effects to result for property owners within or neighbouring the new higher density area, specifically effects resulting from building bulk. • Potential for significant adverse effects on the character of | Potential to result in significant adverse effects on residential character and irregular patterns of high density housing. It is therefore considered ineffective and inefficient in achieving the purpose of the Act and is thus deemed inappropriate. |

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| | | residential areas that are located away from shopping centres. <ul style="list-style-type: none"> • Potential for an inconsistent and irregular higher density area to develop. | |
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Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 2 and extend the Higher Density Residential area as shown on the Planning Maps to ensure areas within close walking distance to particular shopping centres are included.

5.2 Comprehensive Residential Development

Issues

Comprehensive residential developments are provided in the District Plan to ensure developments of higher density housing blocks are designed and constructed in a comprehensive manner, with maximised onsite amenity and minimal offsite adverse effects.

They are currently defined under the District Plan as any residential development of 5 or more dwellings on a site and are provided for as a restricted discretionary activity in the General Residential Activity Area (Rule 4A 2.3(a)). Council's discretion is limited to amenity values, traffic effects and landscaping. There is no requirement for these activities to comply with the building bulk and location standards of the District Plan.

There are a number of issues which have resulted from the implementation of the comprehensive residential development provisions. These include:

- Lack of common understanding and interpretation of what the term "Comprehensive Residential Development" seeks to provide and achieve;
- Ineffective and misleading trigger of 5 dwellings; and
- More than minor adverse effects resulting from approved developments.

Further, due to the nature of the developments and general proximity to transport routes and shopping centres, it is felt that one carpark space per site would be sufficient.

It is noted that the Residential Areas of Petone, Eastern Bays and Moera have been excluded from this assessment as these areas are subject to further analysis.

Options

1. *Status quo – Retain current provisions for Comprehensive Residential Developments*

Continues to rely on the existing definition and Restricted Discretionary Activity Rules 4A 2.3, 4A2.3.1 and 4A2.3.1 to provide for comprehensive residential developments.

2. *Delete the term “Comprehensive Residential Development”*

Involves deleting the term “Comprehensive Residential Development” in the District Plan, particularly the definition (under Chapter 3) and all other reference, and relying on the activity status rules to define the activity.

3. *Reduce the trigger for the activity from development of 5 dwellings down to 3 or more dwellings*

Would result in the development of 3 or more dwellings (as opposed to 5 or more) being classified as a high density housing development.

4. *Require compliance with bulk and location standards*

Any high density housing development would be required to comply with the permitted activity conditions relating to building bulk and location, such as yard requirements, recession planes, height and site coverage, with the exception of minimum net site area. If any one of these conditions can not be achieved the activity would be a full Discretionary Activity (as per Rule 4A 2.4(a)).

5. *Introduce higher density housing Design Guides to control adverse effects*

Results in the introduction of a set of design guides for higher density housing. This would form part of the District Plan and be required to be addressed in the planning and design phases of a high density housing development project.

6. *Reduce the carparking requirements for high density housing*

Would result in higher density housing being required to only provide one carpark per dwelling as opposed to two under Appendix 3 of Chapter 14A.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|--|--|--|--|
| 1. Status quo | <ul style="list-style-type: none"> No impact on projects already in the planning phase. No administration costs to process the Plan Change. No new risks acquired by Council. | <ul style="list-style-type: none"> No resolution of current issue involving misunderstandings or consent processing inefficiencies. | Creates inefficient use of Council resources and is ineffective in resolving current interpretation difficulties. It is therefore considered inappropriate. |
| 2. Delete the term Comprehensive Residential Development | <ul style="list-style-type: none"> Simplifies and clarifies interpretation misunderstandings. Achieves the same environmental outcome. | <ul style="list-style-type: none"> Administrative cost to process a plan change. | Is effective in resolving interpretation issues with the same or similar environmental outcome. It is therefore considered efficient in achieving the purpose of the |

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| | | | Plan Change and Act and is thus deemed appropriate. |
| 3. Reduce the trigger from 5 dwellings to 3 or more | <ul style="list-style-type: none"> • Reduction in compliance costs for landowners. • Greater flexibility for landowners and developers. • Will not result in any additional adverse effects being created. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Is effective in resolving interpretation issues with the same or similar environmental outcome. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 4. Require compliance with bulk and location standards | <ul style="list-style-type: none"> • Allows the Council to assess the application effectively. • Protects amenity values of adjacent properties. • Ensures that any more than minor adverse effect on adjacent properties or the surrounding area is remedied, mitigated or avoided. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. • Increase in compliance requirements for landowners. | Effectively controls adverse effects associated with high density housing and improves Council processing efficiencies. It therefore achieves the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 5. Introduce higher density housing Design Guides | <ul style="list-style-type: none"> • Encourages and guides quality design outcomes. • Enhances onsite amenity values. • Ensures that any more than minor adverse effect on adjacent properties or the surrounding area is remedied, mitigated or avoided. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. • Increase in compliance requirements for landowners. | Effectively controls adverse effects associated with high density housing and improves Council processing efficiencies. It therefore achieves the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 6. Reduce the carparking requirements for higher | <ul style="list-style-type: none"> • No impact on projects already in the planning phase. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Continues to control adverse effects associated with high density housing while |

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| density housing | <ul style="list-style-type: none"> • Greater flexibility for landowners and developers. • Will not result in any more than minor adverse effects. • Encourages people to have less reliance on their motor vehicles. | | providing for greater efficiencies. It therefore achieves the purpose of the Plan Change and Act and is thus deemed appropriate. |
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Recommendation

For the reasons stated above, it is recommended that the Council adopt Options 2, 3, 4, 5 and 6 and delete the definition for comprehensive residential development, reduce the number of dwellings triggered to 3 or more, require compliance with bulk and location standards, introduce a higher density housing Design Guide and reduce the carparking requirements for higher density housing.

5.3 Yard Requirements

Issues

Currently the General Residential Activity Area permitted activity condition for yard requirements (Rule 4A 2.1.1(b)) requires all buildings on a site to provide front yards setbacks of 3m and rear and side yard setbacks of 1.5m.

Infringements of the side and rear yard requirements of the District Plan accounted for 54% of the total amount of resource consents in 2006. This brings into question how effective the provision is in achieving the intent of the Act and whether it is creating inefficiencies.

Options

1. *Status quo – Retain existing Rule 4A 2.1.1(b) for yards*

Continues to rely on the existing permitted activity condition Rule 4A 2.1.1(b) for minimum yard requirements.

2. *Remove side and rear yard requirements*

Involves removing all side and rear yard requirements and relying on other bulk controls such as building coverage and recession planes. The front yard requirement would remain unchanged.

3. *Decrease side and rear yard requirements*

Would result in a lower requirement for both the rear and side yards of a property. The front yard requirement would remain unchanged.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
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| 1. Status quo | <ul style="list-style-type: none"> No impact on projects already in the planning phase. No administration costs to process the Plan Change. No new risks acquired by Council. | <ul style="list-style-type: none"> No resolution of current inefficiencies relating to the yard requirement condition. Continues to impose unnecessary compliance costs on landowners. | Creates inefficient use of Council resources for little, if any, environment gains. It is therefore considered ineffective in achieving the purpose of the Plan Change and is thus deemed inappropriate. |
| 2. Remove all yard requirements | <ul style="list-style-type: none"> Provides flexibility for landowners to make greater use of their site. Reduction in compliance costs for landowners. No impact on projects already in the planning phase. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Potential for significant adverse effects to be created for adjacent property owners, particularly shading and privacy effects. | Ineffective in controlling adverse effects. It is therefore considered inefficient in achieving the purpose of the Act and is thus deemed inappropriate |
| 3. Decrease side and rear yard requirements | <ul style="list-style-type: none"> Continues to control potential adverse effects on adjacent property owners. Provides some flexibility for landowners to make best use of their site. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Potential for some minor adverse effects to be created on adjacent property owner. | Effectively continues to control adverse effects associated with building bulk and improves Council processing efficiencies. It therefore achieves the purpose of the Plan Change and Act and is thus deemed appropriate. |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 3 and decrease the side and rear yard requirements.

5.4 Accessory Buildings

Issues

Accessory buildings (Chapter 3) are defined as:

a building not being part of the principal building on the site, the use of which is incidental to that of any other building or buildings on the site. In the case of a site on which no building is erected, it is a building accessory to the use of the principal building permitted on the site. This includes a tool shed, playroom, recreation room, glasshouse, swimming pool and spa pool, and in rural activity areas will include buildings accessory to rural land uses.

They are not intended to provide additional residential accommodation on the site but rather provide for incidental or complementary residential activities.

Accessory buildings are currently required to comply with the permitted activity bulk and location conditions of the General Residential Activity Area (Rule 4A 2.1.1), unless specifically exempt. This includes complying with front yards setbacks of 3m and rear and side yard setbacks of 1.5m.

Many residents in the City feel that this is overly restrictive and does not permit landowners to achieve the most efficient use of their site. Further, due to the nature of accessory buildings, the effects they create on adjacent properties are usually minor. They can however create bulk effects, such as shading, when of a significant scale.

Options

1. *Status quo – Continue to require accessory buildings to comply with permitted activity conditions*

Continues to require accessory buildings to comply with existing permitted activity conditions, particularly with regards to yard requirements.

2. *Exempt all accessory buildings from complying with all yard requirements*

Would result in all accessory buildings being exempt from any yard requirement and thus being permitted to be erected up to site boundaries.

3. *Exempt one accessory building per site from complying with a yard requirement*

Involves the addition of an exemption to the yard requirements to allow one accessory building to be located in a yard setback of a site.

4. *As for Option 3, plus control the length of the accessory building*

Involves the addition of an exemption to the yard requirements to allow one accessory building to be located in a yard setback of a site on the condition it does not exceed a specified length when measure parallel with the site boundary.

5. *Exclude habitual rooms from the definition of Accessory Buildings*

Involves amending the definition for accessory buildings to exclude any habitual room.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
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| 1. Status quo | <ul style="list-style-type: none"> No impact on projects already in the planning phase. No administration costs to process the Plan Change. No new risks acquired by Council. | <ul style="list-style-type: none"> No resolution of current issue involving consent processing inefficiencies. | Creates inefficient use of Council resources for little, if any, environment gains. It is therefore considered ineffective in achieving the purpose of the Plan Change and is thus deemed inappropriate. |
| 2. Exempt all accessory buildings from complying with all yard requirements | <ul style="list-style-type: none"> Provides flexibility for landowners to make greater use of their site. Reduction in compliance costs for landowners. No impact on projects already in the planning phase | <ul style="list-style-type: none"> Administrative cost to process a plan change. Potential for significant adverse effects to be created for adjacent property owners, particularly shading and privacy effects. | Ineffective in controlling adverse effects. It is therefore considered inefficient in achieving the purpose of the Act and is thus deemed inappropriate |
| 3. Exempt one accessory building per site from complying with a yard requirement | <ul style="list-style-type: none"> Controls potential adverse effects on adjacent property owners. Provides some flexibility for landowners to make the best use of their site. No impact on projects already in the planning phase. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Potential for some minor adverse effects to be created on adjacent property owner when the building is of a significant scale. | Is effective in improving Council processing efficiencies but could result in some potential adverse effects. It is therefore considered inefficient in achieving the purpose of the Act and is thus deemed inappropriate |
| 4. As for Option 3, plus control the length of the accessory building | <ul style="list-style-type: none"> Controls potential adverse effects on adjacent property owners. Provides some flexibility for landowners to make the best use of their site. No impact on projects already | <ul style="list-style-type: none"> Administrative cost to process a plan change. | Effectively continues to control adverse effects associated with building bulk and improves Council processing efficiencies. It therefore achieves the purpose of the Plan Change and Act and is thus deemed |

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| | in the planning phase | | appropriate. |
| 5. Exclude habitual rooms from the definition of Accessory Buildings | <ul style="list-style-type: none"> • Provides greater clarification as to what an accessory building is. • Controls potential adverse effects on adjacent property owners, particularly privacy effects. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Is effective in controlling potential adverse effects and provides greater clarity. It is therefore considered efficient in achieving the purpose of the Act and Plan Change and is thus deemed appropriate |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Options 4 and 5 and provide an exemption to the yard requirements for one accessory building per site where the length of that building is controlled and exclude habitual rooms from the definition of accessory buildings.

5.5 Recession Planes

Issues

At present the permitted activity condition for recession planes (Rule 4A 2.1.1(c)) requires buildings to be contained within an envelope that is created by a vertical line on the site boundary of 2.5m high, with an inward sloping line of 45 degrees for the north facing boundary, 41 degrees for the northeast and northwest boundaries, and 37.5 degrees for all other boundaries.

This rule is presently causing confusion for the public. Further, in 2006 recession plane infringements accounted for (or were a factor in) 41% of all resource consents lodged with Council. It is thus desirable to consider options to ensure the most user- friendly and administratively efficient method is in place to control the potential adverse effects created by building bulk.

Options

1. *Status quo – Retain the existing Rule 4A 2.1.1(c) for recession planes*

Continues to rely on the existing permitted activity condition 4A 2.1.1(c) for recession planes.

2. *Delete Rule 4A 2.1.1(c) for recession planes*

This option would remove the existing condition 4A 2.1.1(c) relating to recession planes and rely on other bulk conditions such as building coverage and yards setbacks to control the effects of building bulk on adjacent properties.

3. *Adopt a single angle*

Would involve the use of a single angle for all boundaries. The existing vertical 2.5m height from the site boundary would be retained.

4. Exemptions to Rule 4A 2.1.1(c) for minor roof projections

Would allow for gable end roofs to penetrate the recession planes both horizontally and vertically.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|---------------------------------|--|--|---|
| 1. Status quo | <ul style="list-style-type: none"> No impact on projects already in the planning phase. No administration costs to process the Plan Change. No new risks acquired by Council. | <ul style="list-style-type: none"> No resolution of current issue involving public misunderstandings or consent processing inefficiencies. | Creates inefficient use of Council resources and is ineffective in resolving current interpretation difficulties. It is therefore considered inappropriate. |
| 2. Delete Rule 4A 2.1.1(c) | <ul style="list-style-type: none"> Reduction in compliance costs for landowners. No impact on projects already in the planning phase. Removal of the rule interpretation difficulties. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Potential for significant adverse effects to result for neighbouring property owners, specifically effects on sunlight and daylight access and privacy. | Potential to result in significant adverse effects and is therefore considered ineffective and inefficient in achieving the purpose of the Act. Is therefore deemed inappropriate. |
| 3. Adopt a single angle | <ul style="list-style-type: none"> Simple to interpret and understand. Continues to provide control over potential building bulk effects on adjoining property. Reduction in compliance costs for landowners. No impact on projects already in the planning phase. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Potential for some minor impacts to arise. | Will not result in more than minor adverse effects and is effective in resolving interpretation difficulties and reducing Council resource inefficiencies. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 4. Allow minor roof projections | <ul style="list-style-type: none"> Reduction in compliance costs for landowners. No impact on | <ul style="list-style-type: none"> Administrative cost to process a plan change. Retains current | Is ineffective in resolving current interpretation difficulties and is therefore inefficient in |

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| | <p>projects already in the planning phase.</p> <ul style="list-style-type: none"> • Potential effects from projects would be no more than minor. | <p>issues with respect to interpretation of the Rule.</p> <ul style="list-style-type: none"> • Adds potential for further rule interpretation difficulties. | <p>achieving the purpose of the Plan Change. It is thus deemed inappropriate.</p> |
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Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 3 and introduce a single angle for all recession planes under Rule 4A 2.1.1(c).

5.6 Decks

Issues

Currently under the District Plan (Chapter 3) any deck over 1.2 metres in height and 20m² in area is defined as a building. Hence, decks less than 1.2 metres in height and 20m² in area are not required to comply with permitted activity conditions for buildings, such as yard setbacks.

This however means that if a deck exceeds 20m² in area but is only centimetres above ground level it is defined as a building and thus if it intrudes into yards setbacks it will trigger resource consent. Consent applications generated in this way are usually granted as the potential adverse effects are likely to be de minimis and not dissimilar in terms of use and effects generated from lawn areas.

Potential adverse effects that can result from the presence of decks include effects on neighbouring properties privacy and general amenity. The result of such effects can result from the height of decks and their location in relation to neighbouring properties.

It is also noted for clarification purposes, that decks less than 1.2 metres in height and 20m² in area are also specifically excluded from the maximum site coverage standard 4A 2.1.1(e). This provision has not been specifically addressed in this assessment and will thus be consequently amended to be consistent with the outcome of the following evaluation.

Options

1. *Status quo – Retain the current definition of buildings*

Continues to rely on the current definition of building (as per Chapter 3) which excludes decks less than 1.2 m in height and 20m² in area.

2. *Amend the definition for buildings by deleting the exemption for the area of a deck*

Would result in decking regardless of its total area being included within the definition of a building but would continue to exclude decking less than 1.2 m in height.

3. *As for Option 2, plus lower the height exemption for decks*

Includes decking regardless of its total area within the definition of building, but excludes decking less than 0.5 m in height.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|---|---|--|--|
| 1. Status quo | <ul style="list-style-type: none"> • No impact on projects already in the planning phase. • No administration costs to process the Plan Change. • No new risks acquired by Council. | <ul style="list-style-type: none"> • No resolution of current issue involving consent processing inefficiencies and discrepancies of the definition. | Creates inefficient use of Council resources and is ineffective in resolving current discrepancies with the definition. Is therefore considered inappropriate. |
| 2. Amend the definition by deleting the deck area exemption | <ul style="list-style-type: none"> • Simplifies the definition. • Flexibility provided to make best use of site area. • Reduction in compliance costs for landowners. • No impact on projects already in the planning phase. • Benefits gained from the permeability of decking compared to the use of other permitted hard materials. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. • Potential for some minor impacts on the privacy of adjacent properties, particularly with respect to the height of decks in close proximity to site boundaries. | Is effective in resolving current discrepancies could potentially create more than minor adverse effects. It is therefore inefficient in achieving the purpose of the Act and is thus deemed inappropriate. |
| 3. As for Option 2 and lower the deck height exemption | <ul style="list-style-type: none"> • Simplifies the definition. • Flexibility provided to make best use of site area. • Potential reduction in compliance costs for landowners. • Benefits gained from the permeability of | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Ensures more than minor adverse effects are controlled, is effective in resolving current discrepancies in the District Plan and encourages efficient use of sites and Council resources. It is therefore considered efficient in achieving the purpose of the |

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| | decking compared to the use of other permitted hard materials. <ul style="list-style-type: none"> • Potential adverse effects on adjoining properties, particularly privacy effects, would be no more than minor. | | Plan Change and Act and is thus deemed appropriate. |
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Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 3 and amend the definition for building height (under Chapter 3) by deleting the exclusion of deck area and reducing the deck height exclusion to 0.5m.

5.7 Building Length

Issues

The building length standard (Rule 4A 2.1.1(f)) controls adverse effects of bulky buildings in close proximity to site boundaries. Currently a building of more than 20 meters in length is required to fall within two arms meeting at a current point on a boundary and each making an angle of 20 degrees with that boundary.

There are a number of implementation issues with this rule. It can be difficult to interpret and triggers circumstances that are not anticipated such as decks. In addition, it only relates to individual buildings and does not control effects of buildings that are built in very close proximity to each other, which together could be considered to create the same effect as a single long building.

Options

1. *Status quo – Retain existing Rule 4A 2.1.1(f) relating to the length of a building*
 Continues to rely on the existing permitted activity condition 4A 2.1.1(f) to control building length.
2. *Delete Rule 4A 2.1.1(f) relating to building length*
 Involves removing the standard relating to building length and associated policies, and relying on other permitted activity conditions to control building bulk, such as building coverage, maximum height, recession planes and yard setbacks.
3. *Amend Rule 4A 2.1.1(f) to include two buildings in close proximity*
 This option involves retaining permitted activity condition 4A 2.1.1(f) and adding a requirement that it also relate to buildings located on the same site and within a certain proximity to one another.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|---|--|---|--|
| 1. Status quo | <ul style="list-style-type: none"> • No impact on projects already in the planning phase. • No administration costs to process the Plan Change. • No new risks acquired by Council. | <ul style="list-style-type: none"> • No resolution of current issues involving consent processing inefficiencies and interpretation difficulties. | Creates inefficient use of Council resources and is ineffective in resolving current interpretation difficulties. Is therefore considered inappropriate. |
| 2. Delete Rule 4A 2.1.1(f) | <ul style="list-style-type: none"> • Reduction in compliance costs for landowners. • Improves Council resource efficiencies. • Removal of the rule interpretation difficulties. • Continued control over effects from retaining other conditions. • No impact on projects already in the planning phase | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Is effective in resolving current interpretation difficulties and implementation inefficiencies, with potential adverse effects being controlled through other standards. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 3. Amend Rule 4A 2.1.1(f) to include two buildings in close proximity | <ul style="list-style-type: none"> • Controls effects of building bulk which results from cumulative building length. | <ul style="list-style-type: none"> • Administration costs to process a plan change. • Does not resolve, and in fact adds to, issues relating to rule interpretation difficulties. • Additional compliance costs to landowners. • Restricts landowners to make the best use of a site. | Is ineffective in resolving current interpretation and implementation difficulties and is therefore inefficient in achieving the purpose of the Plan Change. It is thus deemed inappropriate. |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 2 and delete permitted activity standard 4A 2.1.1(c) in relation to building length.

5.8 Home Occupations

Issues

At present the permitted activity condition for home occupations (Rule 4A 2.1.1(g)) controls a number of aspects of such activities including staff numbers, the nature of activity, retail sales, visitor hours, gross floor area and the screening of storage. In general the review of Residential Areas has determined that the home occupations provisions work well, however there are some issues that have arisen.

Issues have been related to the number of people working on a site and impacts on surrounding residential character and amenity. The home occupation standards, while limiting the number of non-residents who may work onsite in relation to a home occupation, does not limit the number of residents who may be involved in the activity or the total number of people working on a site. In addition, there is no control over traffic or parking associated with the activities, which has the potential to adversely affect the surrounding area.

There is also the potential that as worded, the home occupations provision could be interpreted to include residential activities, as it is not clear that the rule relates specially to commercial activities. Finally, recent case law has indicated that the condition restricting the gross floor area use of buildings on a site for home occupations is ultra vires.

Options

- 1. Status quo - Retain existing Rule 4A 2.1.1(g) for home occupations*
Continues to rely on the existing permitted activity condition 4A 2.1.1(g) for home occupations.
- 2. Limit the number of residents who can work on the site*
Involves limiting the number of residents on the site who are permitted with work in the home occupation activity. The limit on the number of non-residents would be retained.
- 3. Limit the number of total people who may work on a site*
Would limit the total number of people who could work on the site in relation to the home occupation activity, including residents and non-residents.
- 4. Limit the numbers of visitors per day*
Would result in the number of visits from business related visitors being limited per day.
- 5. Control car parking requirements for persons working on the site*
This would require a carpark space to be provided on-site for every non-resident working on the site. It would assume that carparking for residents are already provided in accordance with other residential activity provisions.
- 6. Control activities in front yards*
Activities associated with home occupations and located in front yards have the potential to detract from the residential character of the area. This amendment would

ensure such activities are setback from front boundaries to mitigate these potential effects.

7. *Delete the gross floor area control*

Would involve deleting Rule 4A 2.1.1(g)(vii) in regard to gross floor area control. A recent Environment Court decision has indicated that this rule is ultra vires.

8. *Clarify wording relating to nature of activities*

Involves clarifying the wording of the condition to ensure that activities triggered are commercial in nature and not residential activities which are intended to be permitted on a residential site.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|---|---|--|--|
| 1. Status quo | <ul style="list-style-type: none"> No impact on activities already in the planning phase. No administration costs to process the Plan Change. No new risks acquired by Council. | <ul style="list-style-type: none"> No resolution of current issues involving potential for adverse effects, wording clarification and conditions that are found to be ultra vires. | Is ineffective in resolving current issues with the rule, including potential adverse effects. It is therefore considered inappropriate. |
| 2. Limit number of residents working on the site | <ul style="list-style-type: none"> Control over adverse effects on adjacent properties and surrounding areas. In particular effects associated with the scale and intensity of activities such as vehicle movements and noise effects. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Compliance cost for home occupation owners. Could potentially restrict flexibility for home occupations with regards to the make up of the total number of people working on site. | Effective in controlling potential adverse effects however it is not considered to be efficient in doing so. It is therefore deemed not appropriate. |
| 3. Limit the number of total people working on the site | <ul style="list-style-type: none"> Control over adverse effects on adjacent properties and surrounding areas. In particular effects associated with the scale and intensity of activity such as vehicle movements and | <ul style="list-style-type: none"> Administrative cost to process a plan change. Compliance cost for home occupation owners. | Would be effective in controlling adverse effects and is efficient to implement. It is therefore considered that it achieves the purpose of the Plan Change and Act and is thus deemed |

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| | <p>noise effects.</p> <ul style="list-style-type: none"> • Simply to interpret and enforce. • Flexibility provided for home occupation owners. | | appropriate. |
| 4. Limit number of business visitors | <ul style="list-style-type: none"> • Control over adverse effects on adjacent properties and surrounding areas associated with movements to and from a site in relation to the home occupation activity. | <ul style="list-style-type: none"> • Impractical and difficult to enforce and monitor. • Administrative cost to process a plan change. • Compliance cost for home occupation owners. | Would be effective in controlling potential effects, but is inefficient in that it would create interpretation and consent monitoring difficulties. It is therefore deemed inappropriate. |
| 5. Control car parking | <ul style="list-style-type: none"> • Control over adverse effects on the surrounding areas associated with staff car parking. • Consistent with parking requirements for residential activities. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. • Compliance cost for home occupation owners. | Would be effective in controlling adverse effects and is consistent with other District Plan provisions. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 6. Control activities in front yards | <ul style="list-style-type: none"> • Control over adverse effects on adjacent properties and the surrounding streetscape in relation to the amenity of non-residential activities in front yards. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. • Compliance cost for home occupation owners. | Would be effective in controlling adverse effects and is efficient to implement. It is therefore considered that it achieves the purpose of the Plan Change and Act and is thus deemed appropriate. |
| 7. Delete control of gross floor area | <ul style="list-style-type: none"> • Removes inconsistency with the Environment Court decision. • Clarity for consent processing. • Continued control over effects from home occupations by retaining other permitted activity conditions. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Is effective in resolving current legal inconsistencies. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |

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| | <ul style="list-style-type: none"> • Reduction in compliance costs for landowners. • Greater flexibility for home occupation owners regarding use of their site. • No impact on activities already in the planning phase. | | |
| 8. Clarify nature of activities | <ul style="list-style-type: none"> • Resolves confusion regarding the interpretation of rule with respect to the nature of activities the rules intends to trigger. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Is effective in clarifying the intent of the rule. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Options 3, 5, 6, 7 and 8 and amend the permitted activity standard 4A 2.1.1(g) for home occupations to control parking and vehicles in front yards, to clarify that it relates to commercial activities, to remove the condition relating to gross floor area and to limit the total number of people working on a site in relation to a home occupation activity.

5.9 Child Care Facilities

Issues

Currently child care facilities are permitted where they do not care for more than five children at any one time (in accordance with Rules 4A 2.1(c) and 4A 2.1.1(h)). Any child care facility that exceeds this maximum requires resource consent as a full discretionary activity (Rule 4A 2.4(a)).

These provisions are considered relatively restrictive and do not provide any flexibility for facilities that are slightly larger than permitted, yet which result in no more than minor adverse effects. The provision of such facilities within residential areas is desirable as they cater for residents need. However, potential adverse effects, such as noise and traffic, from these facilities do require management.

Options

1. *Status quo - Retain existing provisions for child care facilities*

Continues to rely on the existing rules 4A 2.1(c) and 4A 2.1.1(h) for child care facilities which care for up to 5 children and discretionary activity Rule 4A 2.4(a) for all other child care facilities.

2. *Increase the maximum number of children permitted*

Would involve increasing the maximum number of children permitted under permitted activity condition 4A 2.1.1(h).

3. *Change the activity status of child care facilities, regardless of number of children*

Involves making child care facilities either controlled or restricted discretionary activities, regardless of their size. Thus small child care facilities would no longer be permitted activities.

4. *Insert a Restricted Discretionary activity status for child care facilities greater than those permitted, but with a maximum capacity*

This would result in child care facilities which cater for more than five children but less than a specified maximum (being the point at which effects would be more than minor), being a restricted discretionary activity. Resource consent would be required for these activities, yet Councils discretion in assessing such applications would be limited to certain matters. Any child care facility greater than the specified maximum would be a full discretionary activity.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|--|--|--|--|
| 1. Status quo | <ul style="list-style-type: none"> No impact on activities already in the planning phase. No administration costs to process the Plan Change. Effective control over potential adverse effects. | <ul style="list-style-type: none"> Restricts opportunities for child care facilities to be provided in residential areas where adverse effects are minimal. | Is ineffective in ensuring residential needs are efficiently provided for. It is therefore considered inappropriate in achieving the purpose of the Plan Change. |
| 2. Increase maximum number of children permitted | <ul style="list-style-type: none"> Reduction in compliance costs for some child care facility operators. Greater opportunity for child care facilities to operate in residential areas. | <ul style="list-style-type: none"> Administration cost to process a plan change. Potential for adverse effects on adjacent properties and surrounding areas to be created, such as noise, traffic and character effects. | Would be ineffective in controlling potential adverse effects and is therefore inefficient in achieving the purpose of the Act and is thus deemed inappropriate. |
| 3. Change activity status, regardless of size | <ul style="list-style-type: none"> Control over adverse effects associated with child care facilities, such as traffic and noise. | <ul style="list-style-type: none"> Administration cost to process a plan change. Restricts opportunities for child care facilities to be provided in residential areas | Is ineffective in ensuring residential needs are efficiently provided. It is therefore considered inappropriate in achieving the purpose of the Plan |

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| | | <p>where the effects are minimal.</p> <ul style="list-style-type: none"> • Increase in compliance costs for child care facility operators | Change. |
| 4. Insert Restricted Discretionary Activity status | <ul style="list-style-type: none"> • Control over adverse effects associated with child care facilities, such as traffic and noise. • More opportunity for child care facilities to operate in residential areas. • No impact on activities already in the planning phase. • No change to compliance costs for facility operators. | <ul style="list-style-type: none"> • Administration cost to process a plan change. | <p>Would be effective in controlling potential adverse effects and efficiently provides for residential needs. It is therefore considered that it achieves the purpose of the Plan Change and Act and is thus deemed appropriate.</p> |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 4 and insert a restricted discretionary activity status, with appropriate matters of discretion, for child care facilities which care for more than 5 children with a maximum cap.

5.10 Permeable Surfaces

Issues

Currently there is no requirement to provide permeable surface on a site in the Residential Areas. As such a site can be completely covered in hard surfaces. Such sites rely heavily on Council stormwater management systems as opposed to natural infiltration systems. The more stormwater that can be managed onsite the more sustainable the City can be.

Options

1. *Status quo – No provision to provide permeable surfaces*

Continues to rely on other methods, particularly non-regulatory methods, to control the degree of permeable surfaces provided on a site.

2. *Insert provisions to require minimum permeable surfaces are provided*

Would result in the addition of provisions, particularly a definition, policy and permitted activity condition, to require that a minimum percentage of the net site area be of a permeable surface.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|--|--|---|--|
| 1. Status quo | <ul style="list-style-type: none"> No impact on activities already in the planning phase. No administration costs to process the Plan Change. No new risks acquired by Council. | <ul style="list-style-type: none"> No control or management of effects from stormwater in association with hard surfacing of a site, adding to the City's stormwater issues. | Is ineffective and inefficient in controlling stormwater effects from impermeable sites. It is therefore considered inappropriate. |
| 2. Insert new provisions to require minimum permeable surfaces be provided | <ul style="list-style-type: none"> Encourages sustainable onsite management of stormwater effects. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Additional compliance requirements for landowners. | Would be effective in assisting with sustainable management of onsite stormwater effects. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 2 and insert a policy under 4A 1.2.1 and a permitted activity standard under Rule 4A 2.1.1, to ensure some permeable surfaces are provided within a site.

5.11 Courtyard/Outdoor Living Areas

Issues

There is currently no requirement for residential sites to provide private outdoor living areas in associated with a dwelling. This is not usually an issue for standard single dwelling sites, with the site coverage and yard setback provisions ensuring that such areas can be achieved.

Issues have arisen however when more than one dwelling is provided on a site. In particular, multi-unit developments that provide upper level units. Access to private outdoor areas for such units currently does not have to be provided. This can create significant adverse effects on residents well being.

Options

1. *Status quo - No provision to provide outdoor living areas*

Continues to rely on other provisions, such as building coverage and yard setbacks, to ensure onsite amenities are provided.

2. *Insert a permitted activity condition relating to minimum outdoor living areas*

Involves inserting a permitted activity standard under Rule 4A 2.1.1 to require that a minimum outdoor living area be provided for every dwelling.

3. *Through design guides, encourage the provision of outdoor living areas*

Through the implementation of design guides, this option would result in a requirement for residential developments to address the provision of outdoor living areas in its design.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|---|--|---|--|
| 1. Status quo | <ul style="list-style-type: none"> No impact on activities already in the planning phase. No administration costs to process the Plan Change. No new risks acquired by Council. | <ul style="list-style-type: none"> No control over the requirement of dwellings to provide private outdoor living areas, potentially affecting onsite amenity and residents well being. | Is ineffective in mitigating onsite amenity effects and thus inefficient in achieving the purpose of the Act. It is therefore considered inappropriate. |
| 2. Insert a permitted activity condition | <ul style="list-style-type: none"> Control over adverse onsite amenity effects. | <ul style="list-style-type: none"> Administrative cost to process a plan change. Additional compliance requirements for landowners. Could limit the development layout of a site and restrict the best outcomes from being achieved. | Is effective in providing for the well being of people, however it is restrictive and inefficient in doing so. It is thus deemed inappropriate. |
| 3. Encourage outdoor living areas through design guides | <ul style="list-style-type: none"> Control over adverse onsite amenity effects. Flexibility provided to landowners to cater for site specific requirements. | <ul style="list-style-type: none"> Administrative cost to process a plan change. | Would be effective and efficient in ensuring residents well being is protected. It is therefore considered that it achieves the purpose of the Plan Change and Act and is thus deemed appropriate. |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 3 and encourage outdoor living areas to be provided for residential dwellings through the implementation of design guides.

5.12 Reserves Contributions

Issues

There are a number of inconsistencies that have arisen with regard to how reserves contributions are applied where subdivision of land results in an increase or intensification of land. Currently the reserve contribution (as detailed under Rule 12.2.1.7(a)) is to be a maximum contribution in cash or land to an equivalent value equal to 7.5% of the value of each new allotment.

The issues that have arisen include:

- Changes in the way the rule has been applied over time;
- Lack of differentiation provided in the rule between the needs of rural and residential users;
- Imbalance between the application of a percentage value method for rural and residential lots; and
- Lack of reflection in the change and variation in land values since the provision was introduced.

In particular, since the adoption of the plan there has been a number of ways in which Council has interpreted the rule, thus resulting to inconsistencies in the application of the rule over time. This specifically relates to when a maximum value does not have to be applied. It is considered that this has resulted from a lack of clarity provided in the rule.

In addition, the rule applies to both residential and rural/ rural-residential areas with no differentiation between the two different areas. Rural landowners feel that their use of and need for public reserve areas is much less than that of a residential landowner given that rural residents generally undertaken their recreational activities on their land, as opposed to public areas. They also allow other members of the public to access their properties for recreation uses.

Finally, given the size of rural lots the values can often be greater than residential lots, thus resulting in a greater contribution. Further, the degree of variation in property prices has increase substantially since the introduction of the reserve contribution provisions. With this change in property prices the demand on reserves has however stayed constant.

Options

1. *Status quo – Retain the current provisions for reserves contributions*

Continues to rely on the existing rule 12.2.1.7 for the allocation of reserve contributions as a result of subdivision.

2. *Amend Rule 12.2.1.7 to provide a maximum dollar value*

Involves adding to Rule 12.2.1.7 a maximum dollar value for reserve contributions from residential and rural subdivisions to ensure that a fair and clear method is applied.

Evaluation

| Options | Benefits | Costs | Effectiveness & Efficiency |
|--|--|---|---|
| 1. Status quo | <ul style="list-style-type: none"> • No impact on proposals already in the planning phase. • No administration costs to process the Plan Change. • No new risks acquired by Council. | <ul style="list-style-type: none"> • No resolution of current issues involving inconsistencies in the application of the rule. | Is ineffective in resolving current inconsistencies and is thus inefficient in achieving the purpose of the Act. It is therefore considered inappropriate. |
| 2. Amend wording to provide a maximum dollar value | <ul style="list-style-type: none"> • Ensures the contributions between rural and residential land subdividers are fairly allocated. • Removal of inconsistencies in the rule interpretation. • Continued contribution to the cost of providing land for reserves. | <ul style="list-style-type: none"> • Administrative cost to process a plan change. | Is effective in resolving current interpretation inconsistencies and ensures contributions are fairly allocated. It is therefore considered efficient in achieving the purpose of the Plan Change and Act and is thus deemed appropriate. |

Recommendation

For the reasons stated above, it is recommended that the Council adopt Option 2 and amend the text in Rule 12.2.1.7 to provide a maximum dollar value for residential subdivision in residential and rural residential areas.