SECTION 16 - RURAL-RESIDENTIAL

AUTHOR: JEFF HEXTALL

CONTENTS

INTRODUCTION

The Plan Change rezoned "future urban" areas that were not well suited for more intensive residential development due to locational and topographical characteristics. The Rural-Residential Zone is an established existing zoning and provide a different 'residential' housing option than medium density housing which in the Ōmokoroa context supports the wider urbanisation of the area.

The Explanatory section of the Operative District Plan states that: *New Rural-Residential Zones are provided as part of the urbanisation of the Ōmokoroa Peninsula. Their purpose is to provide a less intensive interface with the Harbour and to manage areas that have development constraints.* This remains valid for the additional areas proposed to be rezoned Rural-Residential. The areas differ from those in the proposed Natural Open Space Zone in that it is still recognised that "residential" development in some form is appropriate. The Rural-Residential Zone replaces the Future Urban Zone in these areas and has similar land use elements.

TOPIC 1 – RULE 16.4.2 (C) - SUBDIVISION - MINIMUM LOT SIZE

BACKGROUND

The subdivision standards have varied from the District Plan by reducing the minimum lot size for proposed new Rural-Residential zoned areas in Ōmokoroa under Plan Change 92. Under the Operative District Plan for Ōmokoroa the minimum lot size is 3000m² provided that the average area for lots shown on any plan of subdivision shall be not less than 4000m². As proposed the subdivision minimum lot size is now 2000m² within the Ōmokoroa Stage 3 Structure Plan Area with no averaging provision.

SUBMISSION POINTS

Two submission points were received. No further submission points were received. The submission points on this topic are summarised as follows:

Tim Laing (6.1) and Mike and Sandra Smith (50.1) sought a further reduction in the minimum lot size to 1500m^2 on the basis that this would enable a more efficient use of urban land noting there are still areas of flatter land within the proposed Rural-Residential Zoning.

OPTIONS

Option 1 – Retain minimum lot size of 2000m² as notified for the Ōmokoroa Stage 3 Structure Plan Area.

Option 2 – Reduce minimum lot size to 1500m² for the Ōmokoroa Stage 3 Structure Plan Area.

Option 3 – Retain minimum lot size of 2000m² as notified for the Ōmokoroa Stage 3 Structure Plan Area but include additional criteria for assessment of proposed lots of less than 2000m².

DISCUSSION

The purpose of this Zone in this location is to provide a less intensive interface with the Tauranga Harbour than would occur with higher density residential zonings and to manage areas that have development constraints. To enable some additional housing within the Ōmokoroa Stage 3 area the minimum lot size has been reduced from the following:

*"Minimum lot size: 3000*m² *provided that the average area for lots shown on any plan of subdivision shall be not less than 4000*m²*."*

To

"Minimum lot size of 2000m² within the Ōmokoroa Stage 3 Structure Plan Area."

This is a significant reduction from the Operative District Plan provisions that are applicable in other Rural-Residential zoned areas within Ōmokoroa and generally across the District. A 2000m² minimum provides sufficient land in most cases to provide for a dwelling and associated buildings while still providing a spatial separation, less dominant built urban form and the ability to appropriately manage stormwater. In addition, the contour of much of this land makes residential development difficult without larger scale earthworks which could negatively affect the natural landform including associated cultural values. For sites in the proximity of the coastline in particular, a greater density could result in the eroding of the landscape values of the area and when in proximity to ecological areas could result in negative impacts.

The above is supported by operative Policy 16.2.2.4 which states:

To maintain and enhance the significant environmental values of the Tauranga Harbour around the Ōmokoroa Peninsula, the primarily green rural visual flanks to the urbanising Peninsula and to avoid the inappropriate use of the lands identified as having instability and flooding constraints.

As in most zones there are likely to be specific site characteristics and design responses which may justify a need to make amendments to the base performance standards. In this regard subdivision within this area is classified as a discretionary activity subject to meeting stated performance standards. For Ōmokoroa, this includes the requirement for the land subdivided to be served by a Council reticulated sewerage scheme, that stormwater from the subdivision must be able to be discharged in accordance with the approved Stormwater Management Plan for Ōmokoroa, and the above-mentioned subdivision minimum lot size.

There are no specific assessment criteria for discretionary activities except in regard to Production Forestry. Non-compliance is deemed a non-complying activity.

To provide greater clarity and to acknowledge that there may be specific sites where a more intensive development could be provided while still maintaining the intent of the zoning, it is recommended to amend the performance standard for minimum lot size and add a specific matter of discretion. Due to providing a more intensive residential form than traditionally within

the Rural-Residential Zone there is less space available to mitigate potential adverse effects and a related need for a higher degree of information and certainty in regard to proposed built-form and ancillary works. This includes ensuring that the built-form is of a scale and location to maintain rural-residential amenity values, ensuring that ecological areas and public reserves values are not diminished by inappropriately located dwellings and other buildings, ensuring that the ability to service other areas is not compromised by additional rural-residential development and that stormwater is appropriately managed.

In summary

The proposed Plan Change has reduced the minimum lot sizes in Ōmokoroa Stage 3 to 2000m² which in general creates more opportunity to provide rural-residential housing in the area. It is accepted however that in some limited situations there may be specific sites where a more intensive development (but still rural-residential in character) could be provided while maintaining the intent of the zoning to provide a softer interface between urban development and the coastline and to avoid the inappropriate use of the land that maybe susceptible to instability and flooding. This could include areas that have favourable topography, allow for sensitive location of buildings to fit within the landscape and separated from ecological areas and public spaces, can appropriately manage stormwater, and can be serviced through connection to Council wastewater reticulation and roading without compromising other sites potential for development.

The amending of the minimum lot sizes in Ōmokoroa Stage 3 to allow lots which are less than 2000m² but no less than 1500m² to be created subject to meeting assessment criteria enables the better utilisation of the land resource. The new matters of discretion provide guidance and clarity to address the key matters. Overall, this provides limited opportunity for a minor increase in density, thereby enabling additional housing while maintaining the key intentions of the zoning.

RECOMMENDATION

That Option 3 be accepted.

Retain minimum lot size of 2000m² as notified for the Ōmokoroa Stage 3 Structure Plan Area but include additional criteria for assessment of proposed lots of less than 2000m^2.

This requires that Section 16 be amended to provide for, as a discretionary activity, the creation of lots between 1500m^2 and 2000m^2, as per the following changes:

Rule 16.4.2 – Subdivision and Development (See also Section 12)

c. Ōmokoroa

(iii) Minimum lot size of 2000m² within the Ōmokoroa Stage 3 Structure Plan Area provided that this may be reduced to a minimum lot size of no less than 1500m^2 subject to the overall average for lots shown on any plan of subdivision being no less than 2000m^2.

16.6.4 Discretionary Activity – Compliance with 16.4.2 (c) (iii) - Reduced Minimum Lot Size within the Ōmokoroa Stage 3 Structure Plan Area

In considering an application where one or more proposed lots are 1500m^2 or greater but less than 2000m^2 and the overall average for lots shown on any plan of subdivision is no less than 2000m^2, Council shall have regard to the following matters:

a. The extent to which the visual landscape effects of the development are mitigated.

b. The extent of the setbacks from any Significant Ecological Features within or in the proximity of the proposed subdivision and, if within, how the feature could be enhanced and how any potential adverse effects on the ecological values are proposed to be avoided, remedied or mitigated.

c. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.

d. Demonstrating that additional lots are able to be adequately serviced and will not compromise the ability of other anticipated development in the area being able to be serviced.

e. How stormwater management is being achieved in accordance with the Ōmokoroa Peninsula Stormwater Management Plan including the efficiency and effectiveness of stormwater infiltration, treatment, detention, discharge downstream and discharge to the Tauranga Harbour and the minimisation of impermeable surfaces.

ACCEPTED IN PART

Submission	Point Number	Name
6	1	Tim Laing
50	1	Mike & Sandra Smith

SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes. As a change is recommended to Sections 16.4.2.c.iii and 16.4.4 as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	**Retain minimum lot size of 2000m² for the Ōmokoroa Stage 3 Structure Plan Area as notified but include additional criteria for assessment of proposed lots of less than 2000m²**
Costs Environmental effects Economic effects Social effects Cultural effects Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced	**Environmental** Potential minor effects based on a reduction in minimum lot size providing reduced opportunity to mitigate adverse effects relating to stormwater management, related ecological values and built form and visual dominance. **Economic** May result in the creation of additional lots requiring additional costs for servicing. **Social** No social effects. **Cultural** Additional development in these areas may affect the cultural landscape to a greater extent than previously and has potential to

	adversely affect ecological and water quality values if not appropriately managed.
Benefits Environmental Economic Social Cultural Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced	**Environmental** Allowing smaller lot sizes will enable the construction of more dwellings. As a result, less pressure is likely to be applied on other areas that are less suitable for development due to having high environmental values. **Economic** May result in the creation of additional lots which will result in economic activity through the land development including construction of a dwelling. Allows for better utilisation of land that may have limited productive economic use. **Social** Supports a wider range of housing/living environments within the Ōmokoroa Peninsula. **Cultural** No direct cultural benefits.
Quantification	Not practicable to quantify.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	Sufficient and certain information is available.

TOPIC 2 - RULE 16.4.1 (D) - IMPERMEABLE SURFACE LIMITS

BACKGROUND

Within the Ōmokoroa Structure Plan area, a maximum of 15% of the site area may be covered with impermeable surfaces within the Rural-Residential Zone. There are also requirements for lots to be serviced by a Council reticulated sewerage scheme and stormwater from the subdivision must be able to be discharged in accordance with the approved Stormwater Management Plan for Ōmokoroa.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Robert Hicks (4.9) sought a more realistic impermeable surfaces limit for the smaller sites which are now proposed to be provided for in Ōmokoroa.

OPTIONS

Option 1 – Retain proposed 15% impermeable surface limit for all lots as notified.

Option 2 – Increase impermeable surface limit to 30% for lots under 3000m^2.

Option 3 – Fixed impermeable surface limit of 450m^2 for lots under 3000m^2.

DISCUSSION

Robert Hicks (4.9) sought a more realistic impermeable surfaces limit on the grounds that the proposed limit was unworkable. The 15% limit was carried over from the Operative District Plan. With the reduction in minimum lot size for the Ōmokoroa Stage 3 Structure Plan Area, the proposed 2000m^2 minimum would equate to a total coverage of 300m^2. As stated in Mr Hicks submission houses in this zone are likely to be in the 250m^2 to 300m^2 range which means no (or very little) paved driveways, paths, sheds could be constructed based on the provision. Because of the nature of properties in this zoning (distance from Council roads) the driveway and turnaround area alone could potentially cover 15% of the site. Further, Mr Hicks notes that this sort of development overlooking the estuary margins is best suited to single level development as it is more harmonious to the natural environment and the impermeable surface limit may result in multi-storey buildings which could have adverse visual effects.

Mr Hicks has suggested a maximum impermeable surfaces limit of 30% as being more relevant to smaller blocks of 2000m^2 (allowing 600m^2 site coverage). Alternatively, he suggests setting a maximum limit of (say) 800m^2 site coverage which would allow for a house, driveway, patio, paving shed/workshop etc. His submission notes that this would be more relevant for larger lots of say 3000-4000m^2.

The intention of the impermeable surface limit is to ensure that 'developments' do not have an adverse effect on water quality and natural hazard management. The greater the level of impermeable surface the greater the propensity for adverse effects in this regard while noting that other topographical factors also influence such matters.

It is important that the efficiency and effectiveness of stormwater infiltration, detention, treatment, discharge downstream and discharge to the Tauranga Harbour is managed in accordance with the Ōmokoroa Peninsula Stormwater Management Plan.

As demonstrated in Mr Hicks submission the proposed provision is quite restrictive when applied to the smaller Rural-Residential Zone lots and could also incentivise more multi-level dwellings which may affect the landscape characteristics of the area more than single level dwellings.

To provide a more realistic option a new 30% impermeable surface limit could be applied to lots under 3000m^2 with the 15% limit only applying to lots 3000m^2 and above which is the existing provision for these larger lots. As with any limit there is a degree of arbitrariness with any cut-off point e.g., a 3000m^2 lot would have a 15% impermeable area limit while a 2900m^2 lot would have a 30% maximum. An alternative option is to specify a fixed impervious area limit for lots less than 3000m^2. Using the 3000m^2 as a proxy this equates to 450m^2 based on 15%.

The latter is the preferred option as it addresses to some extent the potential inequities of using a fixed percentage calculation.

It is noted that all 'complying subdivisions' require resource consent as a discretionary activity which allows assessment of the proposed stormwater management if there were site specific concerns.

RECOMMENDATION

That Option 3 be accepted.

Fixed impermeable surface limit of 450m² for lots under 3000m².

This requires that the District Plan be amended as follows:

16.4.1 – General

d. Coverage

(i) Within ~~the~~ Ōmokoroa ~~Structure Plan area~~ for lots 3000m² and greater, a maximum of 15% of the site area may be covered with impermeable surfaces.~~;~~ except

(ii) Within the Ōmokoroa Stage 3 Structure Plan Area for lots less than 3000m², a maximum of 450m² of the site area may be covered with impermeable surfaces.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
4	9	Robert Hicks

SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes. As a significant change is recommended to Section 16.4.1.d as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	**Fixed impermeable surface limit of 450m² for lots under 3000m² the Ōmokoroa Stage 3 Structure Plan Area.**
Costs Environmental effects Economic effects Social effects Cultural effects Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced	**Environmental** Potential increased stormwater run-off for smaller lots which if not managed appropriately could reduce water quality and associated ecological values. **Economic** No direct economic costs. **Social** No direct social costs. **Cultural** If stormwater run-off is not managed appropriately there could be effects on water quality and associated ecological values which could detrimentally detract from the cultural values of the area associated with water quality and ecology.
Benefits Environmental Economic Social Cultural	**Environmental** Provides a clear limit on the extent of impermeable areas and associated propensity for run-off which provides for the ability to adequately manage stormwater effects. **Economic**

Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced	Provides for a better opportunity to utilise the land area efficiently by providing a reasonable level of built form without the undue need for resource consent. **Social** Provides for a better opportunity for people to provide for their social well-being by allowing better utilisation of their land to provide for buildings and other hard stand. **Cultural** No direct cultural benefits but provides a clear limit on the extent of impermeable areas and associated propensity for run-off which provides for the ability to adequately manage stormwater effects and related water and ecological values.
Quantification	Not practicable to quantify.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	Sufficient and certain information is available.

TOPIC 3 - RULE 16.4.2(C)(I) - ON-SITE EFFLUENT TREATMENT

BACKGROUND

Within Ōmokoroa, land being subdivided is required to be served by a Council reticulated sewerage scheme. The Ōmokoroa Peninsula was previously serviced by individual septic tanks which over time had resulted in adverse effects on water quality and the coastal environment. The Council in consultation with the community established a reticulated sewerage system to service the area with mandatory requirements for connections to the system to ensure that environmental effects could be managed appropriately and to support the affordability of the scheme.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Robert Hicks (4.10) sought the removal of the requirement for Rural-Residential lots to be served by a reticulated Council sewerage scheme and replacement with a modern efficient onsite wastewater treatment system (septic tanks).

OPTIONS

Option 1 – Retain current and proposed provision which requires that all land to be subdivided shall be served by a Council reticulated sewerage scheme.

Option 2 – Provide as an alternative the management of wastewater by an efficient onsite wastewater treatment system.

Option 3 - Retain current and proposed provision which requires that all land to be subdivided shall be served by a Council reticulated sewerage scheme but provide for exceptions where the management of wastewater is by an efficient onsite wastewater treatment system.

DISCUSSION

The submission from Mr Hicks noted that larger lots have adequate area to provide an effective and safe on-site effluent treatment system and that to provide a sewerage connection for Rural Residential areas is likely very difficult and costly because of the topography and distance from future main sewer lines. He notes that the existing Rural Residential properties within Ōmokoroa Stage 3 are not connected to Council reticulated sewerage nor are other Rural Residential subdivisions in other parts of the District.

There are existing provisions in the Operative District Plan that require *"Where one or more of the utility services are within 100m of an existing Council service then the service shall be extended, otherwise the development shall be able to sustain the lack of the particular service in its own right."* (12.4.3.3 Rural, Lifestyle and Rural-Residential Zones). Based on the existing general provision there is a basis that could be applied as a proximity clause. It is however noted that the requirement for reticulation of Rural-Residential Zone developments is an existing Ōmokoroa specific requirement and that due to the proximity to the coastline and ecological values of the area there is a need to ensure there is no risk of effluent seepage in these areas.

The Stage 3 area of Ōmokoroa varies from other Rural-Residential Zones in that it provides for smaller lot sizes which could impact on the ability to adequately dispose and treat on-site effluent. Any effluent system that is not reticulated will need to be able to demonstrate that there is no risk of failure, and an appropriate reserve effluent field is available within the subject property. On-site effluent is managed by the Bay of Plenty On-Site Effluent Treatment Regional Plan and accordingly there is an established regulatory assessment regime available to control individual developments.

To provide better guidance on this matter and acknowledging that reticulation may not be available in some areas for some time, additional wording to the provision is recommended.

RECOMMENDATION

That Option 3 be accepted.

Retain current and proposed provision which requires that all land to be subdivided shall be served by a Council reticulated sewerage scheme but provide for exceptions where the management of wastewater is by an efficient onsite wastewater treatment system.

This requires the provision to be amended as follows:

16.4.2 - Subdivision and Development (See also Section 12)

c. Ōmokoroa

i. The land to be subdivided shall be served by a Council reticulated sewerage scheme unless there is no connection available within 100m of an existing Council reticulated sewerage scheme in which case any on-site effluent treatment must be designed and operated in accordance with the Bay of Plenty On-Site Effluent Treatment Regional Plan; ~~and~~

The following submissions are therefore

ACCEPTED IN PART

Submission	Point Number	Name

4	10	Robert Hicks

SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes. As a significant change is recommended to Section 16.4.2 as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	**Retain requirement that all land to be subdivided shall be served by a Council reticulated sewerage scheme but provide for exceptions where the management of wastewater is by an efficient onsite wastewater treatment system.**
Costs Environmental effects Economic effects Social effects Cultural effects Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced	**Environmental** No direct environmental costs if onsite wastewater treatment system is designed, installed, maintained and located appropriately. Potential pollution of land and water if the system failed. **Economic** The use of alternatives to the Council reticulated sewerage scheme would increase the pro-rata cost of providing reticulation to the wider community through the inability to charge a Financial Contribution. Potential double up of costs to landowners if required to connect to reticulation at a later date. **Social** No direct social costs. **Cultural** No direct cultural costs unless the onsite wastewater treatment system failed with associated adverse effects on water and ecological values.
Benefits Environmental Economic Social Cultural Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced	**Environmental** Potential environmental benefits by reducing the extent of wastewater reticulation infrastructure required and related material and energy usage. Reduces volume within the system and associated treatment requirements. **Economic** Potential economic benefits by reducing the extent of wastewater reticulation infrastructure required and related material and construction costs. Potential reduced costs for the landowner compared to having to connect to the Council system. **Social** No direct social benefits. **Cultural** No direct cultural benefits.

Quantification	Not practicable to quantify.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	Sufficient and certain information is available.

TOPIC 4 - OTHER PERFORMANCE STANDARDS – REVERSE SENSITIVITY

BACKGROUND

The proposed Plan Change replaces the existing Future Urban Zone with Rural-Residential Zone in two areas in proximity of the State Highway and related designation.

SUBMISSION POINTS

One submission point was received. One further submission point was received. The submission points on this topic are summarised as follows:

Waka Kotahi (41.6) sought the introduction of requirements for resource consent for Rural-Residential zoned land in regard to reverse sensitivity effects associated with noise effects from the use of the State Highway. No specific standards or definition of areas of influence are stated.

A further submission from KiwiRail (FS 71.15) supported the Waka Kotahi submission.

OPTIONS

Option 1 – Retain existing provisions which do not manage reverse sensitivity effects on use of the State Highway.

Option 2 – Add specific provisions to manage reverse sensitivity effects on use of the State Highway.

DISCUSSION

The submission relief specifically sought stated: "to ensure that noise reverse sensitivity effects are avoided, an area of influence may be necessary, within which noise sensitive activities require resource consent unless compliance with standard internal noise thresholds is demonstrated".

The supporting reasoning noted that reverse sensitivity effects associated with traffic noise from the State Highway is a well-known adverse effect that requires management. The submission states that: "noise impacts are best avoided by preventing new dwellings from being built in close proximity to an existing or designated state highway through the provision of areas of influence, unless appropriate internal noise standards are met."

In regard to the Waka Kotahi submission this only relates to the State Highway and is associated with both the existing State Highway and related designation which would position the State Highway further into Ōmokoroa in the future.

The submitter did not provide any specific standards or definition of areas of influence. Although not specified in the submission Waka Kotahi have previously worked with the Council to apply a 100m setback from the State Highway for the Minden Lifestyle Zone. Resource consent is required within this setback and the potential for conflict with existing and foreseeable activities including the State Highway can be addressed. If applying the same methodology for the subject area this

would affect small Rural-Residential zoned areas at the eastern and western fringe of the Plan Change area.

In regard to the western area there are already existing dwellings and limited potential for additional residential development. In the eastern area, although there are no existing dwellings, it is unlikely that any new dwellings would be built within the area of perceived influence taking into account proximity to the State Highway and better topography, aspect and views being further away from this interface. For these reasons having a specific rule with limited practical applicability is not supported.

It is noted that KiwiRail supported the submission via a further submission. Presumably this was in regard to the KiwiRail infrastructure however if this was the case this is considered beyond the scope of the original submission being specifically in regard to the State Highway.

RECOMMENDATION

That Option 1 be accepted.

Retain existing provisions which do not manage reverse sensitivity effects on use of the State Highway.

The following submissions are therefore:

REJECTED

Submission	Point Number	Name
41	6	Waka Kotahi
FS 71	5	KiwiRail

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.