

Planning Report

Plan Change 55 – Cumulative Effects of Multiple Accessory Buildings on Rural Lots 2ha or less

1.0 Introduction

- 1.1** The purpose of this report is to provide recommendations on submissions to Plan Change 55 – Cumulative Effects of Multiple Accessory Buildings on Rural Lots 2ha or less.
- 1.2** This Plan Change is to address the cumulative effect of multiple buildings that are less than 200m² on rural lots that are 2 hectares or less. The relevant rule is 18.4.1 (n) (i) of the Rural Section.
- 1.3** The size of accessory buildings in the Rural Zone has been the subject of two previous Plan Changes. During the First Review of the District Plan the size of accessory buildings in the Rural Zone was restricted to 200m² as a permitted activity. The purpose of this restriction was to deal with the potential adverse effects on amenity, both at a local neighbourhood level and the wider District.
- 1.4** The matter of building size was again reviewed in Plan Change 9 as a result of experience gained with implementing the rule. Multiple accessory buildings on a site that were just under the permitted standard of 200m² were able to be erected defeating the purpose of the rule to protect rural amenity. This loophole meant the rule was seen to be ineffective and inefficient at achieving the purpose of protecting rural amenity. The Plan Change proposed to remove the size limitation of accessory buildings as it was considered that most large accessory buildings would be built on large allotments and that because of the strong focus on the rural area being for production there should be few constraints on landowners undertaking permitted rural activities.
- 1.5** For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to the document titled 'Summary of Recommendations – All Section 32 Reports'.
- 1.6** Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

2.0 Topic: Multiple Accessory Buildings on lots less than 2 Hectares

2.1 Background

Due to their relatively small land area, buildings on lots two hectares or less have the potential to affect rural amenity of adjoining neighbours if several large buildings are placed close to a boundary. Also, because of the large number of these small rural lots scattered around the District there is further potential for accessory buildings to adversely affect the overall rural character of the District.

There are over 4500 rural lots within the District that are between 2000m² and 2 hectares. Consequently, the large number of these small lots has introduced a higher degree of built environment than is typically associated with rural areas. The decision of Plan Change 9 to restrict accessory buildings on these lots to less than 200m² as permitted activities acknowledges the benefit of limiting the scale of building on these smaller lots.

The existing rule does not, however, limit the total number of buildings less than 200m² on a rural lot. There is potential for cumulative effects from more than one accessory building being constructed within 5 metres of a boundary which is contrary to what the District Plan is seeking to achieve to limit the effect of excessive built form on rural amenity.

The Section 32 Report pointed out that there are several options to limit the cumulative effects of development close to the boundary on lots 2 hectares or less. These are:

- Maximum combined total gross floor area for all accessory buildings.
- Maximum combined total gross floor area for all accessory buildings within 30m of the side or rear boundary.
- Separation distances between accessory buildings cumulatively exceeding over 200m².

Plan Change 55 recommended that the maximum combined total gross floor area for all accessory buildings on lots 2 hectares or less should not exceed 200m² and proposed the following amendments to Rule 18.4.1(n)(i):

“(i) Maximum combined gross floor area of 200m² when for all accessory buildings within a *lot* of two hectares or less.”

2.2 Submission Points

Two submission points were received in opposition to the proposed change.

2.2.1 Stratum Consultants Ltd oppose the proposed change as they feel they are too restrictive. They requested that the status quo be retained.

2.2.2 Aurecon also oppose the proposed change and feel that it be withdrawn. They are of the opinion that:

- a combined gross floor area of 200m² is too restrictive,
- it is unclear from the Section 32 analysis whether the proposed changes are justified,
- monitoring and enforcement will be problematic.

2.3 Option 1 – Status Quo

As per the two submissions, retain the existing rule which allows multiple accessory buildings that are less than 200m² being on lots that are 2 hectares or less.

Benefits	<ul style="list-style-type: none"> ▪ Allows flexibility for landowners to develop their properties. ▪ Council has the ability to assess the effects of buildings over 200m² on neighbouring properties and rural character and amenity.
Costs	<ul style="list-style-type: none"> ▪ Does not protect these amenity values from the cumulative effects of buildings, i.e. more than one accessory building less than 200m² can be erected as a permitted activity.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ The provision is ineffective as it does not prevent more than one accessory building less than 200m² being constructed on lots that are 2 hectares or less and hence does not protect rural character. ▪ Inefficient as it leads people to find sub-optimal solutions to avoid seeking resource consent.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A – sufficient information is available.

2.4 Option 2 – As notified - Retain the provisions for a maximum combined total gross floor area for all accessory buildings on lots 2 hectares or less.

Rural amenity can be significantly effected if more than one accessory building with a gross floor area just under 200m² is constructed (as a permitted activity) as close as 5 metres from a neighbouring property.

Option 2 will reduce the risk by capping the combined total gross floor area for all accessory buildings at 200m².

Benefits	<ul style="list-style-type: none"> Assists to maintain rural character and amenity.
Costs	<ul style="list-style-type: none"> Potentially constrains an owner's use of their property. There will be resource consent costs for owners who wish to establish more than the permitted combined total of 200m² for accessory buildings.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> This is effective at achieving the objective of maintaining rural amenity as it limits the scale of buildings on small lots unless resource consent is sought which then allows careful assessment of potential effects of any additional buildings. It is reasonably efficient as only a small number of landowners will likely be affected by the need to obtain resource consent. Any application could be treated as a restricted discretionary activity with clear and limited assessment criteria provided.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A – sufficient information is available.

2.5 Option 3 – Limit the combined total gross floor area of accessory buildings to 200m² within 30m of any allotment boundary on lots 2 hectares or less

This approach focuses on the issue of amenity and uses the established 30 metre rural yard for dwellings as a buffer, limiting the combined total gross floor area of buildings within all rural yards of a lot to 200m². This is easily measured and administered and provides a high level of certainty for a landowner.

Benefits	<ul style="list-style-type: none"> This approach gives some flexibility to landowners as to how many buildings they can put on their property. It limits the scale and therefore effect of accessory buildings that can be built close to an adjoining boundary. Uses a well established yard setback distance There are likely to be few landowners that will need resource consent for exceeding a combined total gross floor area of 200m².
Costs	<ul style="list-style-type: none"> Wider rural amenity may be affected.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> This approach is effective at preventing adverse effects on neighbouring amenity from possible multiple large accessory buildings being erected close to a boundary. It is considered efficient as it is simple to administer through the building consent vetting process.
Risks of Acting/ Not Acting if there is	<ul style="list-style-type: none"> N/A – sufficient information is available.

uncertain or insufficient information about the subject matter

2.6 Recommendation

That the notified changes to Rule 18.4.1(n) be amended to restrict (as a permitted activity) the combined total gross floor area of accessory buildings within 30m of any allotment boundary on lots 2 hectares or less be limited to 200m².

The following submissions are therefore:

Rejected

Submission	Point Number	Name
5	5	Stratum Consultants Ltd
23	3	Aurecon (Tauranga)

2.7 Reason

2.7.1 Buildings on lots less than two hectares have the potential to affect rural amenity of adjoining neighbours with several large buildings being placed close to a boundary as well as to affect the overall rural amenity due to the large number of these small rural lots scattered around the district.

2.7.2 However, as pointed out by submitters, limiting the gross floor area of accessory buildings to 200m² could be considered very restrictive.

2.7.3 Limiting (as a permitted activity) the gross floor area of accessory buildings within 30 metres of an allotments boundary to 200m² will address the effect of buildings on both rural character and neighbouring amenity without being too restrictive for property owners.

3.0 Plan Change 55 - Recommended Changes to the District Plan First Review

3.1 The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.

3.2 Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

3.3 Amend Rule 18.4.1(n) as follows;

- (i) Maximum ~~combined~~ *gross floor area* of 200m² ~~when for all~~
~~accessory buildings~~ within a *lot* of two hectares or less.

Provided that:

The maximum combined gross floor area of all accessory buildings and all portions of accessory buildings that fall within 30 metres of a lot boundary shall be 200m² or less.