



Western Bay of Plenty District Plan

Proposed First Review

Residential Section Review

Issues and Options Paper

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1. Background

The District Plan review is being undertaken as a result of the need to bring the Plan up to speed with best practice and to integrate significant planning changes such as those occurring at Waihi Beach, Katikati, Omokoroa and Te Puke.

This discussion document deals with Chapter 5 – The Residential Section.

Items discussed are not limited to residential issues and may span a number of sections as these can also be considered terms of the wider District Plan review.

Discussions were undertaken with representatives from each of the relevant Council departments as follows:

Team/Department	Representative
Built Environment	Andries Clote
Compliance and Monitoring	Graeme Troy
Consents Administration	Jody Schuurman
Consents Processing	Chris Watt
Engineering	Peter Clark

2. Purpose

The purpose of this document is to highlight the issues raised by Council staff in relation to the Residential Section. The issues and options raised in this document will need to be further canvassed, so a set of recommendations can be provided to the Committee at the next District Plan meeting. Further canvassing of these issues will be carried out by the Policy and Built Environment Team along with the Councillor's who have expressed an interest in the Residential Section. Any comments made on this issues and options paper will be included as part of this further canvassing process.

3. The Residential Section

The current Residential Section contains the Objectives, Policies and Rules that relate to all Residentially Zoned land in the Western Bay of Plenty District. This includes land within Waihi Beach, Island View, Pios Beach, Athenree, Tanners Point, Ongare Point, Te Kauri Village, Katikati, Omokoroa, Plummers Point, Te Puna, Te Puke, Paengaroa, Maketu and Pukehina.

The Residential Section has been subject a number of Plan Changes since it was first notified. These are tabulated in Attachment B. These Plan Changes need to be considered when reviewing the Residential Section.

Other important documents that were used in drafting this discussion document are listed in Attachment A.

4. Issues and Options for Review

4.1 Section Layout

4.1.1 Current Situation

Structure Planning exercises have been carried out within a number of townships in the Residential Section (See Attachment B). Each of these Structure Plans have been developed at different times resulting in different sets of rules and provisions. These have then been inserted into the Residential Section resulting in a layout that is hard to read and at times confusing.

There are also some Structure Plan rules that have not been included in the Residential Section. These are instead located with the Structure Plan Maps in the Appendices Section of the District Plan. An example of this are the rules relating to residential allotments in Athenree which adjoin the Tauranga Harbor or an Esplanade Reserve.

In terms of the current layout, team members commented that many of the rules appeared confusing and contained too many exceptions. For example, rules for height and daylighting have an exception provided that written consent is obtained and yard rules have an except that condition for when yards adjoin State Highways. It was considered that these could be made more reader friendly through an amended layout.

Quality Planning guidance notes on '*Writing provisions for regional and district plans*' and '*Structuring and organising regional and district plans*' have recently been published to assist in Councils reviewing District Plans. These documents highlight that plans with good structure and organisation means provisions are less likely to be overlooked.

4.1.2 Options

There is a strong consensus within Council that the current Residential Section layout needs to be revised. A proposed new layout is provided as Attachment C. This will need to be developed further as part of this Residential Review Process.

It is also considered that the Structure Plan Maps could be shown on the Planning Maps to ensure easy reference from the Planning Maps to the relevant parts of the District Plan.

Another suggested addition to the plan that could make it more user friendly is to include a summary table at the start of each section. This will allow for quick reference to the activity status for different activities within each zone. An example of this is in the Napier District Plan.

4.2 The need to enhance and maintain a safe residential environment

4.2.1 Current Situation

Public safety has been identified as a priority community outcome in the LTCCP and as a top priority within each of the comprehensive development plans.

Urban design can help in achieving the community's expectations in terms of public open space and safety. Examples include, ensuring dwellings have front doors visible from the street, and garages that are set back from the dwellings façade. The Omokoroa Stage 2 Structure Plan has adopted these principles.

4.2.2 Options to Consider for Review

Could additional urban design controls be included in the general Residential Section as opposed to just within the Omokoroa Stage 2 Structure Plan Area?

4.3 Site Coverage, Percentage Impermeable Surface and Outdoor Living Area Rules

4.3.1 Current Situation

In the Waihi Beach Intensive Residential Zone and the Omokoroa Structure Plan Area rules have been introduced for site coverage, outdoor living area and percentage impermeable surface. The rationale for percentage impermeable surface relates to reducing stormwater while site coverage rules relate to ensuring properties are developed at appropriate densities and have adequate outdoor space.

4.3.2 Options to Consider for Review

Consideration needs to be given as to if these rules should be included in the general Residential Section or remain solely within the Waihi Beach Intensive Residential Zone and the Omokoroa Structure Plan Areas.

This issue was raised by the Compliance and Built Environment representatives. They felt that site coverage was a preferable rule to percent impermeable surface. This was due to percentage impermeable surface being impractical to monitor after building consent stage, as there was nothing stopping residents increasing the area of impermeable surface on their site after obtaining building consent. They felt site coverage was easy to assess at building consent stage.

4.4 The need to provide for higher density housing in the residential area

Due to an increased diversity in the demographic profile and lifestyle patterns of the districts residents, a diverse range of housing types are now required.

A range of housing types need to be provided for, specifically at higher density than currently exist, in order to achieve the outcomes of SmartGrowth and to accommodate the projected population growth. This needs to be well managed and thought out to ensure that higher densities do not result in lower quality living.

4.4.1 Current Situation

Through the structure planning exercises, land has been rezoned to fulfill future residential needs. Areas suitable for higher density development have been identified and associated performance standards have been included in the Residential Section through the plan change process. Higher density zones have been provided in Katikati, Waihi Beach, Omokoroa and TePuke.

4.4.2 Options to Consider for Review

While it is considered that Council has zoned a number of areas for higher density residential purposes, should this be the only area where higher density development is provided for? Currently if you exceed the permitted density in a certain zone a resource consent for a Discretionary Activity is required. Consideration could be given to enabling higher density development within existing urban areas though using a set of performance standards. These would need to consider the proximity/location of existing amenities and outdoor living space. Enabling higher density development in existing urban areas could be beneficial in terms of providing for the growing population.

Allowing for retirement complexes in the Residential Zone could also be looked into further. Currently you are able to apply for a Resource Consent for a Discretionary Activity for a retirement complex, however it is not specifically listed as a Discretionary Activity and has no specific performance standards. If some performance standards were added then this would ensure Council would have control over ensuring these sorts of developments were designed in a way that provided a good outcome for the residents (through urban design controls) as well as avoiding any adverse environmental effects. Enabling this sort of development to occur within existing urban areas means the likelihood that amenities will be close by is high, as opposed to these sorts of developments being carried out in a different zone (rural or industrial) or a Greenfield area. An example of specific performance standards for retirement complexes is provided in the Napier District Plan. Further work will need to be carried out to develop set of standards for the District if it is considered to be an appropriate addition.

4.5 Non Residential Activities in Residential Areas

Tauranga City Council has recently identified that non residential activities in the Residential Zone is a significant resource management issue in their District. Non-residential activities such as Home Based Businesses, Offices, Health Centres and Educational Facilities were identified through annual monitoring to be having an adverse effect on residential amenity and on the efficient and effective use of the existing Tauranga City Commercial Zone.

Western Bay of Plenty District Council staff acknowledged that while Residential areas close to the State Highway may be under some pressure for commercial use, non residential activity within the residential zone, was not perceived a significant issue in the District.

The compliance team found the existing provisions in the District Plan effective in preventing non residential activities being carried out within the Residential Zone. They also considered that non compliance with the permitted activities in the Residential Zone was easy to detect through neighbor complaints.

In addition to this, it is considered that there is ample commercial and industrial land available in the district where non residential activities can be carried out. There is approximately 52.84 ha of commercial land available currently, with a further 14.79 ha identified for future needs. Alternatively, a Resource Consent for a Discretionary Activity can be obtained to carry out a Commercial Activity in the Residential Zone providing the effects are no more than minor.

4.6 The need to maintain and enhance the existing character in townships

The special character of each township needs to be enhanced and maintained and further infill development has the potential to detract from this.

Examples include developed areas in Te Puke along Boucher Avenue, where there are a number of sites with old houses and large established gardens. Infill subdivision can erode the identity and individual character of this area. Another example of this is in the existing Omokoroa Village which has characteristic larger lot sizes. Infill subdivision may not be in keeping with the existing character of this area.

There is also concern by internal team members, that in areas like the existing Omokoroa Village, while the site area may be large, the actual amount of useable land is limited due to topographical constraints and the location of the existing dwelling. This may result in dwellings being constrained on a portion of the site and may result in negative affects on amenity, stormwater management and privacy. It is therefore considered that the character of the existing village be protected by keeping a low density residential lot size.

4.6.1 Options to Consider for Review

A 'Low Density Residential' or 'Character Zone' could be identified for areas considered to have high existing character. In this zone, subdivision would be more stringent by having a larger minimum lot size, a higher activity status, or a greater range of performance standards that must be met for subdivision to occur.

This could conflict with SmartGrowth however, in terms of providing for higher density housing in existing urban areas to prevent urban sprawl. It is considered however that if higher density areas are also provided for, then this could go toward achieving good

outcomes for both of these potential issues, being retaining character, and the provision of areas for future growth.

4.7 Coastal Townships are subject to Development Pressures

4.7.1 Current Situation

In the Residential Zone the minimum lot size is 800 m² on unsewered allotments and 350 m² on sewered allotments. If the smaller coastal settlements are reticulated, then the minimum lot size decreases to 350 m², enabling further development to occur. By reticulating these coastal settlements, Council will reduce the existing problems associated with on site effluent treatment which is not desirable in close proximity to the coast. There will need to be some sort of mechanism to prevent further developments in these areas. This is further backed up by these small coastal settlements not being identified as areas for future growth in SmartGrowth or the RPS Change No.2. Development in these areas needs to be restricted as if they are not pressure for coastal land is so high that these areas will be developed.

4.7.2 Options for Review

This could potentially be achieved in the same way as maintaining character of existing townships. A low density residential zone could be beneficial with a minimum lot size of 700 m² and anything below this would be a non complying activity or require a more stringent set of performance standards.

4.8 Minor Dwellings

4.8.1 Current Situation

Minor dwellings are permitted within the Residential Zone. A minor dwelling is defined as *"a dwelling no less than 50 m² gross floor area plus an attached garage or carport with a gross floor area exceeding 18 m² and that these garage areas can not be used for living accommodation"*.

Concern was raised by the internal representatives that property owners may have a dwelling and garage then later convert this garage into a minor dwelling. They will then add an additional garage, and this will all be permitted. They can then add other buildings that are defined as *'accessory to the foregoing'*, for example a sleep out. This can result in a number of people living on the one site and using Council infrastructure without contribution by way of financial contributions.

4.8.2 Options for Review

The issue with minor dwellings not being used for family and being rented out was previously identified, and Plan Change 58 required all minor dwellings to be constructed within 20 m from the primary dwelling. This dealt with minor dwellings in the rural area only however.

Further investigation may be required as to the definition of '*buildings accessory to the foregoing*'. Also in some Council's Plans minor dwellings are Controlled Activities and require a proportional payment toward financial contributions.

4.9 Accommodation Facilities

4.9.1 Current Situation

There is a concern that people are creating additional dwellings under the guise of '*accommodation facilities*' as they are self contained and may be rented out long term.

The current definition of an accommodation facility is: '*any form of residential accommodation which does not comply with the definition of a dwelling or minor dwelling and includes boarding houses, hotels, hostels, motels, camping grounds, retirement villages, resthomes for the rehabilitation and care of any group. Occupancy of any accommodation facility shall be assessed on a one person per bed basis (i.e. one single bed equals 1 person, 1 double/queen/king sized bed equals 2 persons)*'.

4.9.2 Options for Review

The compliance team suggested that this definition could be enhanced to help provide some guidance as to when an accommodation facility becomes an additional dwelling.

4.10 Pacific Vista 5 m Side Yard requirement

4.10.1 Current Situation

It was raised though an annual plan submission that the side boundary requirement in the District Plan for the Pacific Vista subdivision is impractical. There is a rule in the plan that requires side yards to be 5m unless written consent from the adjacent neighbor is obtained. Due to the size of the sections with some only being 15m wide this is seen as an unreasonable requirement.

4.10.2 Options for Review

The reason for this requirement being included in the District Plan needs to be looked into with a view of removing it should it be found to be unreasonable.

4.11 Existing Front Yards do not provide for adequate onsite manoeuvring

4.11.1 Current Situation

The Consents Team raised the issue that at present, backing on to roads is not provided for within the District Plan. This can cause some difficulty as many of the front

yards are required to be a minimum of 5 m and this is not adequate for onsite maneuvering.

4.11.2 Options for Review

It was thought that a solution to this would be to allow reversing onto roads that do not carry high volumes of traffic. This would tie in neatly with the proposed road hierarchy and this has already been investigated in the Access Onsite Parking and Loading Section Review.

It was also mentioned that requiring garages to be set back 1.5 m from the façade of any new dwelling could help in increasing the area available for onsite maneuvering. This rule has been proposed in the Omokoroa Plan Stage Structure Plan Area.

4.12 Existing Urban Areas in relation to the RPS Urban Limits

4.12.1 Current Situation

Change 2 to the Regional Policy Statement (RPS) has identified urban limit lines, one which will contain development up to 2021, and another for post 2021. The majority of Councils Structure Plans only include land within the first urban limit line. Omokoroa is an exception to this however, where both a Stage 1 and 2 Structure Plans have been through a public process.

It is considered that the areas of land within the urban limits identified by the RPS Change 2, which is not already zoned for development through the structure plan process, needs to be protected from inappropriate subdivision.

4.12.2 Options for Review

The majority of the land within the second urban limit line, and not already subject to a Structure Plan, is zoned Rural. It is important that the existing titles are not subject to fragmentation; this makes future structure planning exercises more difficult, due to there being smaller land parcels and more land owners to deal with.

To protect the ability to comprehensively develop this land in future, an option is to zone it 'Future Urban'. If this was shown on the Planning Maps with a number of associated rules, unnecessary subdivision and land use could be prevented.

Attachment A

Documents to consider with the Residential Section Review

Built Environment Strategy

Councils Built Environment Strategy will be used to give direction about what urban design principles should be included into the District Plan. Both Smartgrowth and the RPS Change 2 have identified that high quality urban design is essential to achieving their proposed outcomes. The Built Environment Strategy has taken into consideration the Comprehensive Development Plans for each township and has carried out further consultation with community groups to identify what they would like to see in their neighborhood. These needs will then be fed into the review of the Residential Section.

SmartGrowth Strategy

This is the 50 year sub regional growth strategy which has looked closely at the resource management issues facing the Bay of Plenty and developed a strategy to manage a growing and changing population. SmartGrowth sets out ways in which growth can be managed so that infrastructure is used efficiently and areas used for primary production are not compromised. This is achieved by defining areas for future growth and providing for higher densities to limit urban sprawl. There is a strong focus on vibrant communities, the live work and play principle, mixed use, and a decreased reliance on vehicle transport through design. SmartGrowth has been used as the basis of a number of recent Western Bay of Plenty Plan Changes where higher densities have been provided for. It is considered that SmartGrowth principles will be adopted within the Residential Section.

Built Heritage Study

Opus Consultants have completed a Draft Built Heritage Study which identifies significant heritage sites and precincts within Bay of Plenty. At this point, only heritage sites within urban areas are to be listed. This means the Built Heritage site is of particular relevance to the Residential Section.

Comprehensive Development Plans

Each of the Western Bay of Plenty District Townships have prepared community plans which highlight each areas perceived character and how this character is to be maintained and enhanced. The Comprehensive Development Plans are relevant when reviewing the Residential Section as each township has its own identity, which needs to be recognised.

Western Bay of Plenty District Council LTCCP

The community outcomes in the LTCCP need to be considered when reviewing the Residential Section. The Residential Section can work toward achieving community outcomes such as supporting healthy and safe lifestyles, encouraging warm and welcoming communities, and enabling an environment which is clean and green.

Smart Growth Development Trends Report 2007

This is an analysis of the statistics collected as part of Councils "duty to gather information, monitor and keep records". It includes statistics required by the Regional Policy Statement and SmartGrowth Strategy including population distribution, zoned

business land, uptake rates, land availability for both residential and business land, permanent versus holiday residences, and rural subdivision.

Environment Bay of Plenty Regional Policy Statement Change Number 2

The National Policy Statement provides the overarching resource management framework for the way growth should be sustainability managed in the region. Key principles include high quality urban design, the live work and play approach to future development, and other objectives and policies that relate to growth management. The RPS has taken the principles of Smartgrowth further by putting them in a statutory context. As a result of the RMA Amendment Act 2005, District Plans must 'give effect' to the Regional Policy Statement.

Attachment B

Plan Changes of Relevance to the Residential Section

Date	Plan Change	Details
1 October 2005	Plan Change 31 Site Coverage Rules for Katikati	Introduction of rules relating to site coverage in the Katikati Area
1 October 2005	Plan Change 23 Waihi Beach Rezoning	Provided for Intensive Residential Development in Waihi Beach
6 October 2007	Plan Change 66 – Commercial Operations in the Residential Zone	Changed the number of people permitted in an educational facility from 10 to four to reduce some potential adverse effects from the use of the “permitted baseline”.

Table 1: Plan Changes that have resulted in insertions/deletions to the Residential Section

Date	Plan Change	Details
Plan Change 55	Waihi Beach Structure Plan Revision	Appealed by Nicho Trust
Plan Change 56	Katikati Structure Plan	Appealed by Transit
Plan Change 68	Omokoroa – Stage 1 Structure Plan	Appealed by Durham Trust
Plan Change 69	Omokoroa – Stage 2 Structure Plan	Council Hearings Underway

Table 2: Plan Changes relevant to the Residential Section which are subject to appeal or Council decision.

Attachment C

Proposed Section Structure

General

Explanatory Statement

Significant Issues

Objectives and Policies

General Residential Zone Rules

Permitted Activities

Controlled Activities

Restricted Discretionary Activities

Discretionary Activities

Activity Performance Standards

Specific Town Rules (these will take precedence over General rules if they are not in accordance)

Waihi Beach

Vision/Explanatory Statement/Objectives and Policies
Rules

Activity Status

Activity Performance Standards

Intensive Residential Zone (Waihi Beach)

Structure Plan

Katikati

Vision/Explanatory Statement/Objectives and Policies
Rules

Activity Status

Activity Performance Standards

Structure Plan

Omokoroa

Vision/Explanatory Statement/Objectives and Policies
Rules

Activity Status

Activity Performance Standards

Structure Plan

Te Puke

Vision/Explanatory Statement/Objectives and Policies
Rules

Activity Status

Activity Performance Standards

Structure Plan