

# **Western Bay of Plenty District Council**

## **Change to the District Plan – First Review**

### **Plan Change 63 Garage and Carport Performance Standard for Minor Dwellings in the Lifestyle Zone**

#### **Section 32 Report**

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## 1.0 Introduction

### 1.1. General Introduction and Background

Plan Change 15 (Minor Dwellings) removed the reference to an attached or detached garage of 18m<sup>2</sup> from the definition of "Minor Dwellings" and added this as a performance standard for each of the zones. This was done because previously if a minor dwelling was proposed, and it had a garage exceeding 18m<sup>2</sup>, it was technically no longer a minor dwelling, but an additional dwelling (non-complying in the Rural Zone).

This meant that Council could impose full financial contributions, instead of the 50% that are payable on a minor dwelling, and in the case of the Rural Zone, not be in a position to support an application. The amendments were made as follows to all zones except the Lifestyle Zone which was overlooked. The Lifestyle Section therefore needs to have the same performance standard added.

#### **Definition:**

"Minor Dwelling" means a dwelling of not more than 60m<sup>2</sup> gross floor area plus ~~an any proposed~~ attached or detached garage or ~~with gross floor area not exceeding 18m<sup>2</sup>~~ (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation."

#### **New performance standard:**

(x) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m<sup>2</sup>; and

## 2.0 Resource Management Act 1991

### 2.1. Section 32

Before a proposed plan change can be publicly 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:

- 1) *An evaluation report required under this Act must—*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
  - (i) economic growth that are anticipated to be provided or reduced; and
  - (ii) employment that are anticipated to be provided or reduced; and
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

- (a) the provisions and objectives of the amending proposal; and
- (b) the objectives of the existing proposal to the extent that those objectives—
  - (i) are relevant to the objectives of the amending proposal; and
  - (ii) would remain if the amending proposal were to take effect.

4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

## **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 raised any issues which are of relevance to this Plan Change.

## **3.0 Consultation**

Due to the minor and technical nature of this proposed change there has been no specific consultation with the public.

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

## **4.0 Issue**

The Lifestyle Zone currently has no restriction on the size of garages and carports allowed for minor dwellings due to an oversight. The restriction in all other zones is 18m<sup>2</sup> which is adequate for this purpose.

**4.1. Option 1 – Status Quo – No restriction on the size of garages and carports allowed for minor dwellings in the Lifestyle Zone.**

<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Allows greater flexibility for landowners.</li> </ul>
<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ Inconsistent with the restriction applied in other zones.</li> <li>▪ Is the result of an oversight and needs to be corrected.</li> <li>▪ Garages and carports over 18m<sup>2</sup> are generally not necessary for minor dwellings.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Not effective in limiting garage/carport size to what is appropriate for minor dwellings in the Lifestyle Zone, not for providing consistency between zones.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ N/A – sufficient information is available.</li> </ul>

**4.2. Option 2 - Add the following performance standard for minor dwellings to the Lifestyle Section:**

- (x) For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m<sup>2</sup>; and

<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Consistent with the restriction applied in other zones.</li> <li>▪ Corrects an oversight.</li> <li>▪ 18m<sup>2</sup> is an adequate size for garages and carports associated with minor dwellings.</li> </ul>
<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ Less flexibility for landowners.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Effective in limiting garage/carport size to what is appropriate for minor dwellings in the Lifestyle Zone and for providing consistency between zones.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ N/A – sufficient information is available.</li> </ul>

**4.3. Preferred Option**

The preferred option is Option 2.

Add to Rule 17.4.1(f) the following performance standard for minor dwellings in the Lifestyle Section:

- “(f) Standards for *minor dwellings* and *dwellings* where a *minor dwelling* was constructed after 9 February 2009

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site;

- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site;
- (iii) For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m<sup>2</sup>; and
- (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land.”

#### **4.4. Reasons**

The performance standard limiting the size of garages and carports for minor dwellings to 18m<sup>2</sup> was intended to be introduced into the Lifestyle Zone under Plan Change 15 (Minor Dwellings) in conjunction with the removal of this reference from the definition of minor dwelling, however was overlooked. This Plan Change corrects the oversight and re-establishes an appropriate size limit of 18m<sup>2</sup> for garages and carports associated with minor dwellings in the Lifestyle Zone.