

# Decision Report

## Plan Change 36 – Daylighting Provisions for Waihi Beach Floodable Areas

---

### 1.0 Introduction

- 1.1 This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2 For topics, 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 in **blue**.
- 1.3 For the whole of the Plan Change, 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) in **red**.

### 2.0 Topic: General merits of proposed plan change – Proposed New Rule 13.4.1 (ba)

#### 2.1. Decision

- 2.2. That the late further submission from Roger Course be accepted on the grounds that it supports the valid concerns raised in the principal submission of Warren Coffey relating to potential adverse residential amenity effects and no other persons will be prejudiced by such acceptance.
- 2.3. That the provision of proposed Plan Change 36 be modified as follows:

**(ba) Daylighting requirements applying to dwellings at Waihi Beach (Planning Maps U01-U08) and which are subject to rule 8.3.3 (b)**

(i) Existing or replacement dwellings

This rule shall apply to:

- The raising of an existing dwelling within the same building footprint (building coverage and distance from boundaries); and
- The erection of a replacement dwelling within the same building footprint and building envelope (height in relation to boundaries) as the dwelling to be replaced.

In either of the foregoing cases, the dwelling may encroach through the daylighting plane referred to in rule 13.4.1(b) to an

extent no greater than that required to achieve a floor level of 500mm above the 2% AEP Maximum Probable Development Flood Level for the subject property. Provided that:

1. The maximum vertical extent of any encroachment through the daylighting plane shall be 1.0m;
2. In respect of an existing or replacement dwelling the term "building footprint" shall be limited to that of the dwelling itself and shall not include any floor area used for garaging or other accessory purposes.

(ii) Additional provision for dwellings on narrow width properties

In respect of properties with an average width of less than 13m, and notwithstanding any non-compliance of an existing or replacement dwelling with clause (i) above, any dwelling (existing, replacement or new) may encroach through the daylighting plane set out in rule 13.4.1(b) by a maximum vertical extent of 1.0m.

**NOTE:** Pursuant to rule 8.3.3(b), the activity status of the buildings referred to in foregoing clauses (i) and (ii) is restricted discretionary. Any resource consent application under rule 8.3.3(b) to which rule 13.4.1(ba) also applies shall be processed without notification and without written approvals of other persons being required. In the case of encroachments through the daylighting plane exceeding a vertical extent of 1.0m, the usual provisions of the RMA relating to notification and affected persons shall apply.

The following submissions are therefore accepted in part:

Submission	Point Number	Name
6	1	Derek & Shirley Price
FS76	1	Roger Course
23	1	Warren Coffey

## **5.2. Reason**

- 5.2.1.** Provides flexibility through more liberal daylighting provisions whilst affording greater protection to neighbours by specifically limiting the extent of adverse impact on residential amenity values without input from potentially affected parties. The ability to encroach further through the daylighting plane is retained as a restricted discretionary activity, a process which provides for direct neighbour involvement.
- 5.2.2.** It was important to recognise the particular flooding issues specific to Waihi Beach.
- 5.2.3.** By having the rule applied to the specific floodable level of each property will ensure that not every house would be raised by one metre but that there would be a range of heights up to one metre.

5.2.4. The limit of one metre was also a recognition of the amenity effect of raising the daylighting plane.

### 3.0 Whole of Plan Change 36 - Changes to the District Plan First Review

3.1 That Rule 13.4.1 – General – Daylighting is amended as follows;

“Daylight (except as provided for in clause (ba) below)

All *buildings* shall be within a building envelope of 2m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point. Except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

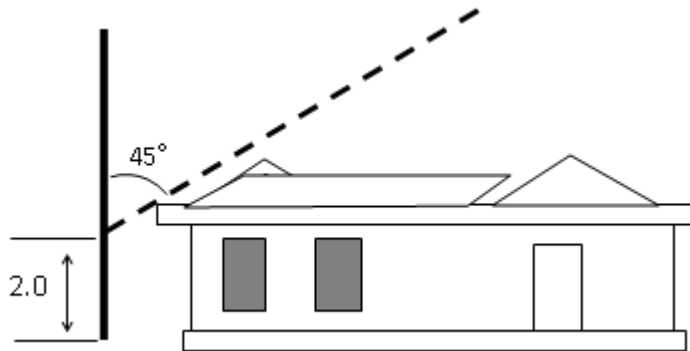


Figure 1: Daylighting Calculation

Provided that:

A building may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

**(ba) Daylighting requirements applying to dwellings at Waihi Beach (Planning Maps U01-U08) and which are subject to rule 8.3.3 (b)**

(i) Existing or replacement dwellings

This rule shall apply to:

- The raising of an existing dwelling within the same building footprint (building coverage and distance from boundaries); and
- The erection of a replacement dwelling within the same building footprint and building envelope (height in relation to boundaries) as the dwelling to be replaced.

In either of the foregoing cases, the dwelling may encroach through the daylighting plane referred to in rule 13.4.1(b) to an extent no greater than that required to achieve a floor level of 500mm above the 2% AEP Maximum Probable Development Flood Level for the subject property. Provided that:

1. The maximum vertical extent of any encroachment through the daylighting plane shall be 1.0m;
2. In respect of an existing or replacement dwelling the term "building footprint" shall be limited to that of the dwelling itself and shall not include any floor area used for garaging or other accessory purposes.

(ii) Additional provision for dwellings on narrow width properties

In respect of properties with an average width of less than 13m, and notwithstanding any non-compliance of an existing or replacement dwelling with clause (i) above, any dwelling (existing, replacement or new) may encroach through the daylighting plane set out in rule 13.4.1(b) by a maximum vertical extent of 1.0m.

**NOTE:** Pursuant to rule 8.3.3(b), the activity status of the buildings referred to in foregoing clauses (i) and (ii) is restricted discretionary. Any resource consent application under rule 8.3.3(b) to which rule 13.4.1(ba) also applies shall be processed without notification and without written approvals of other persons being required. In the case of encroachments through the daylighting plane exceeding a vertical extent of 1.0m, the usual provisions of the RMA relating to notification and affected persons shall apply.