

Decision Report

Plan Change 25 – Definition of a Building

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 Building/Structure

Decision

That the definition of “Building/Structure” in Chapter 3 – Definitions of the Proposed Plan be amended as follows:

“Building/Structure” notwithstanding specific exemptions identified under the Building Act 2004, means any building, or part of a building, and in addition to its ordinary and usual meaning shall include the following:

- (a) any retaining wall or breastwork exceeding 1.5m in wall height (whether above or below ground level);
- (b) any fence or wall exceeding 2.0m in height;
- (c) any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;
- (d) any mast, pole or radio or television aerial which exceeds 7m in height above the point of attachment or its base support;
- (e) any permanent tent or marquee, shade-sail or air supported canopy;
- (f) any part of a deck, or terrace, platform or bridge which is more than 1.5m above natural ground level; but does not include any fence or wall;
- (g) any pool or tank exceeding 1.0m in height above natural ground level measured directly below the building/structure (including, without limitation any retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);
- (h) any guttering;
- ~~(i)~~ (i) Pergolas;
- ~~(j)~~ (j) Carpports;
- ~~(k)~~ (k) any other structure requiring building consent that will infringe daylighting and/or yard rules in the District Plan.

Excluded from this definition are

- Crop support structures
- Artificial Crop Protection Structures (excluding plastic-clad shadehouses/glasshouses)

The following submissions are therefore:

Accepted

Submission	Point Number	Name
47	16	Horticulture New Zealand & New Zealand Kiwifruit Growers Incorporated
48	11	Toi Te Ora Public Health

Accepted in Part

Submission	Point Number	Name
35	10	Land Matters

Rejected

Submission	Point Number	Name
15	1	Tawhiti, Shannon
1	2	Price, Mervyn & Joan
53	2	McGowan, Ian

Reason for Decision

The changes to the definition are not significant, are essentially providing better clarity around inclusions and exemptions and are to ensure that Council retains control over activities under the Plan which are required to demonstrate compliance with performance standards and ensure effects that Council determines have the ability to result in environmental effects on a person, property or environment do not arise.

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:

“Building/Structure” notwithstanding specific exemptions identified under the Building Act 2004, means any building, or part of a building, and in addition to its ordinary and usual meaning shall include the following:

- (a) any retaining wall or breastwork exceeding 1.5m in wall height (whether above or below ground level)
- (b) any fence or wall exceeding 2.0m in height;
- (c) any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;
- (d) any mast, pole or radio or television aerial which exceeds 7m in height above the point of attachment or its base support;
- (e) any permanent tent or marquee, shade-sail or air supported canopy;
- (f) any part of a deck, or terrace, platform or bridge which is more than 1.5m above natural ground level; but does not include any fence or wall;
- (g) any pool or tank exceeding 1.0m in height above natural ground level measured directly below the building/structure (including, without limitation any retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);
- (h) any guttering;
- (i) Pergolas;
- (i) Carports;
- (k) any other structure requiring building consent that will infringe daylighting and or yard rules in the District Plan.

Excluded from this definition are

- Crop support structures
- Artificial Crop Protection Structures (excluding plastic-clad shadehouses/glasshouses)

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” of the Proposed Plan as follows:

“Building/Structure” notwithstanding specific exemptions identified under the Building Act 2004, means any building, or part of a building, and in addition to its ordinary and usual meaning shall include the following:

- (a) any retaining wall or breastwork exceeding 1.5m in wall height (whether above or below ground level)
- (b) any fence or wall exceeding 2m in height;
- (c) any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;

- (d) any mast, pole or radio or television *aerial* which exceeds 7m in *height* above the point of attachment or its base support;
- (e) any permanent tent or marquee, shade-sail or air supported canopy;
- (f) any part of a deck, or terrace, platform or bridge which is more than 1.5m above natural ground level; but does not include any fence or *wall*;
- (g) any pool or tank exceeding 1m in *height* above natural ground level measured directly below the building/structure (including, without limitation any retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);
- (h) any guttering;
- (i) Pergolas;
- (i) Carports;
- (j)(k) any other structure requiring building consent that will infringe daylighting and/or *yard* rules in the District Plan.

Excluded from this definition are:

- Crop support structures
- Artificial Crop Protection Structures (excluding plastic-clad shadehouses/ glasshouses