

Western Bay of Plenty District Council

Change to the District Plan – First Review

Plan Change 43 Front Yards for Buildings/Structures in the Residential and Medium Density Residential Zones

Section 32 Report

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1.0 Introduction

1.1. General Introduction and Background

The front yard rules in Section 13 - Residential and Section 14 - Medium Density Residential only refer to residential dwellings, medium density dwellings and garages. The District Plan does not have a front yard requirement for permitted buildings/structures other than dwellings or garages, for example, a carport or shed.

The purpose of this report is to present the issues this creates and as a result proposes an amendment to the District Plan.

2.0 Resource Management Act 1991

2.1. Section 32

Before a proposed plan change can be publically notified the Council is required under section 32 ("s.32") of the Act to carry out an evaluation of alternatives, costs and benefits of the proposed review. With regard to the Council's assessment of the proposed plan change s.32 requires the following:

- (3) An evaluation must examine-*
 - (a) the benefits to which each objective is the most appropriate way to achieve the purpose of the Act; and*
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

- (a) For the purposes of [[the examinations referred to in subsections (3) and (3A)], an evaluation must take into account-*
 - (a) The benefits and costs of policies, rules or other methods; and*
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

The benefits and costs are defined as including benefits and cost of any kind, whether monetary or not. This report must evaluate the extent to which the proposed plan change is the most appropriate way to achieve the purpose of the Act.

2.2. Section 74

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority lodged with Council. None of the Iwi Management Plans that have been lodged with Council raise any issues which are of relevance to this Plan Change.

3.0 Consultation

Council engaged with the public to request input prior to the writing of this report, this was done by notices in our local newspapers and a specific information page on the Council website relating to the proposed changes.

Council also engaged with the surveying and planning community in the Western Bay of Plenty and Tauranga area via the "Surveyors Newsletter".

No feedback was received.

4.0 Issue 1 – No front yard requirements for buildings/structures other than dwellings and garages in Sections 13 and 14

4.1. Option 1 – Status Quo – No yard requirements for buildings/structures other than dwellings and garages as per Rule 13.4.1(c)(i) and 14.4.1(d)(i).

Advantages	<ul style="list-style-type: none"> ▪ No advantages
Disadvantages	<ul style="list-style-type: none"> ▪ The District Plan has no front yard requirements for buildings/structures other than dwellings and garages in the Residential and Medium Density Residential Sections. As a result, any buildings/structures other than a dwelling or a garage, that require a building consent can be constructed in the front yard, including right on the front boundary.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ Not effective as the erection of buildings/structures other than a dwelling or a garage (for example a shed or a carport) within the front yard can have a negative affect on the amenity value of the area. ▪ The erection of these buildings/structures within the front yard is not supported by the objectives and policies of Sections 13 and 14, aimed to enhance amenity and community safety in residential and medium density residential areas. ▪ It is also not supported by the adopted Built Environment Strategies and national strategies, such as the New Zealand Urban Design Protocol and 'Crime Prevention Through Environmental Design'.

4.2. Option 2 – Amend Rule 13.4.1(c)(i) and 14.4.1(d)(i) to include a yard requirement of 5m for buildings/structures other than dwellings and garages.

Advantages	<ul style="list-style-type: none"> ▪ A front yard requirement of 5 metres for buildings/structures other than a dwelling or a garage, will be similar to the front yard requirement for a garage, as it will have similar effects.
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	<ul style="list-style-type: none"> ▪ The proposed change will support the objectives and policies of Sections 13 and 14, aimed to enhance amenity and community safety in residential and medium density residential areas.
Disadvantages	<ul style="list-style-type: none"> ▪ No disadvantages.
Efficiency/Effectiveness	<ul style="list-style-type: none"> ▪ The proposed rules will: <ul style="list-style-type: none"> ○ Support other rules to ensure development strengthens the amenity of the area/neighbourhood. ○ Align the front yard requirements with the objectives and policies of Sections 13 and 14, and other adopted strategies, such as the Built Environment Strategy.

4.3. Preferred Option

The preferred option is:

Option 2 – Amend Rule 13.4.1(c)(i) and 14.4.1(d)(i) to include a front yard requirement of 5 metres for buildings/structures other than dwellings and garages.

Rule 13.4.1(c)(i)

(i) *Front Yards* shall be no less than the following:

Residential <i>Dwellings</i> (not including garages)	4m
<u>Other buildings/structures including all</u> garages (all)	5m

Rule 14.4.1(d)(i)

(i) *Front Yards* shall be no less than the following:

Medium Density <i>Dwellings</i> (not including garages)	3m
<u>Other buildings/structures including all</u> garages (all)	5m