

Decision Report

Plan Change 15 – Minor Dwellings

Important Note

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

Advice to Submitters:

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

Part A: Decisions on Topics in the Planning Report

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions on the topics in the Planning Reports in [blue](#).

Topic 1: Definition of Minor Dwelling

Decision

That the Definitions and Performance Standards in the Plan be changed in accordance with the Plan Change as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
13	8	Aurecon
FS-74	12	New Zealand Transport Agency

Accepted in Part

Submission	Point Number	Name
47	11	Horticulture New Zealand & New Zealand Kiwifruit Growers Incorporated

Rejected

Submission	Point Number	Name
13	9	Aurecon
FS-69	3	Brett, Michael Mark Charles

Reason for Decision

It is recommended that the changes as put forward in the Plan Change be adopted as notified as they remove the incorrect activity status that arises where an activity fails to meet the 18m² garage area limitation outlined in the definition of "Minor Dwelling". The additional recommendations to remove the 18m² limitation are deemed to be "out of scope" with the Plan Change as notified.

Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

Modify the existing definition of "Building/Structure" in Chapter 3 – "Definitions" of the Proposed Plan as follows:

"Minor Dwelling" means a dwelling of not more than 60m² gross floor area plus an any proposed attached or detached garage or carport ~~with gross floor area not exceeding 18m²~~ (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation."

Modify Rule 13.4.1(h) in Chapter 13 – "Residential" of the Proposed Plan as follows:

- "(h) **Standards for Minor Dwellings and Dwellings where a Minor Dwelling was constructed after 9 February 2009 in accordance with 13.3.2(b) and (c)**
- (i) Shall share vehicle access with the principal dwelling on the site; and
 - (ii) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
 - (iv) Shall pay 50% of the financial contribution that applies to the subdivision of land."

Modify Rule 14.4.1(f) in Chapter 14 – “Future Urban” of the Proposed Plan as follows:

- “(f) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 14.3.2(c) and (d)**
- (i) Shall be located within 20m of the principal dwelling or minor dwelling on the site; and
 - (ii) Shall share vehicle access with the principal dwelling or minor dwelling on the site; and
 - (iii) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
 - (iii)(iv) Shall pay 50% of the financial contribution that applies to the subdivision of land.”

Modify Rule 15.4.1(g) in Chapter 15 – “Rural-Residential” of the Proposed Plan as follows:

- “(g) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 15.3.2(b) and (c)**
- (i) Shall be located within 20m of the principal dwelling or minor dwelling on the site; and
 - (ii) Shall share vehicle access with the principal dwelling or minor dwelling on the site; and
 - (iii) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
 - (iii)(iv) Shall pay 50% of the financial contribution that applies to the subdivision of land.”

Modify Rule 16.4.1(f) in Chapter 16 – “Rural” of the Proposed Plan as follows:

- “(f) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 16.3.2(a) and (b)**
- (i) Shall be located within 20m of the principal dwelling or minor dwelling on the site; and
 - (ii) Shall share vehicle access with the principal dwelling or minor dwelling on the site; and
 - (iii) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
 - (iii)(iv) Shall pay 50% of the financial contribution that applies to the subdivision of land.”

Part C: Changes to the Operative District Plan 2012

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

Modify the existing definition of “Building/Structure” in Chapter 3 – “Definitions” as follows:

“Minor Dwelling” means a *dwelling* of not more than 60m² *gross floor area* plus ~~an any proposed~~ attached or detached garage or carport ~~with gross floor area not exceeding 18m²~~ (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation.”

Modify Rule 13.4.1(h) in Chapter 13 – “Residential” as follows:

“(h) Standards for Minor Dwellings and Dwellings where a Minor Dwelling was constructed after 9 February 2009 in accordance with 13.3.2(b) and (c)

- (i) Shall share vehicle access with the principal *dwelling* on the site; and
- ~~(ii)~~ If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
- ~~(iii)~~ (iii) Shall pay 50% of the financial contribution that applies to the subdivision of land.”

Modify Rule 15.4.1(f) in Chapter 15 – “Future Urban” as follows:

“(f) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 15.3.2(c) and (d)

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and
- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and
- ~~(iii)~~ If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
- ~~(iii)~~ (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land”

Modify Rule 16.4.1(g) in Chapter 16 – “Rural-Residential” as follows:

“(g) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 16.3.2(b) and (c)

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and
- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and
- ~~(iii)~~ If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
- ~~(iii)~~ (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land”

Modify Rule 18.4.1(f) in Chapter 18 – “Rural” as follows:

“(f) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 18.3.2(a) and (b)

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and
- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and
- (iii) If an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m²; and
- ~~(iii)~~(iv) Shall pay 50% of the financial contributions that applies to the subdivision of land"