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Civic Centre  
1061 Haupapa Street  
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Rotorua Mail Centre  
Rotorua 3046  
New Zealand

Dear

**BUILDINGS IN THE BOUNDARY BUFFER ZONE, 54 MOREY STREET, ROTORUA.**

Thank you for meeting with me recently to discuss a number of buildings currently located close to the property boundaries on your Morey Street property. The purpose of this letter is to inform you about the applicable Council rules that need to be complied with in relation to these buildings.

To make this letter as easy to read as possible, the various Building and Planning requirements have been separated out and allocated to each individual building. It is important to point out that both the Building and Planning rules need to be met.

Council's planning rules are contained in the Proposed Rotorua District Plan (the Plan). The Plan is a community document and controls whether land use activities can take place as a 'permitted activity', or whether Resource (land use) Consent is required.

The applicable Building rules are contained in the Building Act 2004. The rules are focused on the safety of occupants by ensuring that buildings are constructed to a suitable standard.

**Playhouse:**

Planning requirements: Remedial action required.

The playhouse located on the south-eastern property boundary is defined as a 'building' in the District Plan due to a combination of its total height and its proximity to the property boundary.

From my recent conversation with you I understand that the playhouse was built sometime around 1988. Unfortunately, Council's records do not contain any information historically confirming the presence of or compliance level of the playhouse. In order for the playhouse to have been legally established, it would need to have complied with the relevant planning rules that existed at the time it was constructed.

In the absence of sufficient documentation to prove proving existing use rights, the playhouse will instead default to needing to comply with the current planning rules. In other words, this means that one of the following actions needs to be undertaken:

Either:

- a). Relocate the playhouse at its current height to an alternative location a minimum of 2.5m away from the property boundaries, or
- b). Reduce the total height of the playhouse to no more than 2m in which case it can remain located up to the property boundary, or
- c). If no windows or doors exist on the side of the building facing the southern boundary, it can remain at its current height providing it is located no closer than 1m from the boundary, or
- d). Remove the playhouse.

Building requirements: Remedial action required.

Under the Building Act, the highest part of 'Playground equipment' must be no more than 3m above the supporting ground and must still be constructed in accordance with the code. Please make any necessary adjustments.

**Mower shed/Dog Kennel:**

Planning requirements: No further action required.

The height of this shed/kennel measures less than 2m in total and as such meets all applicable District Plan rules.

Building requirements: Further action required.

Although the shed/kennel is less than 10 square metres in size, it is currently attached to the dwelling house in at least one point. In order for the building to be considered 'exempt works' under the Building Act it will need to be detached and will also need to comply with all other applicable Building Code requirements. Alternatively, the building could be removed which will also remedy the issue.

Should you require further clarification on the above aspects, I recommend that you speak with Councils Senior Building Inspector Mr Ed Wilkins on 351 8062. Should you choose to remove the building we advise caution in dealing with fibre cement products as they may contain asbestos which can pose a significant risk to health if not handled or disposed of correctly. You can obtain further information on dealing with these products by phoning Worksafe Rotorua.

**Aviary:**

Planning requirements: No further action required.

Currently, the aviary located on the western property boundary is located within the boundary buffer zone and marginally exceeds the 2m maximum height allowance in the District Plan. However, given that it is located on the boundary bordering the neighbouring Council reserve as opposed to a typical residential neighbour, the adoption of a proportionate regulatory response to this situation is important. As such, at this point in time Council is not intending to pursue remedial action under the District Plan in regards to the aviary.

**Building requirements:** No further action required.

The aviary is less than 10 square metres in size and was considered to comply with the applicable Building Code requirements at the time of inspection.

**Carport:**

**Planning requirements:** No further action required.

The carport located on the eastern property boundary is located within the boundary buffer zone but, does not exceed 2m in total height. As such the carport is considered to comply with all applicable District Plan rules and no further action is required under the District Plan.

**Building requirements:** No further action required.

The carport measures less than 20 square metres in total and as such did not require Building Consent. At the time of inspection, the building was considered to meet the relevant Building Code requirements.

Please ensure that you carry out all required remedial works as soon as possible but no later than one month from the date of this letter (Monday 25 July 2016).

Should you require any further explanation on any aspect of this letter, please contact the writer directly.

Yours faithfully



**Kurt Williams**  
Resource Monitoring Compliance Officer