



Height In Relation To Boundaries

The Height in Relation to Boundary Rules aim to avoid buildings on one site physically dominating another site. The Rules also seek to address the effects that the positioning of new buildings or additions to existing buildings may have in reducing neighbouring buildings access to daylight and sunlight.

The effect of the Rule is that the taller the proposed building is, the further away from the boundary it must be. This is to ensure that sunlight and daylight access is not reduced. This Rule does not mean that there will be no loss of sunlight to the neighbours, but rather it is intended to ensure that an adequate standard of daylight/sunlight is still maintained.

The Operative District Plan Policy

The Operative District Plan addresses height in relation to boundary issues through Policy 10.5 and the District Plan Rules. Policy 10.5 states:

“Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.”

The Height in Relation to Boundary Rules

To comply with the Height in Relation to Boundary Rule, a building should be designed to fit within a “building envelope”. To determine the building envelope, Council looks at “recession planes”. Recession planes are lines that proceed at an angle from the horizontal, measured from any point 2.5m vertically above ground level along site boundaries. The angle of the recession plane varies according to the compass orientation of the site boundary that it is measured from. The proposed building must wholly sit below this recession plane at all points along each boundary.

And Where Is Ground Level ?

Ground level is defined in the District Plan as “...the level of the ground existing when any authorised works associated with any subdivision of the land are completed, but before excavation for either any new structure or new site works have commenced”.

It is important to accurately establish the ground level at the boundary. This can be done either through identifying spot levels or contours. You will need to relate this ground level to the finished floor level for the dwelling.

Certificate of Title

It will be necessary to provide an up to date Certificate of Title for the property that you are seeking resource consent for. The certificate will assist the Council to confirm the compass orientation of each boundary, and therefore which recession plane(s) will apply. This is particularly important when the orientation of boundaries is unclear, as the Certificate often includes the compass orientation of all boundaries.

If you do not provide a copy of the Certificate of Title with your resource consent application, you will be requested to provide one. The processing of your application will be put on hold until the Certificate is received.

Does The Recession Plane Apply To Me?

Recession Planes are only measured if the District Plan Human Environment of the site that you are building next to is identified in the Height in Relation to Boundary Rules.

For example, if you are building in the Living Environment, the Height in Relation to Boundary Rules apply if your neighbours’ properties are identified as Living, Bush Living or as Waitakere Ranges Environments.

The Height in Relation to Boundary Rules do not apply where the boundary of any Environment joins the Community or Working Environments, or where the front boundary joins the Transport Environment (i.e. the road). The Building Height Rules may, however, apply.

The Effect Of The Recession Plane

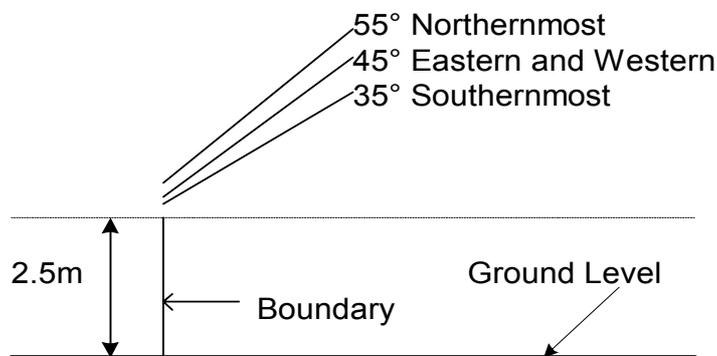
The allowable building height will vary as a result of:

- the ground level at the boundary;
- the building's distance from the boundary; and
- the application of the recession plane.

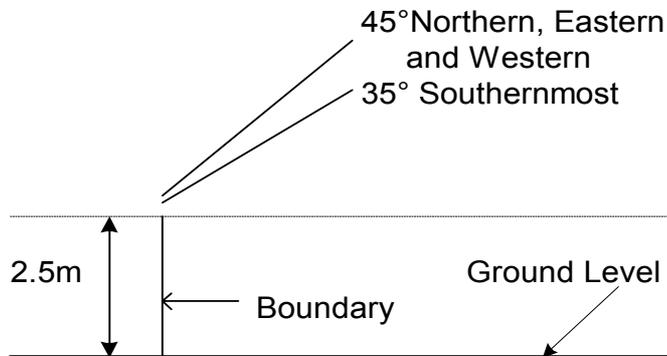
Find the Human Environment that your property is identified (zoned) as in the District Plan Maps. Then identify the Human Environment identification (zoning) of all of your neighbouring properties. Then look down the left hand column in the table below. Once you have found the Human Environment that your property is identified as, look across the table to see if your neighbouring properties are listed. If they are, and there is a tick in the box, this means that the Height in Relation to Boundary Rules must be complied with by your development.

District Plan Environment that you are building in	District Plan Environment that joins the property that you are building on							
	Living	Open Space	Country Side	Foothills	Rural Villages	Coastal Villages	Bush Living	Waitakere Ranges
Living	✓	✓	✓	✓			✓	✓
Open Space	✓		✓	✓	✓	✓		✓
Community	✓	✓						
Working	✓	✓						
Rural Village		✓	✓	✓	✓		✓	✓
Coastal Village		✓				✓	✓	✓
Bush Living	✓	✓		✓		✓	✓	✓

Recession Planes for Living, Open Space, Rural Village, Coastal Village and Bush Living Environments



Recession Planes for Community and Working Environments

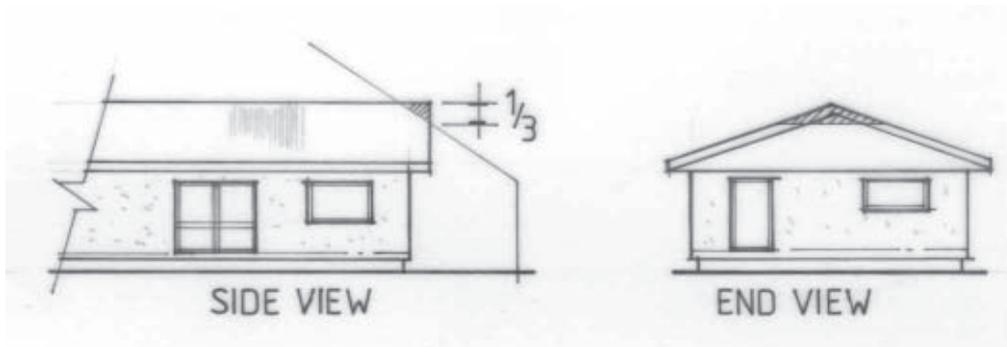


All diagrams used in this brochure are not to scale.

Exceptions* To The Height In Relation To Boundary Rules:

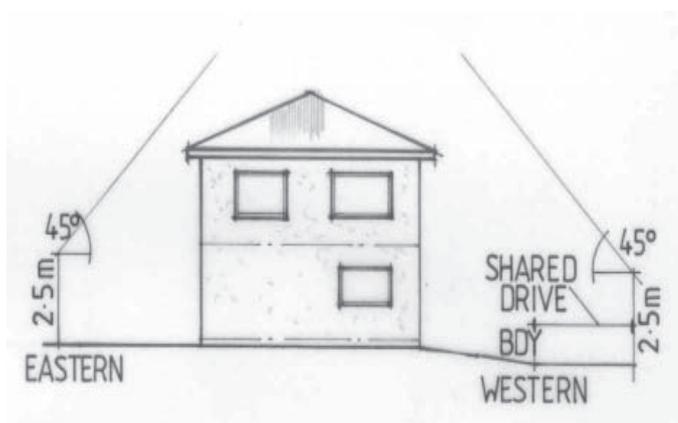
- * These three exceptions do not apply in the Community Working Environment.
- (1) In the case of a gable end (the vertical triangular end of a building), up to one third of the gable height may exceed the building envelope. (see diagram below)

Gable End Diagram



- (2) Television aerials, chimneys and decorative features that are no more than one metre in any horizontal direction may extend beyond the building envelope.
- (3) In the situation where a site boundary adjoins a shared driveway or pedestrian access way, then the recession plane measurement can be taken from the farthest boundary of the shared driveway or the pedestrian access way. In the Living and Bush Living Environments, this respect of the Rule only applies where the shared driveway and the pedestrian access way serves a rear dwelling. (see diagram below)

Shared Driveway Diagram



The Special Areas Where Height In Relation To Boundary Rules Apply

The Special Areas where these Rules apply are:

Special Area Rule 3 Boating Special Area
 Special Area Rule 5 Corbans Estate Special Area
 Special Area Rule 8 Hospital Special Area
 Special Area Rule 9 Lincoln Park Special Area
 Special Area Rule 10 Marae Special Area
 Special Area Rule 11 Marina Special Area
 Working Environment Rule 2 refers to the College Special Area.

Frequently Asked Questions

Where do I measure the recession plane from?

Measure the recession plane from the site boundary, or from the opposite boundary of the shared driveway that serves a rear dwelling or pedestrian access way (if that situation applies to your application). You may need to measure from more than one point along your boundary. Take the measurement from the closest part of the building to the boundary – this may be a wall, or it may be an eave.

The measurement needs to be taken from the original ground level, not, for example, from the top of a retaining wall or from the bottom of an excavated area. This is to ensure that your measurement is accurate, and does not reduce your development opportunities. Please refer to the definition of ground level on page one of this brochure.

You should also ensure that your building dimensions are correct and the building is accurately located on the plans. You should establish where the largest infringement of the recession plane occurs, and include this in the assessment of environmental effects that accompanies your resource consent application.

The Council also requires that the rule is met on any unit area or internal cross lease boundary - unlike Auckland City Council.

How Can I Ensure Accuracy In Measurement?

If it is not readily apparent that the building is located below the recession plane angles, then a mathematical equation of the angles should be used. The equations are detailed below. No part of the building can be higher than the sum of:

Northernmost Boundary

$2.5m + (1.428m \times D)$

Southernmost Boundary

$2.5m + (0.7m \times D)$

Western and Easternmost Boundaries:

$2.5m + D$

D= the distance between the part of the building you are measuring and the boundary.

These formulas will give an accurate measurement of the extent of any infringement. You must also take into account any difference in ground level at the base of the building, and the site boundary. If your building rises to within 200mm of the recession plane, please provide confirmation calculations that the building is within the building envelope. A registered surveyors certificate that confirms that the building meets the Height in Relation to Boundary Rules will be required either when the footings are completed or once the building frames are up.

What if I don't Comply with the Rule?

It may not be possible or practical to comply with the Height in Relation to Boundary Rules. This may be because of the position of existing development or because of the site contours (ground levels). In these cases you will be required to make a resource consent application, and neighbour's approvals will be required.

What conditions can I expect?

No conditions will be required if your affected neighbours approval is given. Conditions on your approved resource consent may require adjustments to the size and shape of gables and the pitch of the roof. You may also be required to make more fundamental changes to the design of the building to ensure that it complies with the Rules.

How close may I build to the boundary?

You can build up to a height of 2.5m high on the boundary, if the Height in Relation to Boundary Rule applies. However, ground floor windows of habitable rooms in the Living and Rural Villages Environments must be at least 1.2m from the boundary. Where any residential building or related structure is constructed within one metre of the boundary, a 30 minute fire rated wall is required. If you wish to construct a commercial or industrial building, different fire rating standards apply. Please discuss these matters with the Council's Building Consent staff.

What about the District Plan Height Rules?

Rules relating to the height of a building apply in all Environments except the Community, Working and Transport Environments.

What About Auckland City Council's Rules?

Waitakere City Council uses different boundary heights from those used by Auckland City Council. An application drawn to Auckland City Council requirements may have to be re-drawn, and/or you may be required to obtain approval from your neighbours for any Rule infringements.

This brochure is only a guide to the Height in Relation to Boundary Rules. The complete Rules are found in Volume Two of the Rules Section of the Operative District Plan. If you have any queries, or require further information please ask the Civic Centre Counter Staff or telephone the Council Call Centre on (09) 839 0400.