

Kapiti Coast District Council

Proposed Variation 2 to Proposed District Plan – Waikanae Beach Rezoning and Beach Character Setback Margin Amendments

Section 42A Reporting Officer Response to Panel’s Minute 2 (dated 16 July 2020)

Question 1

Are carports considered a building for the purpose of “coverage” given that they can be, effectively, an extended “eave”?

1. Answer: Yes, carports are buildings for the purpose of coverage unless they meet the exclusion for ‘small-scale detached structures’ within the definition for *building* in the PDP (see paragraph 4 below – with emphasis added).
2. Council’s Building Control Team leader has confirmed an eave is a structural part of a roof, and therefore a carport cannot be considered an eave. I note the Oxford Dictionary aligns with this position as it defines eaves as *‘the underside of a projecting roof’*.
3. A carport has its own roof, regardless of whether or not that roof is freestanding or attached to another building.
4. The PDP definition for *building* is as follows:

Building means any temporary or permanent or moveable or immovable *structure*; and includes any *structure* intended for use or occupation by people or animals or machinery or chattels but does not include any of the following:

1. a fence or wall of 2 metres or less in *height* above *original ground level*, and tennis court fences of any *height* above ground level, where the fence is not used for advertising or for any purpose other than a fence or a wall;
- 1A. retaining walls of 1.5m or less in *height*;
2. a fence for the containment of stock;
3. residential chimneys and television aerials associated with a *residential building*, not exceeding 1.5 metres above the permitted *height* rule and *height* envelope rule for the *zone* in which the *building* is located;
4. **small-scale detached structures (including temporary structures) not exceeding 2.4 metres in height and not exceeding 8m² in gross floor area where they are located at least 1 metre from any adjoining property boundary;**
5. underground water tanks, and any aboveground water tank that is less than 30,000 litres in volume that is set back at least 1 metre from any side and rear *boundary* and complies with the permitted *height*, *height envelope* and front and coastal *yard* standards for *buildings* for the *zone* in which it is located;
6. patios and decks (including their handrails) with a finished floor level not exceeding 1 metre in *height* above ground level and at least 1 metre from any adjoining *property boundary*;

7. any mobile machinery, vehicle, trailer, tent, caravan or boat, whether fixed or movable unless it is used for *residential activities*, *business activities* or storage purposes;
 8. any scaffolding or falsework erected temporarily for maintenance and construction purposes;
 9. any *road*, driveway, footpath, boardwalk or other paved surface;
 10. domestic swimming pools not exceeding 1.2 metres above *original ground level*;
 11. fire hose drying towers not exceeding 15 metres in *height* on New Zealand Fire Service *property*;
 12. *network utilities*; and
 13. *amateur radio configurations*.
5. For clarity, the PDP definition for *structure*, which is referred to in the definition for *building*, is the same as the RMA definition, which states:

structure means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

Question 2

Are verandas considered part of the “buildings on the ground” or are they “eaves”?

6. Answer: The PDP does not include a definition for veranda, however my understanding of the term aligns with the description provided by the Ministry for Business, Innovation and Employment’s Building Performance website¹ as:

A veranda is typically a long porch and can extend along the full length, or even around more than one side, of a building.

7. In my experience verandas are often used as covered outdoor living or dining areas. Verandas are not eaves as they are not the underside of a projecting roof. Verandas have their own roof, and are considered to be part of the building they are attached to.
8. Verandas are captured by the PDP definition for *building* and are also captured by the definition for *gross floor area* below.
9. The PDP definition for *gross floor area* is as follows (emphasis added):

Gross Floor Area means the sum of the gross area of all floors of all *buildings* on a *property*, measured from the exterior faces of the exterior walls or from the centre lines of walls separating two *buildings*. **Gross floor area also includes covered yards and areas covered by a roof but not enclosed by walls.** The *gross floor area* of a *building* shall not include:

1. uncovered stairways;
2. floor space in terraces (open or roofed), external balconies, breezeways or porches;
3. roof carparking, lift towers and machinery rooms on the roof having a floor area of not more than 200m²;
4. car parking areas; and

¹ <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/17-porches-verandas/>

5. floor space of interior balconies and mezzanines not used by the public.

Additional Questions

10. On 16/07/2020 I received an email instruction from the Panel to provide a response to two additional queries from Mr Poole as follows:

1. *Are any Decks (closed or open) considered a building for the purpose of "coverage"?*
2. *If so, at what height above ground level does the application apply?*

11. Answer: As specified in the PDP definition for *building* included above, I confirm decks are *buildings* for the purpose of *coverage* unless they fall under exemption 6 of the definition for *building* as follows:

6. patios and decks (including their handrails) with a finished floor level not exceeding 1 metre in *height* above ground level and at least 1 metre from any adjoining *property boundary*;

12. I note this exclusion would not apply to a covered deck, as a covered deck would be captured by the definition for *building*.

13. There is no exemption for decks within the definition for *gross floor area*.



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17/07/2020