

Decision Report

Plan Change 7 – Height of fences and walls in the side and/or rear boundary

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: Changing the height of fences and walls in the side and /or rear boundary as proposed by Plan Change 7

Decision

That the proposed changes included in District Plan Change 7, as notified, be retained.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
01	1	Price, Mervyn & Joan
27	7	Waihi Beach Community Board
48	6	Toi Te Ora Public Health

Rejected

Submission	Point Number	Name
12	1	Fairway Holdings Limited
13	3	Aurecon
53	1	Mcgowan, Ian Ross

Reason for Decision

The proposed changes to the height of fences and walls in the side and/or rear boundary will allow property owners to construct a wall or fence that will enable privacy, but not exceed the daylight plane.

Safety and security in public areas is important therefore the proposed height restrictions are retained in relation to properties bordering walkways and public reserves.

The provisions are consistent with neighbouring local authority plans.

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.

That the following amendments to Rule 13.4.1(e)(i) & (ii) be included to read as follows:

Rule 13.4.1(e)

(i) Side and rear boundary:

Any fence or wall within the side and/or rear yards or on the side and/or rear boundary shall not exceed ~~1.8m in height~~ a height that exceeds the daylight plane as described in 13.4.1(b):

- Except that where the common boundary is with a public reserve or walkway, the fence or wall shall not exceed 1.2m height, unless the portion of the wall or fence that is between 1.2 and ~~1.8m~~ 2.0m in height has a visual permeability of at least 60%.
- Where the side fence or wall is within the front yard specified in Rule 13.4.1(c) Yards, this height shall be 1.2m, unless the portion of the wall or fence that is between 1.2 and ~~1.8m~~ 2.0m in height has a visual permeability of at least 60%.

(ii) Front boundary:

Any fences or walls within the front yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2m and ~~1.8m~~ 2.0m in height has a visual permeability of at least 60%.

Explanatory Note:

A building consent is required where a fence or wall exceeds 2.0m

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.

That the following amendments to Rule 13.4.1(e)(i) & ii be included to read as follows:

Rule 13.4.1(e)

(i) Side and rear boundary:

Any fence or *wall* within the *side and/or rear yards* or on the side and/or rear boundary shall not exceed ~~1.8m in height~~ a height that exceeds the daylight plane as described in 13.4.1(b):

Except that;

- Where the common boundary is with a public reserve or walkway, the fence or wall shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2 and ~~1.8m~~ 2.0m in *height* has a *visual permeability* of at least 60%.
- Where the side fence or *wall* is within the front yard specified in Rule 13.4.1(c) Yards, this *height* shall be 1.2m, unless the portion of the *wall* or fence that is between 1.2 and ~~1.8m~~ 2.0m in *height* has a *visual permeability* of at least 60%.

(ii) Front boundary:

Any fences or *walls* within the *front yard* or on the front boundary shall not exceed 1.2m in height unless the portion of the *wall* or fence that is between 1.2m and ~~1.8m~~ 2.0m in *height* has a *visual permeability* of at least 60%.

Explanatory Note:

A building consent is required where a fence or wall exceeds 2.0m