

<p style="text-align: center;">Wellington City District Plan – Omnibus Plan Change</p> <p style="text-align: center;">HRZ-S14 – Minimum privacy separation to a boundary for multi-unit housing or a retirement village</p>
<p>Scope of Proposed Change</p> <p>To amend HRZ-S14 to clarify that it only applies to existing boundaries, and not boundaries within the development. Also clarify that the standard only applies to an outdoor living space and habitable room window located above ground floor level.</p>
<p>Background</p> <p>The High Density Residential Zone (HRZ) contains standard HRZ-S14 (Minimum privacy separation to a boundary for multi-unit housing or a retirement village) that seeks to mitigate privacy effects experienced at sites adjacent to multi-unit housing or a retirement village by requiring a minimum separation from any outdoor living space or habitable room window, above ground floor level.</p> <p>The intent of the standard is to manage privacy effects on adjoining sites where high-rise housing may be located next to dwellings of one or two storeys. To comply with the standard, any outdoor living space or habitable room window above ground floor level must be at least 2m from any boundary except a road or railway boundary.</p> <p>A concern has been raised by an external developer about the applicability of HRZ-S14. At present, the minimum privacy separation applies to ‘<i>any boundary</i>’, implying that it also applies to boundaries internal to a site, including unit title boundaries. Depending on the timing of a development, it could also be applied to new freehold boundaries within a subdivision of land. It also applies to windows near a boundary that are facing the same direction as the neighbouring dwelling (ie, not overlooking their neighbouring site). In the developer’s opinion, these requirements are unduly onerous and are unnecessary.</p> <p>Additionally, the wording of the standard is ambiguous as to whether it applies to outdoor living space at ground floor level, or above ground floor level. The diagrams demonstrate that it is the outdoor living above ground level where a 2m separation is required. This should also be clear in the wording of HRZ-S14.</p> <p>This standard was addressed in the Section 42A Report for the HRZ.</p>
<p>Issue</p> <p>That HRZ-S14 is unclear and the current wording has unintended consequences with respect to requiring setbacks from new internal boundaries created through a development.</p>
<p>Assessment of Options</p> <p><i>Relevant options</i></p> <p>For the purposes of the evaluation, the following options have been considered:</p> <ul style="list-style-type: none"> • Option 1: Retain the status quo • Option 2: Amend HRZ-S14 to only apply to the external boundaries of an existing allotment at the time that a resource consent application is lodged.

- Option 3: Amend HRZ-S14 to only apply to the external boundaries of an existing allotment at the time that a resource consent application is lodged. Also amend HRZ-S14 to create an exemption for windows that are facing the same direction.
- Option 4: Clarify that the standard applies to outdoor living space and habitable room windows, both above ground floor level.

Cost/benefit assessment

Option 1 - Status Quo

Operative HRZ-S14 applies to *'any boundary'*. As this does not specify which boundary, it will apply to both existing and new boundaries created by a development. Regarding the windows, the standard will apply even when the windows are facing the same direction (ie, not creating any privacy concerns).

There are no discernible economic or environmental benefits associated with this option.

Economic and environmental costs associated include additional resource consent requirements. Where there is non-compliance, there will be an economic cost due to additional consenting requirements. Another outcome that would involve additional costs would be if a developer elected to undertake a two-stage consenting process (ie land use followed by a later fee simple or unit title subdivision) to avoid complying with the standard. There are also potentially environmental costs if developers choose to comply with this standard, therefore potentially creating less optimal designs for multi-units or retirement villages.

A social benefit of this option is greater privacy separation within developments when this standard is complied with. However, this matter is regulated by other HRZ standards (including HRZ-S12: Outdoor living space for multi-unit housing, HRZ-S13: Outlook space for multi-unit housing and HRZ-S16: Minimum building separation distance for multi-unit housing or a retirement village), all of which create separation between units. Therefore, the social benefits of applying HRZ-S14 internal to a site are inconsequential.

There are no discernible cultural costs or benefits associated with this option.

It is noted that any multi-unit development or retirement village in the HRZ will require resource consent and will go through the assessment process. It is not unusual for these developments have a number of non-compliances with the building standards. Hence in real terms the economic costs of retaining the status quo are likely to be inconsequential in the context of a development as a whole. Nevertheless, the standard was never intended to be applied to internal boundaries created during development and the status quo is not the preferred option.

Option 2 - Amend HRZ-S14 to only apply to the external boundaries of an existing allotment at the time that a resource consent application is lodged.

This option would amend the standard so that the 2m separation distance need not be applied to boundaries created as part of a development – for example, where an application for a multi-unit housing was lodged concurrently with an application for fee simple or unit title subdivision of the multi-unit. This is a common consenting scenario.

This option has environmental benefits of the efficient use of land through developments being able to be designed in such a way to have outdoor living space or a habitable window above ground level within 2m of a new boundary within the underlying site of a multi-unit development or retirement

village, while retaining the intended outcome of mitigating privacy effects at external sites. This could also lead to economic benefits with reducing information requirements for resource consenting. There are no discernible environmental or economic costs.

Social costs and benefits of this option are considered to be inconsequential. While one potential would be less privacy between units of the same development, as noted above this is regulated through other HRZ standards. In any event, the occupants of the multi-unit housing or retirement village would be aware of the design due to it being within the same development.

There are no discernible cultural costs or benefits associated with this option and it is recommended.

Option 3 - Amend HRZ-S14 to only apply to the external boundaries of an existing allotment at the time that a resource consent application is lodged. Also amend HRZ-S14 to create an exemption for windows that are facing the same direction.

This option is the same as option 2, however also has an exemption for windows that are facing the same direction as the neighbouring dwelling (see example image below). Therefore, the same costs and benefits as Option 2 are relevant in addition to the following matters.

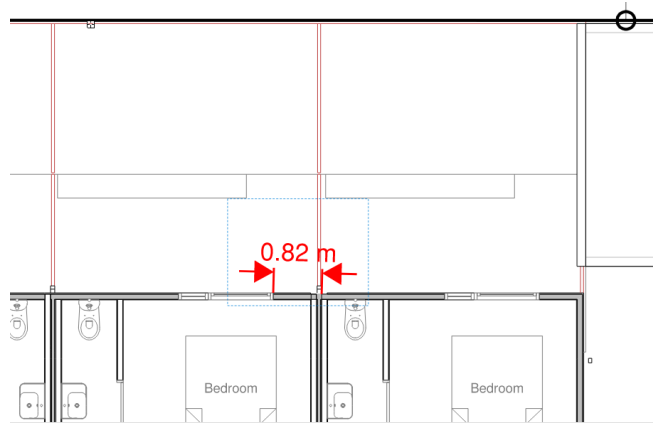


Image showing window facing same direction as neighbouring dwelling, within 2m of boundary

Amending the standard as per Option 2, to only apply to external site boundaries of the existing land parcel, would mean that habitable windows above ground floor within the same development, which are 2m from the boundary (facing the same direction or not), would be permitted. Again, as the occupants would be aware of the design due to it being within the same development. Option 3 would further allow for habitable windows facing the same direction (for example, both facing north), within 2m of an external boundary to be permitted. This is unnecessary as where this infringement occurs, it is considered appropriate to be assessed through the resource consent application process. If there are no effects, due to the windows facing the same direction and not creating any privacy concerns, there would be no impediment to obtaining resource consent. Therefore, this option is not recommended.

Option 4 - Clarify that the standard applies to outdoor living space and habitable room windows, both above ground floor level.

As discussed in the background above, the wording of the standard could be amended to clarify that it applies when the outdoor living space or habitable room window is above ground floor level. As currently operative, it could be interpreted that it applies to any outdoor living space (whether above ground floor level or not) and any habitable room window above ground floor level.

This option does not change the intent of the standard, it merely clarifies the interpretation. This clarification will not have any environmental, economic, social or cultural costs. In terms of benefits, it could have economic benefits in efficiency using the Plan and reducing unnecessary interpretation discussions. Therefore, this option is recommended.

Effectiveness and efficiency

While HRZ-S14 is generally considered to be effective, the amendment to clarify that it only applies to external site boundaries, and that it is all above ground floor level would improve implementation of the Plan and resolve the issue. Hence Options 2 and 4 are recommended. The amendments are considered to be the most effective way of ensuring that the standard is applying as it was intended.

Risk of acting/not acting

There are not significant risks associated with any options identified above.

Consultation

The proposed amendments have been discussed with the Resource Consents Team, who are supportive of the change.

Recommended Option

Following the assessment above, Options 2 and 4 are the preferred options, as these tailor the standard to manage the appropriate areas of privacy.

Recommended Changes

ISPP

Operative

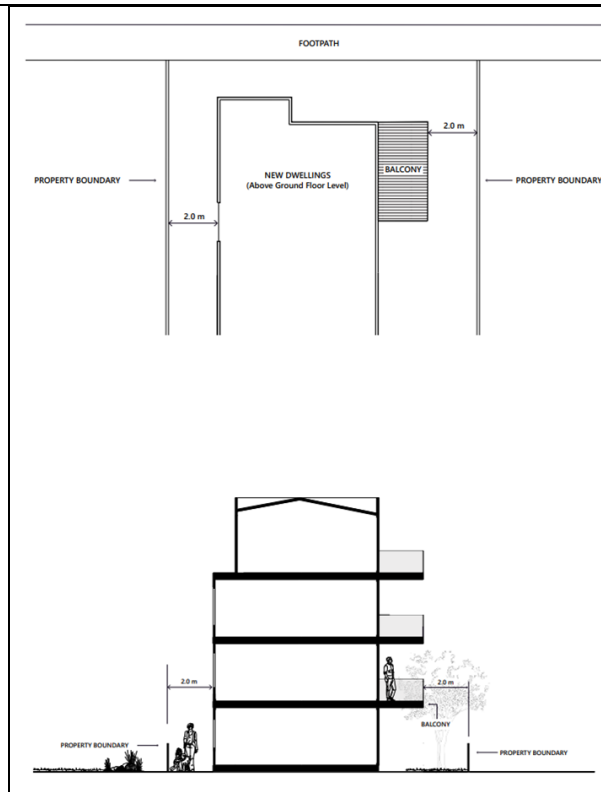
HRZ-S14

Minimum privacy separation to a boundary for multi-unit housing or a retirement village

1. Above ground floor level, aAny outdoor living space or habitable room window ~~above ground floor level~~ must be at least 2m from any external boundary of an existing allotment at the time a resource consent application is lodged, except a road or a railway boundary, as shown in the diagram below.

Assessment criteria where the standard is infringed:

1. Privacy effects on adjoining sites.



Consequential Amendments

No consequential amendments are required.