

## Appendix 2



# **Verandah Posts**

**Wanganui District Council Proposed Plan Change 32  
Amended following Hearing 18 March 2014**

## Contents

|                |  |          |
|----------------|--|----------|
| <b>PART I</b>  | <b>PLAN CHANGE Proposal</b> .....  | <b>3</b> |
| <b>1</b>       | <b>Description of Proposed Plan Change 32</b> .....                      | <b>3</b> |
| <b>2</b>       | <b>Proposed Amendments to the District Plan</b> .....                    | <b>3</b> |
| <b>PART II</b> | <b>SECTION 32 REPORT</b> .....   | <b>5</b> |
| <b>1</b>       | <b>Introduction</b> .....  | <b>5</b> |
| <b>2</b>       | <b>Plan Change Objective</b> .....                                       | <b>5</b> |
| <b>3</b>       | <b>Reason for Proposed Plan Change 32</b> .....                          | <b>5</b> |
|                | 3.1 Background .....   | 5        |
|                | 3.2 Chronology .....   | 6        |
| <b>4</b>       | <b>Statutory Requirements</b> .....                                      | <b>5</b> |
| <b>5</b>       | <b>Assessment of Alternatives, Benefits and Costs (Section 32)</b> ..... | <b>7</b> |
|                | 5.1 Alternative 1: Do Nothing – Status Quo.....                          | 7        |
|                | 5.2 Alternative 2: Amend Verandah rule 22 Permitted .....                | 8        |
|                | 5.3 Alternative 3: Amend Verandah rule 22 Controlled .....               | 8        |
|                | 5.4 Preferred Alternative: Alternative 2.....                            | 8        |
| <b>6</b>       | <b>Evaluation of Costs</b> .....   | <b>9</b> |
| <b>7</b>       | <b>Consultation</b> .....  | <b>9</b> |
| <b>8</b>       | <b>Conclusion</b> .....  | <b>9</b> |

## PART I PLAN CHANGE PROPOSAL

### 1 Description of Proposed Plan Change 32

Proposed Plan Change 32 seeks to amend rules in the District Plan regarding the use of posts to support verandahs on commercial buildings. Verandah posts would become a permitted activity provided certain conditions are met.

### 2 Proposed Amendments to the District Plan

The following alterations to the District Plan are proposed:

#### **Current District Plan** (additions, deletions)

The following rules apply to all *verandahs*\* which encroach in whole or part over any public place:

#### **1. Permitted activities**

*Verandahs*\* which comply with the conditions and terms below

(Note: *verandahs*\* are mandatory in certain circumstances along "display frontage streets" in the Central Commercial Area - refer to Structures Rule R33)

#### **2. Conditions and terms**

##### **a. Verandah locations**

*Verandahs*\* shall only be erected over public road or public space where:

(i) there is a formed footway;

(ii) the public road or public space is a minimum of 12 metres in width;

~~(iii) *verandahs*\* shall not be supported by posts and shall not obstruct pedestrian flow or parking.~~

##### **b. Consistency of *verandahs*\***

(i) the design and appearance of *verandahs*\* (including materials used) shall be consistent with adjoining *verandahs*\*; and

(ii) the dimensions of *verandahs*\* shall be consistent with adjoining *verandahs*\* with regard to height and width of *verandah*\* and depth of fascia.

##### **c. Verandah dimensions**

(i) fascias shall be not less than 300mm, nor more than 450mm, in depth, except that this shall not apply to concrete fascias;

(ii) no part of a *verandah*\* shall be less than 3 metres above the kerb level of the footway, nor closer than a horizontal distance of 450mm from the kerb.

(iii) verandah posts shall not be closer than 450mm to the kerb line

(iv) verandah posts shall be no more than 200mm in diameter

(v) verandah posts shall be set back no more than 200mm from the verandah fascia.

(vi) veranda posts for any one verandah shall be spaced at least 3 metres apart.

**d. Heritage verandahs**

(vii) Verandah posts for buildings listed in the Heritage Inventory shall be in keeping with the character of the building.

**3. ~~Restricted discretionary~~ Controlled activities**

The following are ~~discretionary~~ controlled activities throughout the District where the *Council*\* will restrict the exercise of its ~~discretion~~ control:

**a.** Any *verandah*\* which does not comply with the relevant conditions and terms. In exercising its ~~discretion~~ control, the *Council*\* shall be limited to the conditions with which the *verandah*\* fails to comply.

Applications shall be processed without notification and there shall be no requirement to obtain written approvals from any other person.

(Note: A building consent is required for all verandahs\* under the requirements of the Building Act 1991).

***Display frontage streets in the Central Commercial Zone***

*Guyton Street Both sides – St Hill Street to Wicksteed Street*

*Maria Place Both sides – St Hill Street to Watt Street*

*Ridgway Street Both sides – St Hill Street to Drews Avenue*

*Victoria Avenue Both sides – Taupo Quay to Ingestre Street*

\* \* \*

**Design Guidelines Principle 3 - Appropriate Building Design to Reflect the Character and Display of the Streetscape**

...

**Material and Form**

...

*Verandahs*\* may be supported by posts, provided they do not obstruct pedestrian flow or parking.

## PART II SECTION 32 REPORT

### 1 Introduction

This report has been prepared in fulfilment of the requirements of Section 32(1)(c) of the Resource Management Act 1991 (RMA) which requires Local Authorities to prepare a report summarising the evaluation of the alternatives, benefits and costs of the Plan change, and giving reasons for that evaluation. Pursuant to Section 32(3) of the RMA this evaluation details the appropriateness of the objectives in achieving the purpose of the RMA, and whether, having regard to their efficiency and effectiveness, the policies, rules and other methods proposed, are the most appropriate for achieving the objectives.

### 2 Plan Change Objective

The objective of Proposed Plan Change 32 is to change the use of verandah posts from restricted discretionary to a permitted activity.

### 3 Reason for Proposed Plan Change 32

#### 3.1 Background

For a number of years the District Plan has contained contradictory provisions. R22 restricts the use of verandah posts while the central city design guidelines encourages them.

Many central city building verandahs were originally supported by posts. At some point many were converted to being supported by tie rods from building facades.

The use of verandah posts is helpful in reducing structural loads on buildings, both existing and new, and is in keeping with the character of the central city and other commercial areas.

It is probable that verandah posts will provide an incrementally safer environment during earthquake, by the reduced stress on buildings and increased support and reduce likelihood of veranda collapse under load from falling parapets.

#### 3.2 Chronology

Actions taken to date in relation to Proposed Plan Change are as follows:

**August 2012** Request from Wanganui Earthquake Prone Buildings Community Taskforce to make Plan change D-248959

**March April 2013** Consultation with central city property owners and occupiers – letter and meeting 16 April 2013. D-271612

### 4 Statutory Requirements

Before a Plan change is notified, the Council must undertake the following duties under Section 32 of the RMA:

### **“32 Consideration of alternatives, benefits, and costs-**

- (1) *In achieving the purpose of this Act, before a .... change...is publicly notified....an evaluation must be carried out by-*
- (d) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under [clause 25\(2\)\(b\)](#) of Part 2 of Schedule 1);*
- (2) *A further evaluation must also be made by-*
  - (a) *a local authority before making a decision under clause 10 or clause 29(4) of the First Schedule.*
- (3) *An evaluation must examine-*
  - (b) *whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives,*
- (4) *For the purposes of this examination, an evaluation must take into account-*
  - (a) *the benefits and costs of policies, rules, and other methods;*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matters of the policies, rules, and other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates to is publicly notified or the regulation is made.”*

The purpose of the RMA is the baseline against which these statutory steps are to be carried out. Section 5 of the RMA sets out the purpose of the Act. The following sections are relevant:

### **“5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems;*  
*and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The Plan change will assist the sustainability of buildings in the District by providing a method for reducing stress on them, consistent with Sec 5 (c).

Other sections of relevance in Part II of the Act are as follows:

### **“7 Other matters**

- (a) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment.”*

The proposed rule change contributes to the efficient use and development of resources within the city in that the costs of installing verandah posts will be reduced. Verandah posts make a positive contribution to the amenity of commercial areas, and have the potential to incrementally improve safety. The proposed rule change is therefore considered consistent with section 7 of the Resource Management Act 1991.

The relevant functions of the Council in this instance are set out in sections 31(a) to (f).

**“31 Functions of territorial authorities under this Act – Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:**

- (a) *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;*
- (b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of*
  - the avoidance or mitigation of natural hazards; and*
  - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
  - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
  - (iii) the maintenance of indigenous biological diversity...”*

To achieve the purpose of the RMA in accordance with the stated functions, any proposed District Plan provisions must be the most appropriate method of providing for any future use of land within the district whilst avoiding, mitigating or remedying the effects of that development on the environment.

In this case, it is considered that the proposal is the most appropriate method to achieve the purposes of the Act.

## 5 Assessment of Alternatives, Benefits and Costs (Section 32)

Three alternatives were considered as possible mechanisms for achieving the outcome sought by the Council.

### 5.1 Alternative 1: Do Nothing – Status Quo

This option involves retaining the existing verandah post rule, as it currently is in the District Plan.

**FOR:**

- i. This option requires no changes to the District Plan and therefore would incur no costs to Council associated with a Plan change.

**AGAINST:**

- i. The current contradiction would remain.
- ii. Owners wishing to install verandah post will require consent, with associated costs.

**5.2 Alternative 2: Amend the verandah post rule to be consistent with the Design Guidelines**

**FOR:**

- i. Verandah posts would be Permitted, subject to conditions, avoiding costs to property owners of obtaining resource consent.
- ii. Inconsistency in the Plan will be removed

**AGAINST:**

- i. Minor changes are required to the District Plan, and therefore there are some costs for the Council associated with the Plan change process.

**5.3 Alternative 3: Amend the rules to make verandah posts Controlled**

**FOR:**

- i. Verandah posts would be Controlled, subject to conditions.
- ii. Each installation would have Council input, ensuring appropriate location and style.
- iii. Inconsistency in the Plan will be removed.

**AGAINST:**

- i. Minor changes are required to the District Plan, and therefore there are some costs associated with the plan change process.
- ii. Consent fees would still apply.

**5.4 Preferred Alternative: Alternative 2**

The preferred alternative is Alternative 2, which is to amend the verandah post rule to allow verandah posts.



- i. Amending the rule is appropriate in terms of ensuring consistent amenity and incrementally improved safety.
- ii. Amending the rule is the most effective and efficient means of enabling the installation of verandah posts to incrementally improve public safety.
- iii. The benefit of the change is that owners will have reduced costs for making necessary incremental safety improvements.

## **6 Evaluation of Costs**

There are differing costs associated with each alternative. The 'Do Nothing' alternative will not have any costs associated with undertaking the plan change process; however owners will incur costs through other means, such as the costs of resource consents.

The second alternative will incur minor one-off costs, as there are costs associated with the Plan change process.

## **7 Consultation**

Following the request for this Plan change from the Wanganui Earthquake Prone Buildings Community Taskforce, a letter was sent to all central city property owners and an email to occupiers, requesting feedback. The matter was also discussed at a meeting held on 16 April 2013 to receive a report on the economic value of heritage buildings to Wanganui. Of the nine responses, eight supported the proposal, one supported it, with the suggestion for some standard designs, and one queried the claim for increased safety. Council's Senior Roading Engineer contributed to the proposed amendments.

## **8 Conclusion**

The proposed Plan change has been requested by a significant local entity and appears to have strong support for the relevant community.

The Wanganui District Council is satisfied that the preferred alternative is necessary to achieve this desired outcome in accordance with the purpose of the Resource Management Act 1991 and that it is the most appropriate means of doing so of the alternatives considered.