

Discussion Paper: Building Parameters in the Environment

1.0 Introduction

- 1.1 This paper is the first in a series of discussion documents on potential changes to the Operative Otorohanga District Plan. The Council embarked on its review of the Plan in May 2006 by consulting key organisations, running open days in September 2006, and taking part in meetings at Marae and the information days and workshops of the Shore Futures Project from the end of 2006 to March 2007-- a joint project with Environment Waikato, the Department of Conservation, and the territorial authorities surrounding the Kawhia and Aotea harbours.
- 1.2 This initial consultation period revealed some of the gaps and errors in the Operative Plan that should be corrected in this review. The Council is undertaking further research on specific issues such as landscape, coastal hazards, capacities for on-site disposal of storm water and waste water, hazards such as flooding and erosion, potential structure planning for townships, and the protection of significant trees. The research papers will feed into later discussion papers on how the plan should be changed.
- 1.3 The Council is continuing to consult specific groups and also to initiate improved dialogue with hapu and iwi in the area particularly about the protection of taonga and waahi tapu. Concurrently the Shore Futures project is working towards comprehensive draft environmental policies for the area and is due to be available in early 2008. These policies on the two harbour areas will be taken into account in how the district plan review is shaped and the discussion papers on subdivision and land development that will follow.
- 1.4 The Council has decided to retain the current format of the Operative Plan. As an effects-based plan, it is easy for people to understand. Applicants follow a series of questions to find the parts of the plan that affect their development proposals. The changes made under the review will continue to use this framework as the means to assess the effects of proposals to subdivide and develop land.
- 1.5 This paper is confined to the issues arising from the placement of buildings on sections where development is already permitted. The standards required in the plan are outlined according to the type of effects area – rural, urban services, and urban limited services.

2.0 Background to this paper

- 2.1 How buildings are placed within a site affect the enjoyment of both the property and the surrounding sites. District plans typically control height, distance from boundaries, site coverage and often include controls on the shape and size of outdoor areas. By these means, district plans guide development to ensure that building placement, bulk, and scale have few adverse effects on:
- the appearance and character of an area
 - sunlight received through windows of adjacent buildings
 - access to the site
 - noise

- access to usable outdoor space
- the space to plant trees
- permeable surfaces to dispose of stormwater
- offstreet parking
- management of wastewater

2.2 These are generic considerations that reduce adverse impacts of building within the particular environment. District plan provisions can be tailored to the characteristics of that environment – distinguishing between urban and rural, or taking into account the specific character of a settlement, for instance.

Consultation and Council experience in administering the Operative Plan has highlighted that it does not adequately address the following matters:

2.2.1 Measurement of height in relation to ground level

The issue: The current definition of height provides for measurement from ‘average ground level’. This has been interpreted to mean finished ground level. Some applicants have raised the ground level of their building sites with earthworks and retaining walls before proceeding to apply for consent to build. Thus the actual height of the building in relation to adjoining properties becomes greater than originally anticipated. This additional height has the potential to affect the amenity and character of an area and thus disadvantage neighbouring property owners.

Reference: Definition of height, page 20 of District Plan

Discussion: If the definition is left as it is, there will continue to be situations where ground level is altered prior to consent. The simplest solution is to change the references in the definition to ‘average natural ground level’. To provide for additional flexibility in design, finials will be excluded from the height definition in addition to the current exclusion of antennae.

2.2.2 Height of rural buildings

The issue: The objectives in the Operative Plan recognise the low-scale character of rural areas (2.2.3). It is therefore contradictory that a height of 20 metres for rural buildings is permitted as of right. This is the height of a 5 storey building. The use of this allowance has not yet been exploited in the district.

Reference: Rule 7G, page 68 of District Plan

Discussion: Should a building be constructed to a height of 20 metres in a rural area, it is quite likely to have adverse effects on the character of area, unless it is well-screened from public view. Two-storey buildings, barns, and most other rural buildings do not need to exceed the height currently permitted in the urban areas – 7 metres. Were Council to put in place a 7-metre height threshold, buildings of greater height could be considered through a resource consent process. That would enable location, screening, materials, colour, and other relevant matters to be taken into account in any conditions on a resource consent.

Are there situations where greater height should be permitted as of right? If so, what height should apply? And why?

2.2.3 Distance of houses from roads and rail

The issue: The reasons for a setback distance from a house to a road and rail include visual amenity, provision for sufficient room for off-street parking (often in front of garages), and reduced adverse noise effects from traffic and trains. Distance is the simplest buffer from noise along a main route. The Plan currently provides for a front yard of 15 metres depth along an Order 1 Road in a Rural effects area and 8 metres depth along an Order 1 Road in Urban Services and Urban Limited Services. The latter depth of 8 metres has been questioned to be sufficient to buffer noise from traffic along a state highway or other heavily trafficked route.

The distance and sound buffering from a house in relation to the rail tracks is also likely to have consequences. The Plan does not currently address this issue. A minimum distance of 10 metres is regarded as good practice.

Reference: Rule 7A, page 67 of District Plan

Discussion: Transit NZ Policy Manual (effective 1 August 2007) provides guidance on the distance houses should be from the carriageways of major roads. Where the volume of traffic is less than 10,000 vehicles per day and the road speed less than 70 km/h, the recommended environmental buffer is that houses be no closer than 10 m from the road edge. The current district plan provision of an 8 metre distance from boundary of property along the Order 1 roads to houses in urban service areas such as Otorohanga would therefore comply. Along an Order 1 road the carriageway is usually at least 4 metres from the boundary. There appears to be no need to change the current front yard provisions.

Should some distance requirement in excess of 10 m be placed in the District Plan to ensure houses are located away from the railway track?

2.2.4 Site coverage and permeable, plantable areas around houses

The issue: 30% site coverage is permitted as of right in Rural and Urban Limited service areas, 35% in Urban Services areas outside the commercial areas. This reflects the character of most residential neighbourhoods in respect to the proportion of buildings typically covering a site. The provision is adequate for space around houses to allow for planting and for permeable surfaces enabling storm water to soak into the ground.

A concern arises in that in the Urban Services Effects Area houses can be built with up to 65% site coverage through only a controlled activity consent application. Controlled activities have to be granted under the RMA and the Council can only put conditions on them that control specific matters such as landscaping, vehicle access, and storm water disposal. Neighbours do not need to be consulted when this type of application is lodged.

Reference: Rule 7E, pages 67-68 of District Plan

Discussion: The scale and impact of buildings covering as much as 65% of the site is out of character for most residential neighbourhoods. Covering such a high proportion of a site with building precludes planting, provides inadequately for disposal of storm water within the site, and provides inadequately for outdoor storage (boats, caravans, cars, and

other equipment). Allowances for increases in site coverage of over 35% of the site are better provided through a resource consent activity category that enables public participation to influence the Council decision. Below 35% is a suitable threshold for the controlled activity category and is consistent across the Plan.

2.2.5 Outdoor space for services and leisure

The issue: There is no current requirement for outdoor service or amenity space for residential properties. Houses can now be built where the residents would have little useable private outdoor space for leisure or areas set aside for utility services such as drying of clothes and storage. Whilst this is typically the case for apartment dwellers in urban centres, in rural townships such spaces are needed as part of the lifestyle and to provide flexibility for use.

Reference: Rule 7 group, page 68 of District Plan

Discussion: The typical pattern for house building has been for new houses to be designed and built for owner-occupiers. This has meant that people usually provide for their outdoor space requirements. A lower proportion of New Zealanders now own their own homes and increasingly housing is being built expressly for the purpose of renting. In the case of houses being built for rental, the desire for obtaining maximum return from such ventures can lead to the decision to cover much of the site with building and give little consideration to the outdoor space needed by occupiers. Such decisions also have visual amenity consequences for neighbourhoods because of inadequate storage and planted areas. In addition, such a high building coverage ratio is detrimental to the efficient disposal of stormwater.

Setting aside land for the purpose of providing outdoor space for services and leisure has indirect benefits for providing retention of neighbourhood character and the provision of permeable areas for the disposal of storm water.

A standard should now be set that ensures sufficient outdoor space is provided for all new houses. Such a standard for outdoor courtyards should include a shape factor, orientation, relationship to house, and consideration of function. The following provisions have worked well in other parts of the country:

- a minimum dimension of 4 metres
- able to accommodate a circle of 6 metres
- readily accessible from the main living area of the house
- an orientation that enables sunlight to reach the space, and
- sufficient room to provide for services such as clothes drying lines and outdoor storage separately from the living courtyard.

2.2.6 Number of houses on a site

The issues: Currently the Plan provides no restriction on the number of houses that can be placed on a site. Typically the past pattern of development constrained the number of houses as most were built for owner-occupiers who controlled the level of amenity of the immediate surroundings of the site both for their benefit and their neighbours'. However, since the operative plan was notified there has been an increased investment in rental properties which has lead to situations where:

- the space around houses provides insufficient amenity for both the dwelling's occupiers and for the neighbourhood
- the Council's ability to predict and modify the effects on community-owned infrastructure such as roading is compromised
- more than one dwelling per site promotes situations where subdivision is likely to be sought as ownership changes

Reference: Rule 7 group, page 68 of District Plan

Discussion: The Plan should be changed so that any more than one dwelling per site requires a resource consent. This consent could be a restricted discretionary activity that would enable specific matters such as the size of the site and the additional dwelling's relationship to adjoining buildings and infrastructure to be considered before granting consent.

Should there be allowance for an additional house if site is over 40 hectares?

2.2.7 Linkage between policies on amenity values and neighbourhood character and the rules

The issue: The current District Plan contains many relevant objectives and policies; however, their value in guiding development has been limited. One reason is that the relationship between policies and the rules governing the consent processes is not sufficiently clear. Their use in evaluating resource consent applications and interpretation for specific proposals depends very much upon the individual who reports to Council.

Reference: Objectives 2.2, Policies 2.3, pages 31/32 of Plan

Discussion: The disconnect between policy and rules can be addressed through several options including better cross-referencing between the policies and the rules that implement policy. In some cases, the policies can be worded more precisely to ensure that Council's intentions are clearer.

2.2.8 Controls on design and appearance for buildings

The issue: The current District Plan has no controls in regards to design and appearance of buildings. This provides open scope in regards to the design and appearance of buildings across the District. Concern has been raised in regard to inappropriately designed buildings and their appearance, and lack of consultation undertaken.

Discussion: This issue has recently been identified. Council is seeking direction regarding the need for such control and the means to do so if required.

Should there be any rules to control design and appearance for buildings? If so, where? How?

3.0 In summary, the recommended changes to the district plan are:

- 3.1 The illustration in the definition of height will change from 'average ground level' to 'average natural ground level'; include finials in the exclusion clause.

- 3.2 Standard 7G MAXIMUM HEIGHT in Rural will change from 20 metres to 7 metres.
- 3.3 A minimum distance of 10 metres be required between houses and the rail.
- 3.4 Standard 7E SITE COVERAGE and Rule 7.2a in Urban Services Effects area will be changed from controlled activity consent to restricted discretionary consent for increases in site coverage over 35% on Order 1, 2 and 2A roads.
- 3.5 An additional rule will be formulated to require outdoor space for dwellings with the following standards to be met:
- a minimum dimension of 4 metres
 - able to accommodate a circle of 6 metres
 - readily accessible from the main living area of the house
 - an orientation that enables sunlight to reach the space, and
 - sufficient room to provide for services such as clothes drying lines and outdoor storage separately from the living courtyard.
- 3.6 An additional rule will be formulated to permit no more than one dwelling per site unless consented through a discretionary activity application.
- 3.7 Policies will be cross referenced to rules and the policies fine-tuned to strengthen Council's ability to utilise them in assessing resource consent applications.
- 4.0 Please send your comments to:

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