

Wellington City District Plan – Omnibus Plan Change
MRZ-S10 and HRZ-S10 – Fences and standalone walls

Scope of Proposed Change

To amend MRZ-S10 and HRZ-S10 to provide clarification as to when the standard applies.

Background

MRZ-S10 and HRZ-S10 are standards regulating the construction of fences and standalone walls in the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ).

The relevant rules for the fences and standalone walls setback are MRZ-R13 and HRZ-R13 (Fences and standalone walls). MRZ-S10 and HRZ-S10 are the only standards that need to be complied with under MRZ-R13 and HRZ-R13. These standards include specifications for fences and standalone walls, including specifications when on a front boundary or within a front boundary setback (clause 2). The purpose of these clauses is to enable fencing and standalone walls, while promoting a positive streetscape and allowing for passive surveillance between sites and with the road frontage.

Clause 2 of the MRZ standard states:

On a front boundary or in a front boundary setback any fence or standalone wall, or combination of these [structures](#), must not:...

Clause 2 of the HRZ standard states:

On a front boundary or within a 5m front boundary setback any fence or standalone wall, or combination of these [structures](#), must not:...

Two concerns have been raised by the Council's Resource Consents Team in relation to the application of the standards:

1. That the standard refers to 'in a front boundary setback', but as the MRZ-S4 / HRZ-S4 (Boundary setbacks) explicitly state that these standards explicitly state that they do not apply to fences and standalone walls, and MRZ-S4 / HRZ-S4 are not a matter for consideration under MRZ-R13 / HRZ-R13, it is not clear what 'in a front boundary setback' means for the purposes of MRZ-S10 and HRZ-S10.
2. That there are inconsistencies between MRZ-S10 and HRZ-S10 in that MRZ-S10 does not provide a distance for what is meant by the front boundary setback, while HRZ-S10 specifies a distance of 5m.

It is noted that at the time of the Council's decisions on the Tranche 1 hearings, a decision was made to remove the 1.5m front yard setback under MRZ-S4 and HRZ-S4 for sites with no more than three residential units¹. This means that there is now no 'front yard setback' for MDRS development on these sites. This has added to the confusion as to how MRZ-S10 should be applied as the standard does not currently stipulate a setback distance. There was a submission on this point in relation to HRZ-S10 noting that there is no setback specified in the fences and standalone standard. As a result the Council's reporting officer recommended a distance of 5m from the boundary. This was recommendation was accepted and forms part of the operative 2024 District Plan; however, the 5 metre setback was not carried through to the corresponding standard in the MRZ.

¹ [Proposed District Plan Intensification Decisions](#)

Issue

That MRZ-S10 and HRZ-S10 (Fences and standalone walls) are unclear with respect to what is meant by a front boundary setback, and that there are inconsistencies between the MRZ and the HRZ.

Assessment of options

Relevant options

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

- **Option 1:** Retain the status quo; or
- **Option 2:** Amend the standards to specify that MRZ-S10.2 and HRZ-S10.2 apply to 'a front boundary or within 1.5 metres of a front boundary'.

Cost/benefit assessment

The options are assessed in the table below.

Option 1: Retain the status quo	
Costs <i>Environmental</i> <ul style="list-style-type: none">• Lack of clarity as to whether a front yard setback is intended to apply to sites where no more than three residential units occupy the site (as described in HRZ-S10), means that fences can be constructed up to the front boundary (ie within survey tolerance of the boundary) without needing to meet the requirements of clause 2 of MRZ-S10. The environmental effect will be poor streetscape outcomes (including fences higher than 2 metres, with no visual permeability) and lost opportunities for passive surveillance.• The limitation on fencing within a 5 m setback in the HRZ may restrict residential development potential in this zone. <i>Economic</i> <ul style="list-style-type: none">• The current setback of 5m in the HRZ specified in the fences and standalone walls setback may encourage residential activity further into the site, reducing development capacity. There is no clear rationale in the section 42A from the reporting officer on why a 5m front setback was chosen for this standard. It appears to be onerous when there are policies in both HRZ and MRZ promoting availability of housing.	Benefits <i>Environmental</i> <ul style="list-style-type: none">• No direct or indirect environmental benefits have been identified. <i>Economic</i> <ul style="list-style-type: none">• By not applying the front setback to some sites in the MRZ, additional development capacity may be encouraged. <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>Social</i></p> <ul style="list-style-type: none"> The status quo would allow a fence above 2m just inside the boundary in the MRZ on site where there is no front setback for sites with three or less residential units, which could create social costs through lost opportunities for passive surveillance of, and interaction with, the street. <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>Retaining the status quo with uncertainty of the application of a front yard setback for the fences and standalone walls standard in the MRZ, and misalignment with the HRZ, is not considered to be an effective and efficient way of resolving the issue. Additionally, the HRZ standard is unduly restrictive and does not achieve the strategic direction of enabling high density housing in this zone.</p> <p><i>Overall evaluation of Option 1</i></p> <p><u>Option 1 is not recommended</u> as it will not improve District Plan consistency and implementation.</p>	
<p>Option 2: Amend the standards to specify that MRZ-S10.2 and HRZ-S10.2 apply ‘to a front boundary or within 1.5 metres of a front boundary’</p>	
<p>Costs</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> In the HRZ, this amendment creates a smaller front boundary setback for fences and standalone wall requirements. <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"> Applying MRZ-S10.2 and HRZ-S10.2 within 1.5m of the front boundary is considered an acceptable distance as it aligns with the boundary setback standard and the Medium Density Residential Standards (MDRS). This option provides clarity as it removes the reference to ‘front yard setback’, which is a matter addressed by, and specific to, the ‘Boundary setbacks’ standards. The environmental benefits will be consistency in how the standard is applied across the MRZ and HRZ, and an appropriate balance between enabling development potential and achieving the streetscape and surveillance purposes intended by these clauses of the fences and standalone walls standards. <p><i>Economic</i></p> <ul style="list-style-type: none"> With respect to the HRZ, this option will enable fences and standalone wall that meet the requirements of HRZ-S10 within 1.5m of the front boundary, whereas currently a 5 m setback is required. This could encourage

	<p>development closer to the boundary an increase development capacity, as enabled by the policy framework.</p> <ul style="list-style-type: none"> • With respect to both the MRZ and HRZ the proposed changes remove uncertainty as to how the standards are applied, with associated reduction in costs associated with the preparation and assessment of resource consent applications. <p><i>Social</i></p> <ul style="list-style-type: none"> • Applying a distance from the front boundary of 1.5m in MRZ-S10.2 encourages fences on or inside the boundary to be designed in such a way to achieve a positive streetscape and provides passive surveillance. • Likewise, enabling fences closer to the front boundary in the HRZ facilitates additional residential development potential towards the front of a site, along with the passive surveillance benefits that this provides. <p><i>Cultural</i></p> <ul style="list-style-type: none"> • No direct or indirect cultural benefits have been identified.
<p><i>Effectiveness and efficiency</i></p> <p>Amending the fences and standalone walls standards to specify that MRZ-S10.2 and HRZ-S10.2 apply to the ‘front boundary or within 1.5m of the front boundary’ is considered to be an effective and efficient way of resolving the issue as it provides clarity in the implementation of the standard and aligns with other front boundary setbacks and the MDRS.</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>Overall evaluation of the issue</p> <p>As demonstrated in this assessment, there is a lack of clarity in MRZ-S10.2 and misalignment between MRZ-S10.2 and HRZ-S10.2. This can be resolved through the <u>adoption of Option 2</u> as detailed above.</p>	
<p>Risk of acting/not acting</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 fences and standalone walls.</p>	

Consultation

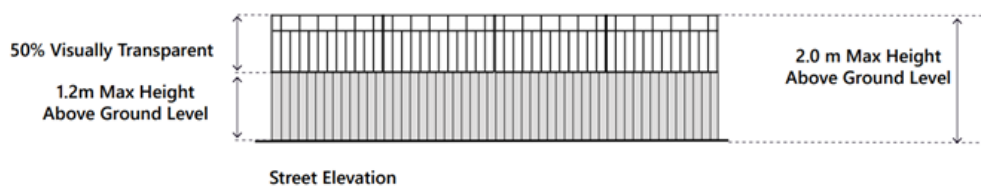
The proposed amendments have been discussed with the Resource Consents Team, who are supportive of the change

Recommended changes

High Density Residential Zone Chapter

HRZ-S10: Fences and standalone walls

1. Any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level where within 1m of any side or rear boundary.
 - b. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
2. On a front boundary or within 1.5 metres of a front boundary ~~a 5m front boundary setback~~ any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length, as shown in the diagram below.
 - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.



3. On a boundary with a site zoned open space or boundary with a public accessway, or within 1m of either of those boundaries, any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length.
 - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

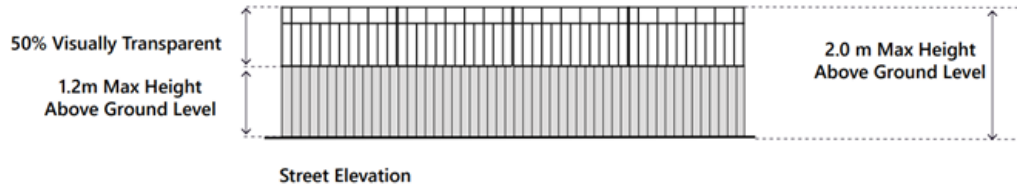
HRZ-S10.3 does not apply to a front boundary or a State Highway.

Medium Density Residential Zone Chapter

MRZ-S10: Fences and standalone walls

1. Any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level where within 1m of any side or rear boundary;
 - b. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
2. On a front boundary or within 1.5 metres of a front boundary ~~in a front boundary setback~~ any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level; and

- b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length, as shown in the diagram below.
- c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.



- 3. On a boundary with a site zoned open space or a boundary adjoining public space, including public accessways, or within 1m of either of these boundaries, any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length.
 - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

MRZ-S10.2 does not apply to a State Highway.

Consequential amendments

No consequential amendments are required.