

Planners Report 26

Variation 1: Lifestyle Zones and Minden Structure Plan Area

Natural Hazards Section – Approved Building Site Definition

1.0 Background

- 1.1 This report relates to the definition of “Approved Building Site”. This definition was initially in the Lifestyle Section but was moved to the Natural Hazards Section due to its relationship with the Minden Stability Areas.
- 1.2 This definition is shown in Attachment A to this report – together with the recommended changes shown in ~~strikeout~~ and underline.

2.0 Issues

- 2.1 One submission point was received in support of the “Approved Building Site” definition in Rule 8.4.2 (a) (i).
- 2.2 The other submission point was received from Bay of Plenty Regional Council who have requested an amendment to Rule 8.4.2 (a) (i) which they feel give better effect to the Regional Policy Statement and the Objectives and Policies of the Regional Water and Land Plan. This is to require a 20m building-site setback from waterbodies and ephemeral flowpaths.

3.0 Options

3.1 Option 1

- 3.1.1 Retain the “Approved Building Site” definition as proposed.

3.2 Option 2

- 3.2.1 Amend Rule 8.4.2 (a) (i) (second bullet point) as follows:

“Not include sites for which consent conditions require further investigation, sites not approved in the Resource Consent, sites within 20m of waterbodies (including ephemeral flowpaths) and sites for which technical assessment have not been previously obtained”.

4.0 Discussion

4.1 Option 1 – Retaining the “Approved Building Site” definition as proposed.

- 4.1.1 Although this definition needs to be retained in some form to show District Plan users what an “Approved Building Site” is considered to be, the current drafting is rather confusing from an administration point of view.
- 4.1.2 At the moment, it is over-detailed and open-ended and seems to start as a definition, before transforming into a set of activity performance standards and then assessment criteria. Its purpose should be to make it very clear when building is a Permitted Activity but it does not achieve this.
- 4.1.3 It is important to edit this wording now rather than later, as it confuses the understanding and application of the rules. The definition should be short and concise, explaining when a site is considered to be “Approved” and therefore ready for building e.g. if in accordance with a certain rule or set of rules.
- 4.1.4 The repetition of activity performance standards and assessment criteria should therefore be separated from the definition and either deleted or shifted to the appropriate place. The definition itself needs to be moved to the Definitions Section.

4.2 Option 2 – 20m setback from waterbodies and temporary flowpaths

- 4.2.1 In line with the problems discussed above, this addition will not be appropriate in the “Approved Building Site” definition as it is essentially a yard requirement.
- 4.2.2 The Regional Council have stated in their submission that this 20m set back is required for three reasons; avoiding flood risk, erosion and stability issues, and impacts on riparian and ecological features. This suggestion stems from their main concern being the level of instability in the Minden area.
- 4.2.3 While Council is required to “give effect” to the Regional Policy Statement and “not be inconsistent with” regional plans, there is no direct relationship between those relevant policies and methods, and a 20m setback e.g. there is no reason why the 20m setback is considered to be the best solution. It may also be rather coarse in regard to temporary waterbodies unless they can be clearly identified.
- 4.2.4 One alternative is to still adopt the setback in some form, however avoid the use of a specified distance, instead adopting general wording requiring that a building setback from waterbodies and temporary flowpaths is required in order to

avoid those stated effects. The advantage is that it allows for consideration of other options to best address any issues. The disadvantage is that it takes away certainty for the Regional Council that mitigation will be provided, as general wording can be interpreted in different ways.

- 4.2.5** The other alternative is to do nothing. This would not address the Regional Council's concerns.

5.0 Recommendation

- 5.1** That the revised definition of "Approved Building Site" is adopted as shown below and moved to the Definitions Section.

"Approved Building Site means a site that has been approved in conjunction with a resource consent application under the RMA and has been approved in accordance with the stability requirements contained in Section 8 (Natural Hazards) and matters of control in Rule 16A.5.2 and matters of discretion contained in Rule 16A.6.3 (Lifestyle Section).

It does not include sites for which consent conditions require further investigation, sites not approved in the resource consent, and sites for which technical assessments have not been previously obtained".

- 5.2** That the following 'assessment criteria' from the definition (as shown in bullet points) are integrated into the Lifestyle Section as a single rule under 16A.5.2 - Matters of Control as shown below;

- Contain all buildings except for pump houses, fences and masts which may be located outside of the building site;
- Blends in with existing contours;
- Preserves stands of native bush;
- Does not compromise significant topographical features by earthworks.

"Ensuring that building sites and associated earthworks blend in with existing contours, preserve strands of native bush, and do not compromise significant topographical features. Pump houses, fences and masts may be located outside of the building site".

- 5.3** That a new rule is added to the Matters of Control in 16A.6.3 as follows;

"Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to buildings from instability and flooding are avoided and there are no adverse effects on ecological features.

5.4 The following submissions are therefore:

5.5 Accepted in Part

Submission	Point Number	Name
6	1	Bay of Plenty Regional Council
24	7	Te Puna Heartlands

6.0 Reasons

6.1 Option 1

- 6.1.1 Retaining the definition for "Approved Building Site" as notified would create administration difficulties as it is confusing.
- 6.1.2 The suggested recommendations provide a simpler definition that can be used to clearly define when a building site is "approved".
- 6.1.3 The 'activity performance standards' and 'assessment criteria' have been removed from the definition and integrated into the Lifestyle Section which is a more appropriate place for them.

6.2 Option 2

- 6.2.1 The 20m setback is not recommended because there is no evidence to suggest why this distance will achieve the purpose given.

Attachment: Definition of "Approved Building Site"

~~(i) An approved building site shall:~~

- Approved Building Site means a site that has been approved in conjunction with a resource consent application under the *RMA*, and has been approved in accordance with the stability requirements contained in Section 8 (Natural Hazards) and matters of control in Rule 16A.5.2 and matters of discretion contained in Rule 16A.6.3 (Lifestyle Section). ~~Any approval is likely to include conditions applicable to access, vegetation removal, cutting and filling, earthworks, drainage and the like.~~

It does not include sites for which consent conditions require further investigation, sites not approved in the Resource Consent, and sites for which technical assessments have not been previously obtained.

- ~~▪ Be no less than 300m² in area to allow for buildings, amenity areas and waste disposal.~~
- ~~▪ Be able to be used for residential purposes.~~
- ~~▪ Comply with the yard requirements.~~
- ~~▪ Contain all buildings except for pump houses, fences and masts which may be located outside of the building site.~~

~~(i) An approved building site can be formed at either subdivision or building consent stage. Any formation shall ensure the site:~~

- ~~▪ Blends in with existing contours.~~
- ~~▪ Preserves stands of native bush.~~
- ~~▪ Does not compromise significant topographical features by earthworks."~~