



Understanding Planning

Daylight

Background

The Nelson Resource Management Plan has rules that have been provided to ensure you get adequate daylight to your property.

What are the rules?

Generally all buildings must allow an adequate minimum amount of daylight for neighbouring residential properties.

Where can I see a copy of the rules?

The full details of the rules are provided in Appendix 15 of the Nelson Resource Management Plan. Copies are available at Council Offices and Libraries or via [Nelson Resource Management Plan Daylight PDF](#)

Can you explain the rules?

You must read Appendix 15 for the precise requirements. However, the following is a simplified summary:

Two types of control are provided:

1. Daylight over buildings; and
2. Daylight around buildings.

Daylight over

The daylight over buildings control requires the height of buildings to be lower the nearer the building is to the boundary. The maximum height on the boundary is 2.5m.

Because the sun circles from the north, buildings on the southern boundaries have a more stringent control than those on other boundaries.

See Appendix 15 for more explanations and diagrams.

Exceptions

For daylight over, you may have the following:

- temporary scaffolding;
- mast, poles, clotheslines and chimneys less than 2m in height from their base or point of attachment;

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- dormer windows provided they do not exceed the daylight height control by 1.5m and they don't make up more than 25% of the length of the building or a maximum length of 2.5m, whichever is the lesser.
 - gable roof ends provided they do not exceed the daylight height control by 1.5m and the total area of gable exceeding the control is no more than 2.5m² and no longer than 2.5m. This is limited to roofs with a slope of 15 or greater.

Daylight around

The daylight around buildings control permits taller buildings provided that they are narrower the closer they are to the boundary.

The building must be contained within the arms of a 110° angle located on the boundary with each arm being equal distance from the boundary.

See Appendix 15 for more explanations and diagrams.

Exceptions

For daylight around you may have the following:

- eaves (maximum 600mm allowed);
- parts of the building and/or other buildings may be outside the permitted control provided they comply with a special daylight over control (this special daylight over control is tougher than the usual one to compensate for the height of the taller building that is within the daylight around control).

If you can't comply with the rule

You will need to apply for a Resource Consent. This may or may not be granted by Council and will be considered in regard to:

- the extent of additional shading, the size of the shadow cast and the time that an area is affected;
- the nature of activities or area affected;
- the effects of shading on public enjoyment and amenity of streets and public places.

Of course you will need to discuss the matter with your neighbour(s).

If the effects are minor and your neighbour agrees in writing then a simpler non-notified consent process may be all that is required.

Other things you need to know

The daylight controls cover just one specific area of your development.

Other factors that you will need to consider include:

- the maximum permitted height of the building;
- controls on buildings in front yards (within 4m of a road boundary) and other yards (within 1.5m of the boundary); and
- that pedestrian access is maintained to the rear of the site.

Please also note:

- satellite dishes must comply with the daylight requirement;
- when calculating the daylight over requirements you must use the original ground level or finished ground level associated with a consent for subdivision;
- you may use either the daylight around or daylight over provisions once for each boundary.

If you need any further information please do not hesitate to contact the Nelson City Council's Planning and Consents Division and ask to talk to the Duty Planner.

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