

**The following list is not a complete list of all activities that could benefit from Existing Use Rights.**

## **Re-building in breach of setback and recession plane rules**

The standard building setback in the residential and settlement zones is 2m from an internal boundary and 4.5m from a road boundary (some exemptions exist). This means if your building is closer to the boundary than this distance, and you propose to rebuild on the same site you can only do so if the building is eligible for Existing Use Rights, or you obtain the appropriate planning approval.

## **Rebuilding on sites that do not meet the minimum density (site size) standard**

The District Plan includes density standards. These require a site to be of a minimum size (which varies by zone) for a residential unit (home) to be established. If you live on a site that doesn't meet the minimum density standard of the zone then Existing Use Rights may be relevant to allow you to rebuild on that site. In this case the rebuilt building could be located on a different part of the site, provided it complies with all other relevant rules.

## **Effluent disposal systems that do not meet separation distance requirements**

The District Plan includes separation distances that effluent disposal systems must meet. These rules are most relevant in the Rural and Settlement Zones. As many systems have been damaged they will likely need to be replaced. If the replacement does not meet the required separation distances then it may be covered by Existing Use Rights. To be eligible it is important that the treatment standard is the same or better and therefore the effects on neighbouring properties are the same (or reduced). Fortunately modern systems generally provide a much higher level of treatment, but to be covered this will need to be confirmed in the PIM application.

Please note: Effluent Disposal systems may still require approval under Canterbury Regional Council rules (even if they are a replacement). Effluent disposal systems also require a building consent be obtained from the Kaikōura District Council.

## **Rebuilding in flood hazard areas**

The District Plan includes low, moderate, ponding and high risk flood hazard areas. New habitable buildings in these areas require resource consent (except high risk areas where habitable buildings are prohibited). If your existing building is located in a flood hazard area then Existing Use Rights may allow you to rebuild on the site. The floor height of the rebuilt building must meet or exceed that of the existing building (Council will require evidence that confirms this).

Whilst you may be able to legally rebuild with the same floor level, Council strongly recommends you consider building at a level appropriate to the flood hazard. The easiest way to work out the appropriate level is to obtain a site specific flood report from Environment Canterbury. This report (which costs less than \$200) will recommend a floor level based on computer modelling of various flood scenarios. This level will meet the requirements for Existing Use Rights and give you a home that has been designed to reduce the negative effects of possible future flooding events.

## **Rebuilding and not meeting minimum car parking requirements**

The Kaikōura District Plan sets out minimum on-site parking requirements for various activities. These rules are most relevant to commercial and community activities (but do capture residential activities also). If your site does not meet the minimum parking requirements then Existing Use Rights may allow you to resume operating without providing these on site spaces. For Existing Use Rights to apply to parking it is important that no fewer parking spaces are provided on site, and floor areas in the building are similar. Depending on the activity that occurs on site the calculation for necessary carparks can be based on gross floor area, public floor area, or venue capacity. For more information talk to a Council Planner.