

<p style="text-align: center;">Wellington City District Plan – Omnibus Plan Change</p> <p>HRZ-R11, HRZ-R12, HRZ-R15, MRZ-R11, MRZ-R12, MRZ-R15 - Clarifying rules relating to building</p>
<p>Scope of Proposed Change</p> <p>To amend the rules and standards relating to the activity of building in the Medium Density Residential Zone and the High Density Residential Zone to clarify which activities are covered by each rule.</p>
<p>Background</p> <p>There are rules in both the Medium Density Residential Zone (MRZ) and the High Density Residential Zone (HRZ) chapters relating ‘<i>Building and structures activities</i>’. These cover residential building and structures where there are no more than three residential units, multi units and retirement villages. There are also rules covering ‘<i>any other</i>’ buildings and structures.</p> <p>The current rule titles are as follows:</p> <p><i>MRZ-R11 and HRZ-R11: Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site</i></p> <p><i>MRZ-R12 and HRZ-R12: Construction of buildings or structures for multi-unit housing or a retirement village</i></p> <p><i>MRZ-R15 and HRZ-R15: Construction of any other building or structure, including additions and alterations</i></p> <p>Planners in the Council’s Resource Consents Team have raised a number of queries with respect to the implementation of the rules. Queries on these rules are summarised below:</p> <ul style="list-style-type: none"> • MRZ-R11 and HRZ-R11 apply to sites ‘...where no more than three residential units occupy the site’. This wording leaves ambiguity as to whether it applies to all buildings on those sites, or just building related to residential activity. • Under the 2000 District Plan, additions and alterations to multi-unit development required resource consent, including where the works involved recladding. The title of MRZ-R12 and HRZ-R12 refers to the construction of buildings or structures for multi-unit housing and retirement villages, but does not cover additions and alterations (whereas MRZ-R11 and HRZ-R11 do cover additions and alterations where there are 1-3 household units). This implies that such additions and alterations could be a Permitted Activity. • Although the title of MRZ-R15 and HRZ-R15 references additions and alterations, it is not clear to which type of building these rules apply to. The rule relates to ‘<i>any other</i>’ buildings and structures, and appears to be about non-residential buildings. Noting the titles of MRZ-R11/HRZ-R11 and MRZ-R12/HRZ-R12, it is not clear if residential structures and accessory buildings should be addressed under these rules or MRZ-R15 and HRZ-R15. • Additionally, MRZ-R15 and HRZ-R15 include matters of discretion relating to multi-unit and retirement villages. This implies that MRZ-R15/HRZ-R15 are intended to apply to additions and alterations to multi-unit housing or retirement villages, creating a circumstance where the non-residential activity buildings and structures rule is applied to what is a residential type of development. • If MRZ-R15 and HRZ-R15 were to be used for additions or alterations to multi-unit housing or retirement villages and compliance with the standards was achieved, the additions and alterations would be permitted under MRZ-R15.1 (or HRZ-R15.1) even if these works were compromising Residential Design Guide outcomes, because there is no relevant matter of discretion within the respective rules. It is noted that the construction of multi-unit or retirement villages (MRZ-R12 and HRZ-R12) is a Restricted Discretionary activity.

Issue

That the titles of the MRZ and HRZ rules relating to *‘Building and structures activities’* are unclear, leading to uncertainty as to how these provisions should be implemented.

Assessment of Options*Relevant Options*

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

- Option 1: Retain the status quo; or
- Option 2: Amend MRZ-R11 and HRZ-R11 to ensure it only applies to building related to residential activity on sites with three or less residential units; and
- Option 3: Include additions and alterations to multi-units and retirement villages in MRZ-R12 and HRZ-R12; and
- Option 4: Amend MRZ-R15 and HRZ-R15 to apply to non-residential buildings and structures and not refer to multi-unit housing or retirement villages (by deleting the matters of discretion relating to these); or
- Option 5: Amend MRZ-R15 and HRZ-R15 to specify that it covers additions and alterations to multi-units and retirement villages.

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 [Section 32 Evaluation](#) for the residential zones.

Option 1: Retain the status quo	
Costs <i>Environmental</i> <ul style="list-style-type: none"> • The lack of clarity may result in environmental costs if the activity is not assessed under the rule with the most relevant assessment criteria. <i>Economic</i> <ul style="list-style-type: none"> • The lack of clarity in the rule framework and where activities fit may result in economic costs due to uncertainty. <i>Social</i> <ul style="list-style-type: none"> • No direct or indirect social costs have been identified. <i>Cultural</i> <ul style="list-style-type: none"> • No direct or indirect cultural costs have been identified. 	Benefits <i>Environmental</i> <ul style="list-style-type: none"> • No direct or indirect benefits have been identified. <i>Economic</i> <ul style="list-style-type: none"> • No direct or indirect economic benefits have been identified. <i>Social</i> <ul style="list-style-type: none"> • No direct or indirect social benefits have been identified. <i>Cultural</i> <ul style="list-style-type: none"> • No direct or indirect cultural benefits have been identified.

<p><i>Effectiveness and efficiency</i></p> <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> <p><i>Overall evaluation of Option 1</i></p> <p>The status quo is not considered to be an appropriate option in this case.</p>	
<p>Option 2: Amend MRZ-R11 and HRZ-R11 to ensure it only applies to building related to residential activity on sites with three or less residential units</p>	
<p>Costs</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> No direct or indirect environmental costs have been identified. <p><i>Economic</i></p> <ul style="list-style-type: none"> No direct or indirect economic costs have been identified. <p><i>Social</i></p> <ul style="list-style-type: none"> No direct or indirect social costs have been identified. <p><i>Cultural</i></p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified. 	<p>Benefits</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> No direct or indirect environmental benefits have been identified. <p><i>Economic</i></p> <ul style="list-style-type: none"> This option creates an economic benefit regarding efficiency with Plan useability. Clarifying which activities are intended for each rule reduces uncertainty, and therefore could reduce cost when interacting the with the plan. <p><i>Social</i></p> <ul style="list-style-type: none"> No direct or indirect social benefits have been identified. <p><i>Cultural</i></p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified.
<p><i>Effectiveness and efficiency</i></p> <p>Clarifying the title of MRZ-R11 and HRZ-R11 is considered to be an effective and efficient way of resolving the issue as it reduces uncertainty.</p> <p><i>Overall evaluation of Option 2</i></p> <p><u>Option 2 is recommended</u> as it will improve Plan consistency and implementation.</p>	
<p>Option 3: Include additions and alterations to multi-units and retirement villages in MRZ-R12 and HRZ-R12</p>	
<p>Costs</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> No direct or indirect environmental costs have been identified. <p><i>Economic</i></p> <ul style="list-style-type: none"> No direct or indirect economic costs have been identified. 	<p>Benefits</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> No direct or indirect environmental benefits have been identified. <p><i>Economic</i></p> <ul style="list-style-type: none"> This option creates an economic benefit regarding efficiency with Plan useability.

<p><i>Social</i></p> <ul style="list-style-type: none"> No direct or indirect social costs have been identified. <p><i>Cultural</i></p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified. 	<p>Clarifying which activities are intended for each rule reduces uncertainty, and therefore could reduce cost when interacting the with the Plan.</p> <ul style="list-style-type: none"> Including additions and alterations to multi-unit housing and retirement villages in MRZ-R12 and HRZ-R12 aligns with the direction of MRZ-R11 and HRZ-R11 for three or less residential units. <p><i>Social</i></p> <ul style="list-style-type: none"> No direct or indirect social benefits have been identified. <p><i>Cultural</i></p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified.
<p><i>Effectiveness and efficiency</i></p> <p>Including additions and alterations to multi-units and retirement villages in MRZ-R12 and HRZ-R12 is considered to be an effective and efficient way of resolving the issue as it reduces uncertainty and aligns with MRZ-R11 and HRZ-R11.</p> <p><i>Overall evaluation of Option 3</i></p> <p><u>Option 3 is recommended</u> as it will improve Plan consistency and implementation.</p>	
<p>Option 4: Amend MRZ-R15 and HRZ-R15 to apply to non-residential buildings, and not refer to multi-unit housing or retirement villages</p>	
<p>Costs</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> No direct or indirect environmental costs have been identified. <p><i>Economic</i></p> <ul style="list-style-type: none"> No direct or indirect economic costs have been identified. <p><i>Social</i></p> <ul style="list-style-type: none"> No direct or indirect social costs have been identified. <p><i>Cultural</i></p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified. 	<p>Benefits</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> No direct or indirect environmental benefits have been identified. <p><i>Economic</i></p> <ul style="list-style-type: none"> This option creates an economic benefit regarding efficiency with Plan useability. Clarifying which activities are intended for each rule reduces uncertainty, and therefore could reduce cost when interacting the with the Plan. <p><i>Social</i></p> <ul style="list-style-type: none"> No direct or indirect social benefits have been identified. <p><i>Cultural</i></p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified.

Effectiveness and efficiency

Clarifying the title of MRZ-R15 and HRZ-R15 is considered to be an effective and efficient way of resolving the issue as it reduces uncertainty.

Overall evaluation of Option 4

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

Option 5: Amend MRZ-R15 and HRZ-R15 to specify that it covers additions and alterations to multi-units and retirement villages

Costs

Environmental

- As there is a Permitted Activity pathway for additions and alterations under MRZ-R15 and HRZ-R15, additions and alterations to multi-units and retirement villages could be included as a Permitted Activity under these rules where compliance with relevant standards is achieved. This is not consistent with MRZ-R11 and HRZ-R11, where additions and alterations are included in the rules for 1-3 household units; or MRZ-R12 and HRZ-R12 where the construction of a new multi-unit housing or retirement village will always require a resource consent. This option therefore has the possibility of allowing for poor design outcomes.

Economic

- No direct or indirect economic costs have been identified.

Social

- No direct or indirect social costs have been identified.

Cultural

- No direct or indirect cultural costs have been identified.

Benefits

Environmental

- No direct or indirect environmental benefits have been identified.

Economic

- This option would potentially allow for additions and alterations to multi-units and retirement villages to proceed without a resource consent, therefore reducing resource consent costs for the applicant.

Social

- No direct or indirect social benefits have been identified.

Cultural

- No direct or indirect cultural costs have been identified.

Effectiveness and efficiency

Clarifying the title of MRZ-R15 and HRZ-R15 to specifically include additions and alterations to multi-units and retirement villages is not considered to be an effective and efficient way of resolving the issue as it introduces the potential for poor design outcomes when other rules aim to address this for these activities.

Overall evaluation of Option 5

Option 5 is not recommended as it could result in poor design outcomes.

Overall evaluation of the issue

As demonstrated in this assessment, there are recognised issues with the clarity of activities which fall within MRZ-R11 to MRZ-R15 and HRZ-R11 to HRZ-R15.

The issue can be resolved through the adoption of Options 2, 3 and 4 as detailed above. The recommended changes will provide clarity as to which rules apply for each activity. These are minor in nature and do not change the original intent of the provisions.

Risk of acting/not acting

There is sufficient information to analyse the appropriateness of acting or not acting.

The recommended amendments will improve the implementation of the District Plan with limited associated environment, economic, social or cultural costs. Therefore, the risk of acting is low.

Not acting will mean the issue is not resolved, risking inefficient and ineffective implementation of the rules relating to building in MRZ and HRZ.

Consultation

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

Recommended Options

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

1. Amending MRZ-R11 and HRZ-R11 to ensure it only applies to building related to residential activity on sites with three or less residential units;
2. Including reference to '*additions and alterations*' to multi-unit housing and retirement villages in the titles of MRZ-R12 and HRZ-R12; and
3. Amending MRZ-R15 and HRZ-R15 to apply specifically to non-residential buildings and structures and not refer to multi-units and retirement villages.

The recommended changes are provided below.

Recommended Changes

Medium Density Residential Zone chapter

MRZ-R11	Construction, addition or alteration of buildings and structures for a residential activity where no more than three residential units occupy the site
MRZ-R12	Construction, addition or alteration of buildings or structures for a residential activity for multi-unit housing or a retirement village
MRZ-R15	Construction, addition or alteration of any other building or structure for a non-residential activity, including additions and alterations

	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> i. MRZ-S2; ii. MRZ-S3; iii. MRZ-S4; <u>and</u> iv. MRZ-S5; v. MRZ-S6; vi. MRZ-S11; vii. MRZ-S12; and viii. MRZ-S13. 	
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with any of the requirements of MRZ-R15.1.a achieved.</p> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; <u>and</u> 2. The matters in MRZ-P9; MRZ-P10 and MRZ-P13; (excluding retirement villages); 3. For new buildings and additions to multi-unit housing, in addition to 1 and 2 above, the matters in MRZ-P6, MRZ-P7 and MRZ-P8; and 4. For new buildings and additions and alterations to retirement villages in addition to 1 and 2 above: <ul style="list-style-type: none"> 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 MRZ-P2, MRZ-P4, MRZ-P7, MRZ-P8, MRZ-P9 and MRZ-P10. v. The positive effects of the construction, development, and use of the retirement village. <p>Notification status: An application for resource consent made in respect of rule MRZ-R15.2.a is precluded from being publicly notified.</p> <p>An application for resource consent made in respect of rule MRZ-R15.2.a and complies with standards MRZ-S2 and MRZ-S3 is precluded from being limited or publicly notified.</p>	
High Density Residential Zone chapter		
HRZ-R11	Construction, addition or alteration of buildings and structures <u>for a residential activity</u> where no more than three residential units occupy the site	
HRZ-R12	Construction, <u>addition or alteration</u> of buildings or structures <u>for a residential activity</u> for multi-unit housing or a retirement village	

HRZ-R15	Construction, <u>addition or alteration</u> of any other new building or structure <u>for a non-residential activity, including additions and alterations</u>	
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> i. HRZ-S2; ii. HRZ-S3; iii. HRZ-S4; <u>and</u> iv. HRZ-S5; v. HRZ-S11 (For multi-unit housing only); vi. HRZ-S12 (For multi-unit housing only); vii. HRZ-S13 (For multi-unit housing only); viii. HRZ-S14 (For multi-unit housing and retirement villages only); ix. HRZ-S15 (For multi-unit housing and retirement villages only); and x. HRZ-S16 (For multi-unit housing and retirement villages only). 	
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of HRZ-R15.1.a is not achieved.</p> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; <u>and</u> 2. The matters in HRZ-P9, HRZ-P10, HRZ-P11 and HRZ-P12; and 3. The matters in HRZ-P6 and HRZ-P8 for new buildings and additions and alterations to multi-unit housing; and 4. The matters in HRZ-P7 and HRZ-P8 for new buildings and additions and alterations to a retirement village. <p>Notification status: An application for resource consent made in respect of rule HRZ-R15.2.a is precluded from being publicly notified.</p> <p>An application for resource consent for additions and alterations to a retirement village where compliance is achieved with HRZ-S2, <u>and</u> HRZ-S3, HRZ-S14, HRZ-S15, and HRZ-S16 is precluded from being limited notified.</p>	
<p>Consequential Amendments</p> <p>No consequential amendments are required.</p>		