

<p style="text-align: center;"><b>Wellington City District Plan – Omnibus Plan Change</b></p> <p style="text-align: center;"><b>HRZ-R11, HRZ-R12, MRZ-R11, HRZ-S4 and MRZ-S4 – Boundary setbacks</b></p>
<p><b>Scope of Proposed Change</b></p> <p>To amend the rules and standards in the High and Medium Density Residential Zones to clarify how the ‘<i>Boundary setbacks</i>’ standard is implemented and correct a number of identified errors in the standard and rules that this applies to.</p>
<p><b>Background</b></p> <p>The standards for ‘<i>Boundary setbacks</i>’ in both the High Density Residential Zone (HRZ) and Medium Density Residential Zone (MRZ) specify the distances buildings in these zones must be set back from front, side and rear site boundaries, and from the rail corridor. Where any setback requirement is not met, resource consent will be required under the relevant rules – being:</p> <ul style="list-style-type: none"> <li>- <b>HRZ-R11 /MRZ-R11 - Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site; or</b></li> <li>- <b>HRZ-R12/MRZ-R12 - Construction of buildings or structures for multi-unit housing or a retirement village; or</b></li> <li>- <b>HRZ-R15/MRZ-R15 - Construction of any other building or structure, including additions and alterations.</b></li> </ul> <p>Reflecting the rules above, within the standards there are a number of exceptions based on whether it is for a site with no more than three residential units, a multi-unit or retirement village, or another building. This creates a complex framework where currently exclusions are written across rules, standards and as notes.</p>
<p><b>Issue</b></p> <p>The issue is that the HRZ and MRZ rules and standards relating to ‘Boundary setbacks’ are unclear and difficult to implement in their current form.</p> <p>Specific issues identified are:</p> <ol style="list-style-type: none"> <li>i. <i>There is a lack of clarity within the ‘Boundary setbacks’ standards in the HRZ and MRZ</i> It is not clear which boundary setback requirements within standards HRZ-S4 and MRZ-S4 apply in which circumstances. A new table format displaying the different setback requirements is recommended to clarify when the different setbacks apply.</li> <li>ii. <i>There is a missing reference to HRZ-S4 in HRZ-R12</i> HRZ-R12 includes HRZ-S4 in the preclusion for limited notification, however, this is not listed as a standard to be considered within the matters of discretion at HRZ-R12.1. Whereas, in the Medium Density Residential Zone, MRZ-R12.1 both lists MRZ-S4 as a matter of discretion (MRZ-R1.1.c) and includes a preclusion for limited notification where the standard is complied with. The boundary setback is still relevant to include this in the matters of discretion at HRZ-R12.1. For multi-unit housing or a retirement village HRZ-S4 only applies as it relates to the rail corridor and the other setbacks within the standard do not apply. This omission needs to be corrected.</li> </ol>

- iii. *It is not clear how to assess non-compliance with the rail corridor setback requirement*  
The rail corridor setback requirements are intermingled with other boundary setback standards. Where there is a non-compliance with other components of the boundary setbacks standards, then a resource consent is determined by assessing:
- a. The matters of discretion in the rule, namely *'The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard'*; and
  - b. The assessment criteria at HRZ-S4 or MRZ-S4.

In the case of the rail corridor setback requirement, a development of 1-3 units is also assessed against an additional matter of discretion at HRZ-R11.2.a.3 and MRZ-R11.2.a.3 with respect to *"the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor"*. This matter of discretion is not included at HRZ-R12, HRZ-R15, MRZ-R12 and MRZ-R15. Consequently, more weight is placed on the first matter of discretion and the assessment criteria set out in the standard not met. As there is no assessment criterion relevant to the rail corridor, there is no direct guidance as to how the non-compliance should be assessed.

To resolve this matter it is recommended that a new assessment criterion specific to the rail corridor is added at HRZ-S4 and MRZ-S4. This would then allow for assessment of *'The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard'* under all applicable rules<sup>1</sup>. This change would render the assessment criteria at HRZ-R11 and MRZ-R11 moot. Noting that this matter of discretion is not consistently applied across the rule framework it is recommended that, if the new assessment criterion is introduced, matters of discretion HRZ-R11.2.a.3 and MRZ-R11.2.a.3 are deleted.

It is noted that the standards for rail corridor setbacks in the Commercial and Mixed Use Zones (CMUZ) the standards contain assessment criteria. To ensure non-compliances with the rail corridor setback standard are assessed appropriately, and provide for District Plan consistency, it is recommended that an additional assessment criterion is added at HRZ-S4 and MRZ-S4.

## Assessment of Options

### *Relevant options*

For the purposes of the evaluation, the following options have been considered:

- **Option 1:** Retain the status quo;
- **Option 2:** Amend HRZ-R12.1 by including HRZ-S4 as a matter of discretion;
- **Option 3:** Amend HRZ-S4 and MRZ-S4 to provide a new table clearly displaying which setbacks apply to which residential activities;
- **Option 4:** Amend the assessment criteria at HRZ-S4 and MRZ-S4 to include the matters to be assessed when the rail corridor setback is not met;
- **Option 5:** Subject to Option 4 being adopted, delete matters of discretion HRZ-R11.2.a.3 and MRZ-R11.2.a.3; and
- **Option 6:** In the HRZ chapter, include a new standard specific to the setback from the rail corridor, with relevant assessment criteria. Amend HRZ-S4 to reflect this change, and add reference the new standard as a matter of discretion within HRZ-R12 (instead of HRZ-S4).

<sup>1</sup> HRZ-R11, HRZ-R12, HRZ-R15, MRZ-R11, MRZ-R12 and MRZ-R15

### *Cost/benefit assessment*

The options are assessed in the table below. The assessment is limited to the changes and is additional to information in the Residential Section 32 assessment.<sup>2</sup>

<b>Option 1: Retain the status quo</b>	
<b>Costs</b> <i>Environmental</i> <ul style="list-style-type: none"><li>• This option also does not address the complex framework of exclusions for certain setbacks.</li><li>• Retaining the provisions as operative creates misalignment in HRZ-R12 between the matters of discretion and the preclusion for limited notification.</li><li>• This option would mean there is no assessment criteria relating to the rail corridor setback, and in fact be no means of assessing non-compliance when the standard is breached and the development is for multiunit housing or a retirement village.</li></ul> <i>Economic</i> <ul style="list-style-type: none"><li>• Uncertainty and misalignment could create economic costs in the resource consent process.</li></ul> <i>Social</i> <ul style="list-style-type: none"><li>• No direct or indirect social costs have been identified.</li></ul> <i>Cultural</i> <ul style="list-style-type: none"><li>• No direct or indirect cultural costs have been identified.</li></ul>	<b>Benefits</b> <i>Environmental</i> <ul style="list-style-type: none"><li>• No direct or indirect benefits have been identified.</li></ul> <i>Economic</i> <ul style="list-style-type: none"><li>• No direct or indirect economic benefits have been identified.</li></ul> <i>Social</i> <ul style="list-style-type: none"><li>• No direct or indirect social benefits have been identified.</li></ul> <i>Cultural</i> <ul style="list-style-type: none"><li>• No direct or indirect cultural benefits have been identified.</li></ul>
<b>Effectiveness and efficiency</b> <p>Retaining the status quo is not considered to be an effective or efficient method of achieving the strategic direction of the Plan, or well-functioning urban environments under the NPS-UD.</p>	
<b>Overall evaluation of Option 1</b> <p>The status quo is not considered to be an appropriate option in this case.</p>	
<b>Option 2: Amend HRZ-R12.1 to include HRZ-S4 as a matter of discretion</b>	
<b>Costs</b> <i>Environmental</i> <ul style="list-style-type: none"><li>• The inclusion of the setback standard as a matter of discretion in HRZ-R12 may result in a reduction in residential development capacity available, if consent is not granted.</li></ul>	<b>Benefits</b> <i>Environmental</i> <ul style="list-style-type: none"><li>• This has the benefit of ensuring rail corridor setbacks are assessed appropriately.</li><li>• As the setback does not apply to most HRZ sites, residential development capacity will be maximised in most cases.</li></ul>

<sup>2</sup> [Section 32 - Part 2 - High Density and Medium Density Residential Zones](#)

<p><i>Economic</i></p> <ul style="list-style-type: none"> <li>Further complicating the display of the rule and relevant standards due to the additional text needed to explain that HRZ-S4 is relevant but only in relation to the rail corridor setback may result in design and consenting related costs.</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social costs have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural costs have been identified.</li> </ul>	<p><i>Economic</i></p> <ul style="list-style-type: none"> <li>Clarification that the standard applies but is limited to consideration of the rail corridor setback, will enable most developers to discount the standard – leading to a reduction in consenting costs.</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social benefits have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural benefits have been identified.</li> </ul>
<p><i>Effectiveness and efficiency</i></p> <p>This option is considered to be an effective or efficient method of resolving the minor error within HRZ-R12.1 so as to ensure that HRZ-S4 is addressed when applicable. Note that, if Option 3 below is also recommended, the table format will clearly demonstrate that the only ‘<i>Boundary setback</i>’ applicable to the HRZ for multi-units and retirement villages is the 1.5 metre setback from the rail corridor.</p>	
<p><i>Overall evaluation of Option 2</i></p> <p>To ensure that the rule is applied as intended, with the boundary setback applied where there is a non-compliance with the required boundary setback from the rail corridor, <u>Option 2 is recommended.</u></p>	
<p><b>Option 3: Amend HRZ-S4 and MRZ-S4 to provide a new table clearly displaying which setbacks apply to which residential activities</b></p>	
<p><b>Costs</b></p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> <li>This recommended change does not change the content of the standard, but clarifies how it is applied. Therefore, there will be no environmental costs associated with the change.</li> </ul> <p><i>Economic</i></p> <ul style="list-style-type: none"> <li>No direct or indirect economic costs have been identified.</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social costs have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural costs have been identified.</li> </ul>	<p><b>Benefits</b></p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> <li>As the change is for clarification only, there will be no environmental benefits associated with the change.</li> </ul> <p><i>Economic</i></p> <ul style="list-style-type: none"> <li>This option presents an alternative to displaying the boundary setback information in the relevant standard in both HRZ and MRZ, which provides more clarity (providing economic benefits through streamlining plan useability).</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social costs have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural costs have been identified.</li> </ul>

*Effectiveness and efficiency*

Providing clarification through the addition of a table summarising the different boundary setbacks is considered to be an effective and efficient way of resolving the issue as the table will clearly demonstrate which setback applies specific to the zone and type of building proposed.

Consequential to this change, the reference at HRZ-R11.1.a.iii and MRZ-R11.1.a.iii to 'except for front and side yard boundary setbacks' is no longer required and can be deleted from the rules.

*Overall evaluation of Option 3*

Option 3 is recommended as it will clarify when the different components of the standard will be applied.

**Option 4: Include a new assessment criterion within HRZ-S4 and MRZ-S4 relating to the setback from the rail corridor**

**Costs**

*Environmental*

- No direct or indirect environmental costs have been identified beyond those addressed in the section 42A assessments with respect to the addition of the rail corridor setback standard.

*Economic*

- The addition of a new assessment criterion will provide one additional matter to be assessed, resulting in a minor additional cost to the preparation and assessment of resource consent applications, albeit in a limited number of circumstances.

*Social*

- No direct or indirect social costs have been identified.

*Cultural*

- No direct or indirect cultural costs have been identified.

**Benefits**

*Environmental*

- Including a separate rail corridor setback assessment criterion will ensure this non-compliance is appropriately addressed, particularly with respect to the rules where there is no specific matter of discretion.

*Economic*

- Clarification as to how the standard is assessed will reduce costs associated with preparing and assessing resource consent applications.
- When applied in conjunction with Option 5 below, the change will provide time and cost savings for applicants.

*Social*

- No direct or indirect social benefits have been identified.

*Cultural*

- No direct or indirect cultural benefits have been identified

*Effectiveness and efficiency*

Providing an additional assessment criterion to be assessed when there is a non-compliant setback from the rail corridor is considered to be an effective and efficient way of resolving the issue as it will ensure that the relevant matters that this setback seeks to regulate will be assessed.

*Overall evaluation of Option 4*

Option 4 is recommended as it will improve Plan consistency and implementation.

Option 5: Subject to Option 4 being adopted, delete the matters of discretion at HRZ-R11.2.a.3 and MRZ-R11.2.a.3	
<p><b>Costs</b></p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> <li>Subject to a separate rail corridor setback assessment criterion be introduced, this change will not change how the standard is applied and no specific environmental costs.</li> </ul> <p><i>Economic</i></p> <ul style="list-style-type: none"> <li>The deletion of the matter of discretion will have no material economic costs, given the matters that it relates to are captured through the new recommended assessment criterion.</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social costs have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural costs have been identified.</li> </ul>	<p><b>Benefits</b></p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> <li>Subject to a separate rail corridor setback assessment criterion be introduced, this change will not change how the standard is applied and no specific environmental benefits.</li> </ul> <p><i>Economic</i></p> <ul style="list-style-type: none"> <li>There is a minor economic benefit insofar as the recommended change will create consistency between HRZ-R11/MRZ-R11 and the rules at HRZ-R12/HRZ-R15 and MRZ-R12/MRZ-R15.</li> <li>There is no tangible reason why the matter of discretion should be included within the former rules and not the latter, and this change will reduce complexity and inconsistency with respect to District Plan implementation, with associated cost benefits to developers.</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social benefits have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural benefits have been identified.</li> </ul>
<p><i>Effectiveness and efficiency</i></p> <p>Subject to the adoption of Option 4 above, Option 5 is considered to be an effective and efficient way of resolving the issue as it will ensure that the relevant matters that the setback from the rail corridor standard seeks to regulate will be assessed through the application of the standard and remove unnecessary duplication in the rule framework. This change will create consistency both within the rules of the respective HRZ and MRZ chapters, and between the provisions of the CMUZ and residential zones.</p>	
<p><i>Overall evaluation of Option 5</i></p> <p><u>Option 5 is recommended</u> as it will improve Plan consistency and implementation.</p> <p>It is noted that if Option 4 is not adopted, then Option 5 is no longer recommended.</p>	
Option 6: In the HRZ chapter, include a new standard specific to the setback from the rail corridor, with relevant assessment criteria. Amend HRZ-S4 to reflect this change, and add reference the new standard as a matter of discretion within HRZ-R12 (instead of HRZ-S4)	
<p><b>Costs</b></p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> <li>The inclusion of the rail setback standard as a matter of discretion in HRZ-R12 may result in</li> </ul>	<p><b>Benefits</b></p> <p><i>Environmental</i></p>

<p>an environmental cost of a reduction of development capacity available if consent is not granted.</p> <p><i>Economic</i></p> <ul style="list-style-type: none"> <li>From a District Plan useability perspective it is inefficient to have two standards relating to boundary setbacks in that this option would increase costs associated with preparing and assessing resource consent applications.</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social costs have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural costs have been identified.</li> </ul>	<ul style="list-style-type: none"> <li>Including a separate rail corridor setback standard will address the issue identified and ensure the rail corridor is appropriately assessed.</li> </ul> <p><i>Economic</i></p> <ul style="list-style-type: none"> <li>No direct or indirect economic benefits have been identified.</li> </ul> <p><i>Social</i></p> <ul style="list-style-type: none"> <li>No direct or indirect social benefits have been identified.</li> </ul> <p><i>Cultural</i></p> <ul style="list-style-type: none"> <li>No direct or indirect cultural benefits have been identified.</li> </ul>
<p><i>Effectiveness and efficiency</i></p> <p>Providing a standalone standard for the rail corridor is not considered to be an effective and efficient way of resolving the issue.</p>	
<p><i>Overall evaluation of Option 6</i></p> <p>This is not considered to be an appropriate option in this case and is <u>not recommended</u>.</p>	
<p><b>Overall evaluation of the issue</b></p> <p>As demonstrated in this assessment, there are recognised issues with the implementation and assessment of the “<i>Boundary setbacks</i>” standards in the HRZ and MRZ chapters, and the rules that these apply to.</p> <p>These issues are minor in nature and can be resolved through the adoption of Options 2, 3, 4 and 5 as detailed above. The recommended changes will provide clarity as to how the standards apply and how non-compliances with the standards should be assessed. The recommended changes will also assist to provide consistency between provisions in the CMUZ and residential zones.</p>	
<p><b>Risk of acting/not acting</b></p> <p>There is sufficient information to analyse the appropriateness of acting or not acting.</p> <p>The recommended amendments will improve implementation of the District Plan with limited associated environmental, economic, social or cultural costs. Therefore, the risk of acting is low.</p> <p>Not acting will mean the issue is not resolved, risking ineffective and efficient implementation of the rules and standards relating to ‘<i>Boundary setbacks</i>’.</p>	
<p><b>Consultation</b></p> <p>The proposed amendments have been discussed with the Resource Consents Team, who are supportive of the change.</p>	

## Recommended Options

For the reasons set out in this report, the changes discussed at Options 2, 3, 4 and 5 are recommended. In summary, these changes involve:

1. Including HRZ-S4 as a matter of discretion in HRZ-R12;
2. Replacing the existing HRZ-S4 and MRZ-S4 with new tables that clear display the setbacks that apply to specific residential buildings and, as a consequential amendment, deleting the clarification at HRZ-R11.1.a.iii and MRZ-R11.1.a.iii;
3. Including new assessment criteria at MRZ-S4 and HRZ-S4 specific to assessing non-compliance with the required setback from the rail corridor;
4. Deleting matters of discretion HRZ-R11.2.a.3 and MRZ-R11.2.a.3.

The recommended changes are provided below.

## Recommended Changes

### High Density Residential Zone

#### HRZ-R11: Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site (Amend rule)

##### 1. Activity status: **Permitted**

Where:

##### a. Compliance with the following standards is achieved:

- i. HRZ-S1;
- ii. HRZ-S3;
- iii. HRZ-S4 ~~except for front and side yard boundary setbacks;~~
- iv. HRZ-S5;
- v. HRZ-S6;
- vi. HRZ-S7;
- vii. HRZ-S8; and
- viii. HRZ-S9.

##### 2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of HRZ-R11.1.a is not achieved.

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; and
2. The matters in HRZ-P2, HRZ-P3, HRZ-P4, HRZ-P5, HRZ-P8, HRZ-P9 and HRZ-P10; ~~and~~
3. ~~The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.~~

Notification status:

An application for resource consent made in respect of rule HRZ-R11.2.a which results from non-compliance with HRZ-S1, HRZ-S3, HRZ-S4 or HRZ-S5 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R11.2.a which results from non-compliance with HRZ-S6, HRZ-S7, HRZ-S8 or HRZ-S9 is precluded from being either publicly or limited notified.



## HRZ-R12: Construction of buildings or structures for multi-unit housing or a retirement village (Amend rule)

### 1. Activity status: **Restricted Discretionary**

Matters of discretion are:

1. The extent and effect of non-compliance with any of the follow standards as specified in the associated assessment criteria for any infringed standard:
  - a. HRZ-S2;
  - b. HRZ-S3;
  - c. HRZ-S4;
  - d. HRZ-S11 for multi-unit housing only;
  - e. HRZ-S12 for multi-unit housing only;
  - f. HRZ-S13 for multi-unit housing only;
  - g. HRZ-S14;
  - h. HRZ-S15; and
  - i. HRZ-S16.
2. For multi-unit housing, in addition to the matters in 1 above, the matters in HRZ-P2, HRZ-P3, HRZ-P5, HRZ-P6, HRZ-P8, HRZ-P9 and HRZ-P10.
3. For retirement villages in addition to the matters in 1 above:
  - i. The effects of the retirement village on the safety of adjacent streets or public open spaces;
  - ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
  - iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
  - iv. The matters in HRZ-P2, HRZ-P4, HRZ-P7, HRZ-P8, HRZ-P9, and HRZ-P10;
  - v. The positive effects of the construction, development and use of the retirement village.

Notification status: An application for resource consent made in respect of rule HRZ-R12.1 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R12.1 that complies with all relevant standards is also precluded from being limited notified.

An application for resource consent made in respect of rule HRZ-R12.1 that complies with HRZ-S2, HRZ-S3.2, and HRZ-S4, but does not comply with all other relevant standards is also precluded from being limited notified.

## HRZ-S4: Boundary setbacks

Delete HRZ-S4 in its entirety and replace with:

<u>Yard</u>	<u>Minimum depth for a residential activity where no more than three residential units occupy the site</u>	<u>Minimum depth for a residential activity for multi-unit housing or a retirement village</u>	<u>Minimum depth of any building or structure for a non-residential activity</u>
<u>Front</u>	<u>0 m</u>	<u>0 m</u>	<u>1.5 m</u>
<u>Side</u>	<u>0 m</u>	<u>0 m</u>	<u>1 m</u>
<u>Rear</u>	<u>1 m (excluded on corner sites)</u>	<u>0 m</u>	<u>1 m (excluded on corner sites)</u>
<u>Rail corridor boundary</u>	<u>1.5 m</u>	<u>1.5 m</u>	<u>1.5 m</u>

This standard does not apply to:

1. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where common wall is proposed;

2. Fences or standalone walls;
3. Uncovered decks and uncovered structures no more than 500mm in height above ground level (except in relation to the rail corridor boundary, where it does apply);
4. Eaves up to 600mm in width (except in relation to the rail corridor boundary, where it does apply);

Assessment criteria where the standard is infringed:

1. Streetscape and visual amenity effects; and
2. Dominance, privacy and shading effects on adjoining sites; and
3. The extent to which the location and design of the building relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

## Medium Density Residential Zone

**MRZ-R11: Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site (Amend rule)**

1. Activity status: **Permitted**

Where:

- a. Compliance with the following standards is achieved:
  - i. MRZ-S1;
  - ii. MRZ-S3;
  - iii. MRZ-S4 ~~except for front and side yard boundary setbacks;~~
  - iv. MRZ-S5;
  - v. MRZ-S6;
  - vi. MRZ-S7;
  - vii. MRZ-S8; and
  - viii. MRZ-S9.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of MRZ-R11.1.a is not achieved.

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; and
2. The matters in MRZ-P2, MRZ-P3, MRZ-P4, MRZ-P5, MRZ-P8, MRZ-P9 and MRZ-P10; ~~and~~
3. ~~The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.~~

Notification status:

An application for resource consent made in respect of rule MRZ-R11.2.a which results from non-compliance with MRZ-S1, MRZ-S3, MRZ-S4 or MRZ-S5 is precluded from being publicly notified.

An application for resource consent made in respect of rule MRZ-R11.2.a which results from non-compliance with MRZ-S6, MRZ-S7, MRZ-S8 or MRZ-S9 is precluded from being either publicly or limited notified.

**MRZ-S4: Boundary setbacks**

Delete MRZ-S4 in its entirety and replace with:

<u>Yard</u>	<u>Minimum depth for a residential activity where no more than three residential units occupy the site</u>	<u>Minimum depth for a residential activity for multi-unit housing or a retirement village</u>	<u>Minimum depth for any building or structure for a non-residential activity</u>	<u>PREC01</u>	<u>PREC02</u>
<u>Front</u>	<u>0 m</u>	<u>1.5 m</u>	<u>1.5 m</u>	<u>0 m</u>	<u>0 m</u>
<u>Side</u>	<u>0 m</u>	<u>1 m</u>	<u>1 m</u>	<u>0 m</u>	<u>0 m</u>
<u>Rear</u>	<u>1 m (excluded on corner sites)</u>	<u>1 m (excluded on corner sites)</u>	<u>1 m (excluded on corner sites)</u>	<u>1 m</u>	<u>1 m</u>
<u>Rail corridor boundary</u>	<u>1.5 m</u>	<u>1.5 m</u>	<u>1.5 m</u>	<u>1.5 m</u>	<u>1.5 m</u>

This standard does not apply to:

1. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where common wall is proposed;
2. Fences or standalone walls;
3. Uncovered decks and uncovered structures no more than 500mm in height above ground level (except in relation to the rail corridor boundary, where it does apply);
4. Eaves up to 600mm in width (except in relation to the rail corridor boundary, where it does apply);

Assessment criteria where the standard is infringed:

1. Streetscape and visual amenity effects; and
2. Dominance, privacy and shading effects on adjoining sites; and
3. The extent to which the location and design of the building relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

**Consequential Amendments**

No consequential amendments are required.