



## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Rose Biss, Policy Planner

**REFERENCE:** R430

**SUBJECT:** **DRAFT VARIATION ON LAND USE ISSUES ARISING FROM PLAN ADMINISTRATION - REPORT EP07/06/04** - Report Prepared for 20 June 2007 Meeting

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### 1. PURPOSE OF REPORT

This report refines issues and options arising from report EP07/05/09 on possible amendments to the residential, earthquake hazard and rural residential rules and information requirements on subdivision. The Kaiteriteri ridgeline, recontouring rules and coastal protection works issues are not included and will be subject of a separate report.

### 2. ISSUES

#### Residential zone Chapter 17.1

Some of the residential rules are unduly onerous such as rule 17.1.4 (n) where all buildings on a site within six metres of each other have to be stepped at least 2.5metres. This rule contains an administrative error in that the original Urban Amenity Effects policy paper, from which it was derived, only required residential units to be stepped.

Long walls (over 15 metres length) on buildings are required to be broken by a “step in plan.” The latter undefined term has caused confusion and debate. It is proposed to alter rule 17.1.4(m) to refer to an “offset” to permit the wall to be stepped in or out to mitigate the effect of very long walls on visual amenity. The same rule also occurs in the Tourist Services Zone so will also need to be considered there.

Accessory building walls located along a boundary are not permitted to exceed a specific length to protect amenity for the neighbouring property (rule 17.1.4(u)(ii)). However some accessory buildings do not have walls – for example they may be open structures with pole supports. Because these types of structures allow unscreened storage they may become unsightly to the neighbour, especially if they are unregulated as to length as the present rule allows. It is proposed to delete the reference to “walls” so all accessory buildings located on a boundary have a maximum length.

The gable end intrusion rule is quite restrictive as to what is permitted to breach the daylight recession plane before a resource consent is required – rule17.1.4(p). It is proposed to make the rule slightly more flexible by introducing a maximum area of intrusion.

The TRMP provisions for balconies over 2 metres high include a minimum setback of 4 metres from boundaries – rule 17.1.4(l). For consistency the same setback should apply for decks above 2 metres as well.

Some complaints have been received about helicopters landing and taking off in the residential zone. Because there has been no formed helicopter pad in the particular instance Council has been unable to require a resource consent for the helicopter operation. This is an illogical situation. It is common for councils to control helicopter activities (for other than medical emergency use) in a residential zone.

### **Earthquake Hazard Rules Chapter 16.9**

Presently the earthquake hazard rule 16.9.2(b) is being triggered by internal as well as external alterations to a building. It is not an intended outcome of the TRMP that internal alterations to buildings should require a geological report.

### **Rural Residential Rules Chapter 17.6**

The provision for sleepout has been overlooked in the rural residential zone. The Council receives requests for sleepouts in the rural residential zone. Provided the same conditions apply as in the rural zones (limits on floor area, distance from dwelling) the effects of allowing sleepouts in the rural residential zone should be no more than minor.

The Cropp Place rural residential closed zone rules are incomplete in that they are not included in the reasons for rules section of the TRMP. The reason for the closed zone is geological instability and this should be added to section 16.3.13 of the TRMP.

### **Information Requirements on Subdivision Chapter 19**

Chapter 19 of the TRMP requires subdividers in the rural 3 zone to provide information about past pesticide contamination. For fairness and to minimise risk in the future all subdividers should have to provide such information with their applications.

## **3. CONSULTATION**

The possible changes outlined in the section on residential rules have been discussed with the Nelson branch of the Institute of Architects. The following comments were made:

- Support for more flexible approach to addressing the visual effects of long walls which could include a controlled activity category
- Support changes to the allowable extent of gable end intrusion on daylight recession plane if similar to NCC approach
- “Alteration” in earthquake hazard rule could be changed to “addition”

The issue relating to helicopter landing pads in the residential zone has been discussed with industry representatives. The following points were made:

- Most commercial helicopter operators only use the residential zone when attending emergencies
- Use for emergency landings should remain permitted
- Operators require information on the cost of resource consents

#### 4. OPTIONS

##### Residential Rules

###### 1. Do Nothing

Costs	Benefits
Higher number of resource consents than necessary	Avoids the administrative costs of changing the Plan
Inefficient to have unclear rules	

###### 2. Delete problem rules

Costs	Benefits
Administrative costs of changing the Plan	
Does not address urban amenity issues	

###### 3. Modify problem rules

Costs	Benefits
Administrative costs of changing the Plan	Addresses urban amenity issues such as overlooking and unsightliness
	Provides more consistent and defensible rules
	May reduce the number of resource consents

##### Earthquake Hazard rule

###### 1. Do nothing

Costs	Benefits
Unnecessary request for geological report causes delay and compliance costs	Avoids the administrative costs of changing the Plan
Inefficient	

2. Modify problem rule

<b>Costs</b>	<b>Benefits</b>
Administrative costs of changing the Plan	Provides a more defensible hazard rule
	Clarifies a vague rule

**Rural Residential Rules**

1. Do nothing

<b>Costs</b>	<b>Benefits</b>
Inconsistent provisions for sleepout compared with the rural zone	Avoids the administrative costs of changing the Plan
Uncertainty caused by lack of reasons for closed zone	

2. Modify the rules

<b>Costs</b>	<b>Benefits</b>
Administrative costs of changing the Plan	Clarification of the reason for the Closed Zone at Cropp Place
	Consistent approach to sleepouts in the rural and rural residential zones

**Chapter 19 Information Requirements**

Administrative costs of changing the Plan	Consistent approach in relation to managing historical contamination
Compliance costs of providing the extra information	

**5. DISCUSSION**

Modifying the rules as outlined in the variation attached is considered to be more efficient and effective than doing nothing or deleting the particular rules discussed in this report and report EP07/05/09. The purpose of the variation is to clarify provisions, provide consistency and aid interpretation of the TRMP.

The variation will also assist in the better implementation of site amenity objective 5.1.0 *Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources* and its related policies.

**6. RECOMMENDATION**

**THAT the Committee approves the Variation attached to be publicly notified in Plan Update 26.**

Rose Biss  
**Policy Planner**

TASMAN DISTRICT COUNCIL  
PROPOSED RESOURCE MANAGEMENT PLAN

PROPOSED VARIATION.....

## EXPLANATORY STATEMENT

There are a number of matters that have come to the Council's attention during administration of the Tasman Resource Management Plan as needing change to either clarify some of the residential zone rules, to provide consistency across rural zones for sleepout rules, to clarify the earthquake hazard rules for dwelling alterations and provide consistency across all zones for information requirements for subdivision.

The changes are proposed to facilitate easier administration of the Plan and reduce debate about undefined terms and different provisions for the same activity in different zones.

The Council reports EP07/05/09 and EP07/06/04 document the Council's assessment of the issues and management options in compliance with its duties under section 32 of the Resource Management Act 1991 to have assessed the effectiveness and efficiency of management options in achieving the purpose of the Act.

## AMENDMENTS

The Proposed Tasman Resource Management Plan is amended in accord with the following schedule.

### 1. EARTHQUAKE HAZARD RULES – CHAPTER 16.9

#### 1.1 **Add** the underlined word to 16.9.2(b) as follows:

*Where any habitable building or external alteration is to be sited.....*

### 2. RESIDENTIAL ZONE RULES – CHAPTER 17.1

#### 2.1 **Delete** in rule 17.1.2(v) the words “a constructed or marked out landing area or pad for helicopters” and rewrite as “*a landing area or pad for helicopters (other than for medical or fire fighting purposes)*”

#### 2.2 In rule 17.1.4 **amend** heading *Balcony* and rewrite as *Balcony /Deck*

#### 2.3 In rule 17.1.4 (k) **amend** the word “*balcony*” to “*balcony or deck*”

#### 2.4 In rule 17.1.4 (l) **amend** the word “*balconies*” to “*balconies or decks*”

#### 2.5 Walls

**Delete** rule 17.1.4(m) and rewrite as:

*An offset of at least 2.5 metres is required at intervals no greater than 15 metres along any wall*

## 2.6 Separation between buildings

**Delete** rule 17.1.4 (n) and rewrite as:

*Detached residential units on a site separated by less than six metres are arranged on the site so that the alignment of outside walls is stepped at least 2.5m relative to each other.*

## 2.7 Gable Ends

**Delete** rule 17.1.4(p) and rewrite as:

*For roofs with a slope of 15 degrees or greater and the roof ridge generally at right angles to the boundary, the end of the ridge may be up to 1.5m above the indicator plane and the end area up to 2.5m<sup>2</sup> when viewed in elevation.*

## 2.8 Accessory Buildings on Boundaries

**Delete** rule 17.1.4(u) (ii) and rewrite as:

*Any accessory building adjacent to the boundary does not exceed 7.2 metres or 50 per cent of the length of the boundary, whichever is the lesser*

## 3 TOURIST SERVICES ZONE

### Walls

**Delete** rule 17.2.6(s) and rewrite as:

*In the Tourist Services Zone, an offset of at least 2.5 metres is required at intervals no greater than 15 metres along any wall*

## 4. RURAL RESIDENTIAL ZONE

4.1 **Add** to rule 17.6.4 a provision for a sleepout as follows:

### *Sleepout*

*(baa) The area of the sleepout is no more than 36 square metres.*

*(bab) The distance from the principal dwelling is no more than 20 metres.*

4.2 **Add** to Principal Reasons for Rules 16.3.13 Rural Residential Closed Zone after last paragraph:

*The reason for the Cropp Place Closed Zone is geological instability.*

## 5 INFORMATION REQUIREMENTS ON SUBDIVISION CHAPTER 19.2.2

5.1 **Delete** in rule 19.2.2 (dd) the words “in the Rural 3 Zone”.