NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 23

Daylight and Solar Panels

Proposed Plan Amendments

Notification Date
25 September 2010

Submissions Close
5pm Friday 3 December 2010

Nelson City Council
te kaunihera ō whakatū

939325

1.0 Introduction *(not part of the Plan Change)*

1.1 Background and development

Some elements of Appendix 15 (Daylight admission - residential), are confusing. Text and diagram changes are proposed to clarify the daylight admission provisions.

The Council has undertaken several initiatives to reduce barriers to the uptake of solar hot water system, including the Solar Saver Scheme to reduce upfront costs, and simplifying the building consent process. Another potential barrier is the requirement for resource consent for solar panels which do not comply with the daylight and maximum height provisions of the Nelson Resource Management Plan (NRMP). An exemption for solar panels from the daylight and maximum height provisions is included in this plan change, to overcome a potential barrier to their installation.

Allowing for non-compliance with the daylight provisions is proposed for up to seven square metres of solar panels on the northern boundary. This is the practical placement for solar panels, and its north facing aspect will ensure that the non-compliance does not create shade on neighbouring properties. A 0.5 metre encroachment into the maximum height provisions is proposed.

1.2 Description of the proposed Plan Change

AP15.3.1 c) This change amends the wording for clarity, but there is no change in effect.

AP15.5 b) This change amends wording for clarity by replacing Ap15.5b) with a second note to Ap15.9.ii - but there is no change in effect.

AP15.6.iv This change clarifies that future development will also be subject to the previously established daylight control method.

AP15.7 This change adds a reference to the new Figure 6 (daylight over diagram) and adds a note to Figure 1 on page A15-4 to provide further explanation of the reasons for the daylight controls.

AP15.8.iii This change exempts solar panels from the daylight over provisions. The four provisions have been re-ordered to show the text only ones first, because the third provision about aerials (currently Ap15.8.iii c) has frequently been overlooked in the past.

Height definition This change to the notes exempts solar panels up to 7m^2 in size and up to 0.5 metres above the maximum permitted height for each zone.

Figure 4 Point 'p' has been deleted from Figure 4 because this is not referred to in Ap15.9.

AP15.9.iii Reference to structures has been removed from this provision because structures are included in the definition of building.

AP15.9.iii b) ii) This statement has been deleted. It is not accurate due to changes to Figure 5.

Figure 5 To improve clarity, Figure 5 has been replaced with two separate diagrams for daylight around (figure 5) and daylight over (figure 6).

1.3 Format of the Plan Change provisions (not part of the plan change)

For the ease of the reader the full text of provisions to be changed have been used in this document.

The reader should be aware that current operative provisions that are not proposed to be changed are unable to be submitted upon.

Within this Plan Change:

- 'Normal' text applies to current operative provisions to remain unchanged.
- '<u>Underline</u>' text applies to proposed new provisions.
- '~~Strikethrough~~' text applies to operative provisions proposed to be deleted or amended as described.
- '*Italic*' text applies to instructions.

2.0 Plan Change 23: Proposed Amendments to the Nelson Resource Management Plan (Statutory Provisions)

Plan Change 23 – Daylight and solar panels

AP15.3 – where to take measurements from

Amend AP15.3.1c) as follows:

> AP15.3.1 c) Where a boundary has a common boundary with a private access or right of way which serves ~~more than one, but~~ no more than four actual or potential residential units, ~~and whether or not that property has rights over the access or right-of-way,~~ the measurement may be taken from the centre line of that ~~formation~~private access or right of way. If the measurement is taken from the centre line the daylight-over method must be used. This approach can be taken regardless of whether or not the property has rights over the access or right of way.

AP15.5 – additions to buildings

Delete AP15.5 b) in its entirety and add to the 'Note' in AP15.9.ii as follows:

> ~~Ap15.5 b) "Where the original building does not conform with the daylight controls in this Plan, any addition must not deprive neighbouring properties of daylight to a greater degree. Otherwise a resource consent is required."~~
>
> Ap15.9.ii 'Ground level', 'height' and 'height measurement' are determined by their definitions in Chapter 2 (Meaning of Words).
>
> Notes: Any portion of a building or accessory building not contained within the arms of the angle must comply with Ap15.9.iii.
>
> If daylight around is the method by which compliance with the permitted standard is shown for a site boundary, then the daylight over method cannot be used for that site boundary in any future developments to establish compliance with the permitted standards. If any future development on site cannot be located within the established daylight around angle, or is not an exemption listed under Ap15.9.iii, resource consent will be required."

AP15.6 – types of controls

Amend AP15.6.iv as follows:

> AP15.6.iv You may choose the control that is most advantageous to you depending on the type of development you are planning. You may apply either method to a site boundary. Both methods may be used on a site, but only one may be applied to any boundary. <u>All parts of a building must comply with the particular permitted standards of the daylight method used on each boundary.</u>
>
> <u>If any future development on site cannot comply with the daylight angles of the daylight control method used previously on that boundary, or is not an exemption listed under Ap15.9.iii, resource consent will be required."</u>

AP15.7 – how to use daylight over

Add to AP15.7.i as follows:

> AP15.7.i Make sure the central control arrow is pointing due North as shown in Figure 2. The angle where the indicator touches the boundary is the angle to be applied 2.5 m above ground level at the boundary. This is illustrated in Figure 3 <u>and Figure 6.</u>

Add a note to Figure 1 on page A15-4 as follows:

> <u>Note: The daylight over provisions may have an additional benefit of protecting to some degree the privacy of neighbouring properties, as well as to avoid shading.</u>

AP15.8 – calculating allowable height

Add a new clause Ap15.8.iii a) and renumber and re-order the existing three provisions, as follows:

> <u>AP15.8.iii a) Solar panels up to a total of $7m^2$ in size may intrude into the daylight plane on the northern site boundary (defined for the purpose of this rule as being in a quadrant of 45 degrees east and west of north).</u>
>
> <u>AP15.8.iii b)</u> Aerials except dish antennas greater than 1m in diameter (refer to aerials rules in each zone).
>
> AP15.8.iii ~~a)~~c) Dormer windows provided they are not more than 1.5m higher than the height permitted by the elevation indicator, and make up not more than 25% of the length of the building (measured parallel to the boundary) or a maximum length of 2.5m, whichever is the lesser.

(*Retain diagram*)

AP15.8.iii ~~b)~~d) Gable and other roof ends where the roof ridge is generally at right angles to the site boundary. The end of the ridge may be up to 1.5m above the indicator height, and the end area when viewed in elevation is allowed to be up to 2.5m^2 in area and up to 2.5m in width. Up to one intrusion is permitted per boundary. The rule provides for gable roof ends, and other alternative roof forms as shown on the diagrams attached (see Chapter 2, ~~(~~Meaning of Words~~),~~ for definition of 'gable').

(*Retain diagrams*)

Chapter 2, definition of height

Add a note in the Height definition in Chapter 2 (Meaning of Words) as follows:

iv) in determining the height of any building, no account shall be taken of solar panels up to a total of 7m^2 in size and not exceeding 0.5m above the maximum permitted height for the zone.

Ap15.9 – how to use daylight around

Under AP15.9, Figure 4, delete point 'p' and below the figure add the following:

Note: for use of this angle, refer to Ap15.9.

Amend AP15.9.iii b) as follows:

Buildings ~~and structures~~complying with the special height limiting line~~s~~ outside the angle.

Parts of the building or detached outbuildings may be outside the angle but only up to a certain height. To find out how high a building outside the arms may be, use the following steps:

i) Apply the daylight around angle (Figure 5) as outlined in Ap15.9.i. ~~t~~To find out how high intrusions may be~~.~~ ~~S~~start at 2m above ground level immediately adjacent to the point of consideration of the building. The maximum height then increases 0.5m for each 2m distance from the boundary. This is a recession plane of 14^0 inclined into the site, measured from a point 2m above ground level at all points along the relevant boundary.

~~ii) The right hand side of the indicator is at 1:200 scale, and 1:100 on the left hand side. Apply the one that is appropriate to your site plan.~~

Figure 5

Replace Figure 5 (on page A15-8) with two separate diagrams for daylight around (figure 5) and daylight over (figure 6) as shown on the following two pages.

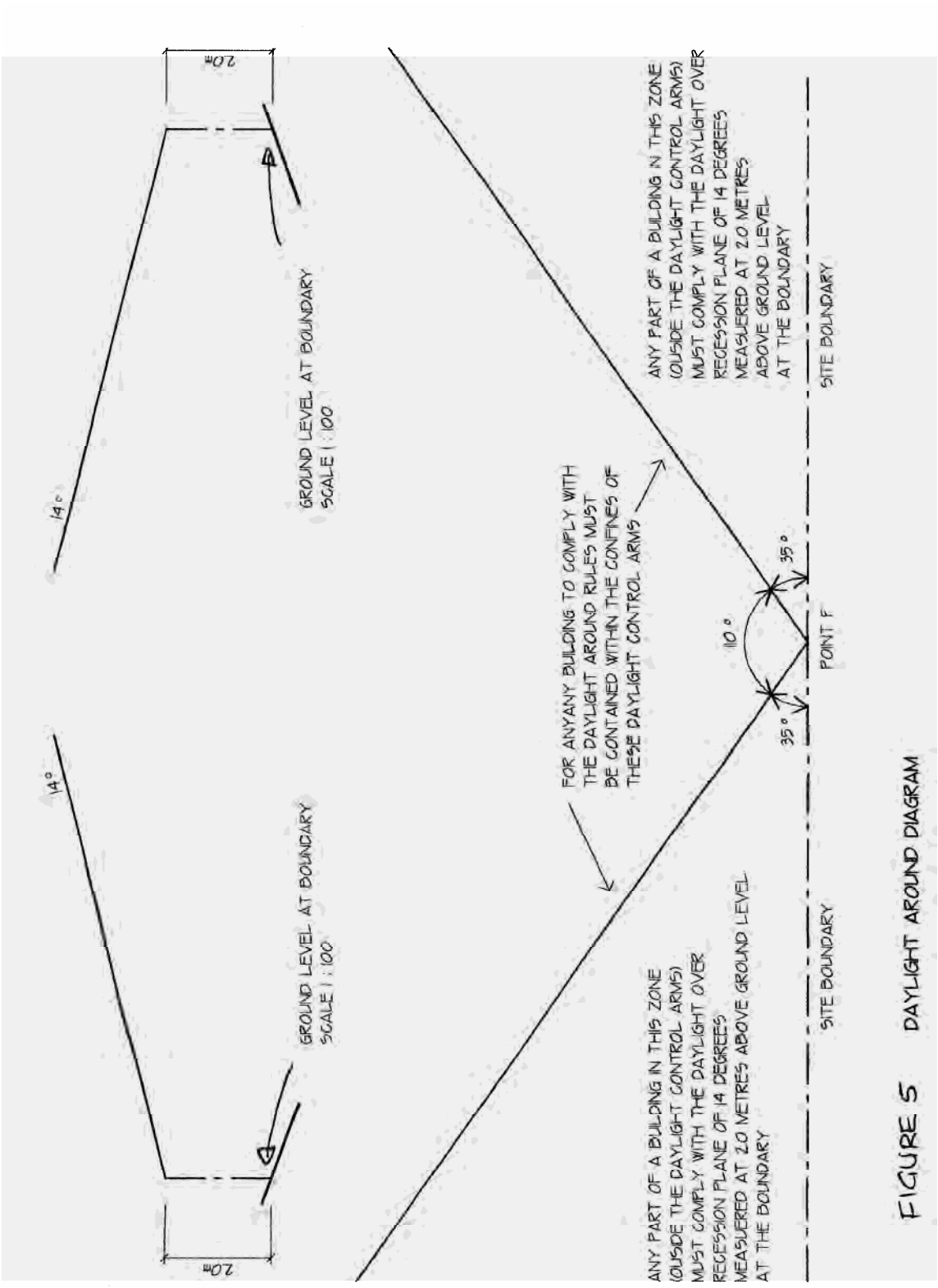
20m
14°
GROUND LEVEL AT BOUNDARY
SCALE 1 : 100
20m
14°
GROUND LEVEL AT BOUNDARY
SCALE 1 : 100
FOR ANYANY BUILDING TO COMPLY WITH THE DAYLIGHT AROUND RULES MUST BE CONTAINED WITHIN THE CONFINES OF THESE DAYLIGHT CONTROL ARMS
ANY PART OF A BUILDING IN THIS ZONE (OUSIDE THE DAYLIGHT CONTROL ARMS) MUST COMPLY WITH THE DAYLIGHT OVER REGESSION PLANE OF 14 DEGREES MEASUERED AT 2.0 METRES ABOVE GROUND LEVEL AT THE BOUNDARY
ANY PART OF A BUILDING IN THIS ZONE (OUSIDE THE DAYLIGHT CONTROL ARMS) MUST COMPLY WITH THE DAYLIGHT OVER REGESSION PLANE OF 14 DEGREES MEASUERED AT 2.0 METRES ABOVE GROUND LEVEL AT THE BOUNDARY
35°
110°
35°
POINT F
SITE BOUNDARY
SITE BOUNDARY
FIGURE 5 DAYLIGHT AROUND DIAGRAM

FIGURE 6 DAYLIGHT OVER DIAGRAM