



# BUILDING A DWELLING

## GENERAL GUIDANCE

2021

### Can I build a dwelling?

Your ability to build or relocate a dwelling to your property depends on land area, the zoning, natural hazard risk and how well your proposal complies with the rules in the Opotiki District Plan.

You can find the zoning of your property and read the District Plan on Council's website.

<https://www.odc.govt.nz/our-council/plans-strategies/district-plan>

The following information outlines many of the key things you need to consider, but it is not an exhaustive list. A proposal must meet all the District Plan rules to be a permitted activity. If it cannot comply with any one rule, resource consent will be required. For further site-specific advice, you can apply for a Project Information Memorandum (PIM). This sets out the information Council has that will affect your proposed project and it covers matters related to both the District Plan and Building Code. Further information about PIM's and the application form can be found at:

<https://www.odc.govt.nz/our-services/building-consents/applying-for-a-building-consent/building-frequently-asked-questions>

<https://www.odc.govt.nz/our-services/building-consents/applying-for-a-building-consent/building-consent-application-forms>

### Density Requirements by Zone

In many cases it is possible to have more than one dwelling on a property. This may be possible if you meet the following density limits:

Zone	If connected to Council's Wastewater system	If connected to an On-site Effluent Treatment System (septic tank)
<b>Residential</b>	<ul style="list-style-type: none"><li>- 1 dwelling per 400m<sup>2</sup> (excluding access area).</li><li>- Up to 3 dwellings per site as a permitted activity.</li></ul>	<ul style="list-style-type: none"><li>- 1 dwelling per 1200m<sup>2</sup> of site area</li></ul>
<b>Coastal Settlement</b>	<ul style="list-style-type: none"><li>- 1 dwelling per 400m<sup>2</sup> (excluding access area).</li><li>- Up to 3 dwellings per site as a permitted activity.</li></ul>	<ul style="list-style-type: none"><li>- 1 dwelling per 1200m<sup>2</sup> of site area</li></ul>
<b>Mixed Activity</b>	<ul style="list-style-type: none"><li>- 1 dwelling per 400m<sup>2</sup> (excluding access area).</li></ul>	
<b>Rural</b>		<ul style="list-style-type: none"><li>- 1 per site if lot is less than 1 hectare.</li><li>- 2 per site if lot is more than 1 hectare.</li><li>- 3 per site is lot is more than 4 hectares.</li></ul>
<b>Coastal</b>		<ul style="list-style-type: none"><li>- 1 per site if lot is less than 1 hectare.</li><li>- 2 per site if lot is 1 hectare or more.</li><li>- 3 per site is lot is 4 hectares or more</li></ul>
<b>Ōhiwa Harbour</b>		<ul style="list-style-type: none"><li>- 1 per site.</li></ul>

## Hazards

If a dwelling or other building is proposed to be located in the Area Sensitive to Coastal Hazards (ASCH), resource consent will be required. The ASCH line is shown on the planning maps. The resource consent application may need to be supported by a report from a coastal engineer.

All dwellings and other buildings must achieve a minimum platform level to avoid or reduce risk from inundation. Further information can be found on Council's website:

<https://www.odc.govt.nz/repository/libraries/id:2bpcqtp1b1cxby3k9b0b/hierarchy/sitecollectiondocuments/our-services/building-consents-and-information/building-consent-additional-forms-and-information-guides/Floor%20Level%20Advice%20Note%20for%20Applicants.pdf>

In some cases, you will need to provide a geotechnical report to confirm that the land is stable and suitable for construction of a dwelling.

## Access

All dwellings must have formed access to a public road.

If the dwelling will have access to a State Highway, the written consent of Waka Kotahi (NZTA) will be required. Resource consent will also be required.

Contact details for Waka Kotahi (NZTA) are at:

<https://www.nzta.govt.nz/contact-us>

## On-site Effluent Treatment System (OSET)

Any dwelling that is not connected to Council's reticulated wastewater system must be connected to an OSET system.

The system must be designed by a person accredited by the Bay of Plenty Regional Council and you will need to provide a copy of the assessment with your resource consent and building consent application(s).

A list of accredited people can be found at:

<https://www.boprc.govt.nz/environment/resource-consents/consent-and-compliance/wastewater/approved-ose-system-designers>

## Stormwater and Water

Stormwater must also be managed and disposed of in accordance with the District Plan's rules and the Building Code. In some places, particularly in Opotiki Township, extra stormwater run-off can have adverse effects. A site-specific stormwater design report may need to be provided.

Each dwelling must have water supply that is safe to drink (potable). Roof water can be used, but it will usually require a treatment system to be installed, such as a combination of filters and a UV light.

## Height

The height limit for dwellings is 9m. However, if the dwelling is in the Coastal Environmental overlay (refer to Planning Maps and Chapter 19 in the District Plan), the maximum height limit is 7m

## Yard Setbacks

A dwelling must be sited a certain distance from the boundary.

Zone	Front Yard (road boundary)	Side and Rear Yards
<b>Residential</b>	4.5m	<p>One yard may be 1.5m If garage is attached to dwelling, two yards may be 1.5m Other yards must be 3m.</p> <p>Dwellings may be constructed on yards if written consent of affected property owner and occupier is obtained and if other standards in Rule 2.6.2.1 are met.</p>
<b>Coastal Settlement</b>	4.5m	<p>One yard may be 1.5m If garage is attached to dwelling, two yards may be 1.5m Other yards must be 3m.</p> <p>Dwellings may be constructed on yards if written consent of affected property owner and occupier is obtained and occupier and if other standards in Rule 10.6.2.1 are met.</p>
<b>Mixed Activity</b>	<p>9m from the State Highway.</p> <p>4.5m from all other roads.</p>	<p>One yard may be 1.5m If garage is attached to dwelling, two yards may be 1.5m Other yards must be 3m.</p> <p>Dwellings may be constructed on yards if written consent of affected property owner and occupier is obtained and occupier and if other standards in Rule 4.6.2.1 are met.</p>
<b>Rural</b>	9m	5m
<b>Coastal</b>	9m	<p>5m</p> <p>A dwelling may be located within side yards where the written consent of the adjoining property owner and occupier is obtained.</p>
<b>Ōhiwa Harbour</b>	9m	<p>5m</p> <p>A dwelling may be located within side yards where the written consent of the adjoining property owner and occupier is obtained.</p>

A 50m setback also applies from Mean Highwater Springs (MHWS) and there is often a setback from other waterways required, dependent on the zoning of the land.

## Reflectivity

Reflectivity (colour) restrictions apply within the Coastal Environment overlay (refer to the planning maps) and some other zones.

## Soil Contamination

Council must ensure that a dwelling is located within an area that is free from soil contamination. Council may require an assessment under the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

You can check if the Regional Council has identified your land as being potentially contaminated or contaminated at:

<https://www.boprc.govt.nz/do-it-online/request-or-enquire/hail-request>

Or you can check the Hazard Activities and Industrial List (HAIL) maps using their online map service at:

<https://maps.boprc.govt.nz/pages/map-gallery>

## Māori Land

The rules in the District Plan apply to all land, regardless of whether it is multiple owned Māori Land, Māori Freehold Land, or General Title.

You may wish to obtain an Occupation Order from the Māori Land Court as one of way of confirming that you have authority to build on land that is held in multiple ownership.

## How long does it take the Council to process a resource consent application?

If your proposal is not a permitted activity, you will need to apply for resource consent. Council recommends that you engage a consultant planner to prepare the resource consent application to help ensure contains all the necessary information.

The Council has 20 working days to process a non-notified resource consent application. This time does not include any time the application is on hold awaiting further information.

Proposals that have more than minor effects on the environment, or involve parties that will not give their written approval, must be limited or publicly notified (advertised). Affected parties are able to lodge submissions for or against the proposal. If a submission is received and the submitters wish to be heard, a Council hearing will be required. Notified subdivisions can take 3-4 months to be processed.

## Do I need to get my neighbours permission?

Consulting with your neighbours can be beneficial for both parties. Council planning staff will ultimately decide if written approval from your neighbours or any other party is required.

## Will conditions be placed on my resource consent?

If the Council approves your resource consent, there will be certain conditions you will need to meet. Some conditions will need to be met as part of the application for building consent, other conditions may need to be complied with on an on-going basis. Conditions commonly require installation of services and formation of a vehicle crossing.

## What does a resource consent cost?

The Council charges a deposit for resource consent applications. The list of fees is at:

<https://www.odc.govt.nz/repository/libraries/id:2bpcqtp1b1cxby3k9b0b/hierarchy/sitecollectiondocuments/Fees%20and%20Charges.pdf>

Additional fees may be charged depending on how long it takes to process your application. All fees are charged on a cost-recovery basis.

For more information please contact the Duty Planner at Ōpōtiki District Council through our [online form](#), on 07 315-3030, or go to the Council website <https://www.odc.govt.nz/>