

**RESOURCE MANAGEMENT ACT 1991**

**CENTRAL HAWKE'S BAY DISTRICT PLAN**

**PROPOSED PLAN CHANGE NUMBER 7**

**Definition: Residential Unit & Related Words**

**DATE OF NOTIFICATION:** To be inserted

**Explanation**

The District Plan contains an information and interpretation section (Part 2) that defines various key words used in the Plan.

The words *Residential Unit* is used extensively in the Plan and is an important term used to control the number of "dwellings/houses" on a site. In the residential zone this determines intensity and indirectly, residential amenity.

The term *Residential Unit* is also used to measure development and is one of the determinants that trigger the collection of development contributions.

In 2006 the Central Hawke's Bay District Council adopted a development contributions regime using the provisions set out in the Local Government Act (LG Act).

It is important that the term is clearly defined to ensure that it can be applied and administered in a fair and transparent manner and the terms are consistent with the LG Act.

Whilst most people have a clear idea of what a dwelling/house is, there are a number of 'grey' areas surrounding sleep-outs, family flats, games rooms with facilities and the like.

To ensure certainty, it is proposed to introduce a new definition for *Residential Unit*, to alter the definition of *Residential Activity* and to introduce new definitions for *Kitchen* and *Development*.

This is considered a housekeeping Change to clarify the provisions of the District Plan.

**AMENDMENTS TO CENTRAL HAWKE'S BAY DISTRICT PLAN****PLAN CHANGE NUMBER 7****DEFINITION: RESIDENTIAL UNIT & RELATED WORDS**

Amendments are shown with additions double underlined and deletions struck out.

**Part 2 Definitions & Interpretation****2.2 DEFINITIONS****Delete**

~~**RESIDENTIAL UNIT** means a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings and a family flat. Where more than one kitchen and/or laundry facility is provided on the site, there shall be deemed to be more than one residential unit. Residential unit also includes senior citizen housing units and individual units associated with rest homes or similar developments.~~

**Insert New Definition**

**RESIDENTIAL UNIT** means a single self-contained household unit, used principally for residential activities, whether by one or more persons, including accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit.

**Insert New Definition**

**KITCHEN** means a room or area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these)

**Alter definition by deleting the word permanent**

**RESIDENTIAL ACTIVITY** means the use of land and buildings by people for the purpose of ~~permanent~~ living accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include holiday homes, emergency, refuge accommodation and Papakainga but excludes visitor accommodation.

**Delete**

~~**DEVELOPMENT** for the purpose of determining financial contributions development means development or re-development of the site and includes the construction, erection, establishment or alteration of any building, fixed plant or machinery, or any other works; but shall not include the construction or alteration of any pipeline or associated works on land that is not otherwise subject to development.~~

**Insert New Definition**

**DEVELOPMENT** for the purpose of determining development contributions, development means any subdivision or other development and includes the construction, erection, establishment or alteration of any building, fixed plant or machinery, or any other works that generates a demand for reserves, network infrastructure, or community infrastructure but does not include the pipes or lines of a network utility operator.

**RESOURCE MANAGEMENT ACT 1991****CENTRAL HAWKE'S BAY DISTRICT PLAN****PLAN CHANGE NO 7****DEFINITION: RESIDENTIAL UNIT & RELATED WORDS****SECTION 32 ASSESSMENT****1. INTRODUCTION**

- 1.1 Plan Change No 7 proposes to introduce a new definition for the term *residential unit*, to add new definitions for the terms *residential activity* and *kitchen* and to change the definition of *development*.

**2. STATUTORY REQUIREMENTS OF SECTION 32 OF THE ACT**

- 2.1 Section 32 of the RM Act requires the Council, before public notification of this Plan Change, to carry out an evaluation which examines: the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objective.
- 2.2 The evaluation is required to take into account: The benefits and costs of policies, rules, or other methods; and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
- 2.3 Section 32 therefore requires that the evaluation examines the extent to which each objective is the most appropriate way to achieve the purposes of this Act. The purpose of the Act is "...to promote the sustainable management of natural and physical resources...". Sustainable management is in part defined by the Act to mean that people should be able to "...provide for their social, economic, and cultural well being and for their health and safety..." while resources are conserved and any adverse effects are avoided, remedied or mitigated.
- 2.4 Once the objective is decided upon, the question is then whether, having regard to their efficiency and effectiveness, the policies, rules or other methods proposed are the most appropriate for achieving the objective. To determine whether each of the proposed options (whether a policy, rule or other method) is appropriate, the effectiveness and efficiency of the option is required to be considered.

2.5 This evaluation must also take into account whether there is a risk of acting, or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

### 3. THE ISSUE

3.1 The term *residential unit* is used in the District Plan as an umbrella term for dwellings/houses on the basis that there are many different sorts of living accommodation within the District

3.2 People's needs and lifestyle preferences differ in terms of cost, location, design, size and style of housing. These are wide ranging and may include detached dwellings, rental accommodation, and elderly persons housing. The Plan recognises and provides for diversity in living environment sought by residents, whilst still maintaining an environmental quality appropriate to residential areas.

### 4. OBJECTIVE

There are two objectives associated with this issue, residential amenity and the provision of utilities.

4.1 The objective of a residential density control limiting residentially zoned sites to two residential units is part of a suite of controls designed to protect the amenity of these areas.

4.2 Residential growth also places demands on the Council's services. Such infrastructure represents a significant capital investment, and requires the expansion of existing service facilities which can be expensive.

4.3 The Act sets out that people should be able to "...provide for their social, economic, and cultural well being and for their health and safety..." Council's services contribute to health and safety.

4.4 To offset the cost of this service, Council collects development contributions. One of the triggers for a contribution is the development of a site with a dwelling(s).

4.5 If it is not possible to determine whether a certain structure is considered a dwelling, it is difficult to collect contributions and there is the possibility of differing interpretations.

4.6 A clear definition ensures that the status of a building can be effectively determined and the appropriate contributions are able to be efficiently collected.

### 5.0 RISK OF NOT ACTING

The risk of not acting is that continued confusion will compromise the ability of the Council to collect contributions commensurate with the amount of

development occurring. This in turn will limit the ability of the Council to service development.