

## **Before the Hearings Commissioners**

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Under the Resource Management Act 1991 (the **RMA**)

In the matter of a submission by KiwiRail Holdings Limited (submitter 187) on Hearing Stream B: B1 - Rural Zones and B2 - Urban Zones of the Timaru Proposed District Plan  
**(Proposed Plan)**

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**Primary statement of evidence of Alexander Richard Gifford for KiwiRail Holdings Limited regarding Hearing Stream B of the Proposed Plan**

Dated 5 July 2024

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## **1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE**

- 1.1 My full name is Alexander Richard Gifford. I am Senior Planner and Director of AGP Consulting Ltd. I am presenting this planning evidence on behalf of KiwiRail Holdings Limited (KiwiRail).
- 1.2 I hold a Bachelor's degree in Resource and Environmental Planning (Honours) from Massey University (2013) and I am a full member of the New Zealand Planning Institute.
- 1.3 I have more than 11 years' experience as a planner. My practice has included work for local authorities, central government agencies, private companies and private individuals, primarily as an independent planning consultant. My experience to date includes the preparation of submissions on plan changes, the preparation of planning evidence, and the preparation of resource consent applications.
- 1.4 I have been engaged by KiwiRail to provide expert planning evidence in relation to KiwiRail's submission on the Proposed Plan. I did not assist with the preparation of KiwiRail's original submission on this plan review, however I have reviewed the original submission in full.

## **2 CODE OF CONDUCT**

- 2.1 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. Except where I state that I am relying on the evidence of another person, I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **3 SCOPE OF EVIDENCE**

- 3.1 My evidence will address the following:
- a. The statutory and higher order planning framework;
  - b. KiwiRail's submission in relation to the: General Rural Zone, Settlement Zone, General Residential Zone, Medium Density Residential Zone, Large Format Retail Zone, Mixed Use Zone, Town Centre Zone, City Centre Zone, General Industrial Zone, and Port Zone.

- c. Council's s42A recommendations; and
- d. Further amendments required to the Proposed Plan provisions.

3.2 In preparing my evidence, I have considered the following Section 42A Hearing Reports:

- a. Section 42A Report: Rural Zones prepared by Andrew MacLennan and dated 19 June 2024;
- b. Section 42A Report: Residential and Commercial and Mixed Use Zones prepared by Liz White and dated 18 June 2024; and
- c. Section 42A Report: Hearings B2 – Urban Zones: General Industrial and Port Zone prepared by Alanna Hollier and dated 20 June 2024.

#### **4 THE STATUTORY AND HIGHER ORDER PLANNING FRAMEWORK**

4.1 In preparing this evidence, I have specifically considered the following:

- a. The purpose and principles of the RMA (sections 5-8);
- b. Provisions of the RMA relevant to plan-making and consenting;
- c. The Canterbury Regional Policy Statement (**RPS**), in particular Chapter 5 which relates to land use and infrastructure. The relevant objectives and policies are set out in **Appendix A** to my evidence.

4.2 The Emissions Reduction Plan<sup>1</sup> is a matter to be had regard to by Council<sup>2</sup>. Of particular relevance within the Emissions Reduction Plan (for rail) is *Action 10.3.1: Support the decarbonisation of freight* which includes as a key initiative:

- *Continue to implement the New Zealand Rail Plan and support coastal shipping.*

4.3 For completeness, the New Zealand Rail Plan (**NZRP**) lists as strategic investment priorities<sup>3</sup>:

- *Investing in the national rail network to restore rail freight and provide a platform for future investments for growth; and*

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<sup>1</sup> Minister of Climate Change "Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy" (June 2022), page 188.

<sup>2</sup> RMA section 74(2)(2).

<sup>3</sup> New Zealand Government "The New Zealand Rail Plan, Part B" (April 2021), page 25.

- 4.4 While the Emissions Reduction Plan is *to be had regard to*, its support for the NZRP (among other things) illustrates a strategic forward plan to generally improve and increase train services over time.

## 5 KIWIRAIL'S SUBMISSIONS

- 5.1 The changes sought by KiwiRail are set out in the table in its primary and further submission (submission 187). In summary, in relation to Hearing B, KiwiRail's primary submission seeks:
- a. The addition of a new standard to all zones adjacent to the rail corridor<sup>4</sup> requiring new buildings and structures be set back 5m from the rail corridor boundary<sup>5</sup>. This is to provide a safety buffer and allow for the maintenance of buildings and structures without the need to access the rail corridor. A non-compliance with the setback standard would require a restricted discretionary activity resource consent with matters of discretion relating to:
    - i. 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; and
    - ii. the safe and efficient operation of the rail network.
- 5.2 I note that KiwiRail's further submission addressed matters outside of the scope of Hearing B.

## 6 ASSESSMENT

- 6.1 KiwiRail's submission<sup>6</sup> is discussed in in the s42A reports prepared Mr Maclennan<sup>7</sup>, Ms White<sup>8</sup>, and Ms Hollier<sup>9</sup>. The s42A report authors do not support the inclusion of a 5m setback for the same reasons, which in summary include:
- a. Concerns with the efficiency of the setback which could result in a fairly substantial area being unable to be developed (without applying for a resource consent) for what seems to be limited purposes (i.e. access and maintenance);

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<sup>4</sup> General Rural Zone, Settlement Zone, General Residential Zone, Medium Density Residential Zone, Large Format Retail Zone, Mixed Use Zone, Town Centre Zone, City Centre Zone, General Industrial Zone, and Port Zone.

<sup>5</sup> Submission 187.85.

<sup>6</sup> Submission 187.85.

<sup>7</sup> Section 42A Report, page 43-44.

<sup>8</sup> Section 42A Report, page 133-134.

<sup>9</sup> Section 42A Report, page 86.

- b. It is not clear what policy the setback standards are intended to implement or what objectives they would achieve; and
- c. Overall, the costs of the setbacks outweigh what appears to be a limited benefit.

6.2 I address these points below.

6.3 Ms Grinlinton-Hancock's evidence provides useful context and the reasons for the setbacks (para 4.7 – 4.12). As explained by Ms Grinlinton-Hancock, the purpose of the setback controls sought by KiwiRail is to reduce safety issues associated with people needing to access the rail corridor to undertake building maintenance on adjoining sites, or from objects unintentionally falling into the rail corridor (eg from open windows or scaffolding / platforms used for maintenance activities). In addition to objects within the rail corridor posing a safety risk, they can also result in disruptions to the efficient operation of the rail network.

6.4 There are clear policy provisions that the setback controls will implement and objectives that they will achieve. These are contained within the TRAN-Transport chapter (within Part 2 – District Wide Matters) of the Proposed Plan. The EI-Energy and Infrastructure chapter also contains objectives and policies relating to regionally significant infrastructure more broadly, which includes the rail network. In my opinion, the TRAN chapter is the appropriate place for transport-related objectives and policies that connect to KiwiRail's proposed setback standards, as this avoids repetition of district wide matters throughout the various zone chapters.

6.5 The EI and TRAN chapters are scheduled to be considered during Hearing E of the Proposed Plan in February 2025, and I understand KiwiRail intends to provide further evidence to the Panel for that hearing. Therefore, this evidence does not assess these provisions, other than to note:

- a. Objective TRAN-O1 subpoint 1, seeks land transport infrastructure which *“is safe, efficient and sustainable for all transport modes”*; and
- b. Policy TRAN-P6 provides direction to *“require subdivision, use and development to be designed in a way that supports the safe and efficient operation and development of land transport infrastructure...”*.

6.6 As Ms Grinlinton-Hancock has explained, the setbacks will contribute to the safe and efficient operation of the rail network without interference. In relying on Ms Grinlinton-Hancock's evidence, in my opinion the setbacks will help achieve Objective TRAN-O1 and implement Policy TRAN-P6 (as currently worded).

- 6.7 The provisions within the Canterbury RPS (refer to Appendix A) provide direction to locate and design development in such a way that is compatible with, and will result in the continued safe, efficient, and effective use of regionally significant infrastructure (refer to Objective 5.2.1(2)(f)) and policy 5.3.8(1)(b)). This includes avoiding development that limits the ability of regionally significant infrastructure to be used without operational constraints related to safety (refer to Policy 5.3.9(1)).
- 6.8 The Canterbury RPS also provides clear direction to integrate land use with the strategic land transport network in such a way that the adverse effects from development on its safe, efficient and effective operation are avoided (refer to Objective 5.2.2(2)(a)) and Policy 5.3.7(1)).
- 6.9 In relying on Ms Grinlinton-Hancock's evidence, in my opinion it is appropriate to require buildings and structures to be set back a safe distance from the rail corridor boundary in order to give effect to Objectives 5.2.1, 5.2.2 and 5.2.3 and Policies 5.3.2, 5.3.7, 5.3.8 and 5.3.9 of the Canterbury RPS. The building setback will also help achieve the purpose of the RMA, in particular clause 2 of section 5: "*...which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while...*" (underlining my emphasis).
- 6.10 In terms of what distance the setback should be, Ms Grinlinton-Hancock has explained why a 5m setback is required from the rail corridor (para 4.14 – 4.17).
- 6.11 I have considered other methods (such as extending KiwiRail's existing designation widths and including no setback and / or a limited setback in the Proposed Plan) to provide for building maintenance and the safety of occupants on adjoining sites. This is assessed in the format of section 32AA of the RMA and included as **Appendix B** to my evidence. I have concluded that a safety setback is the most efficient outcome as it retains land development potential (by way of resource consent) within the 5m setback that would otherwise be precluded by a designation (without the approval of KiwiRail<sup>10</sup>), whilst maintaining the safe and efficient operation of the rail network.
- 6.12 I note that buildings and structures within the following zones require a resource consent under the Proposed Plan (as currently worded):
- a. LFRZ - restricted discretionary activity under Rule LFRZ-R9;

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<sup>10</sup> RMA section 176(1)(b)

- b. MUZ - controlled activity under Rule MUZ-R10;
- c. TCZ of Temuka - controlled activity under Rule TCZ-R6; and
- d. CCZ - controlled activity under Rule CCZ-R7.

Therefore, the inclusion of standards requiring a setback from the rail corridor within these zones will not create an additional cost to landowners in terms of a new requirement to apply for a resource consent in the event there was non-compliance with the setback standard.

- 6.13 It is not uncommon for district plans to include provisions which limit uses of land to protect the operation of infrastructure and also to provide safe and healthy environments for people and communities.
- 6.14 For example, Transpower has included in a range of district plans<sup>11</sup> a national grid corridor overlay which restricts activities within a specified spatial extent of its network. Airports and ports are another common infrastructure type which restricts activities on surrounding private land<sup>12</sup>.
- 6.15 A number of plans (for example Christchurch, Dunedin, Selwyn and Western Bay of Plenty District Plans, and Auckland Unitary Plan - Drury Centre and Waihoehoe Precincts) include similar sized building setbacks from the rail corridor, very much in the way being sought here<sup>13</sup>.

## 7 AMENDMENTS SOUGHT

- 7.1 The detail of my recommended changes is included in **Appendix B**. In summary, these include:
- a. Changes to include a 5m setback standard in all zones adjacent to the rail corridor that are the subject of Hearing B (except for the General Rural Zone, which already includes an adequate setback);<sup>14</sup>
  - b. The inclusion of two additional matters of discretion within the proposed setback standards to provide clear guidance to Proposed Plan users as to the effects to be considered. These matters are:

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<sup>11</sup> For example, Auckland Unitary Plan, Chapter D26.

<sup>12</sup> For example, Auckland Unitary Plan, Chapters D24 Aircraft Noise Overlay and D25 City Centre Port Noise Overlay of the Auckland Unitary Plan.

<sup>13</sup> Dunedin and Christchurch setbacks are 4 metres.

<sup>14</sup> Settlement Zone, General Residential Zone, Medium Density Residential Zone, Large Format Retail Zone, Mixed Use Zone, Town Centre Zone, City Centre Zone, General Industrial Zone, and Port Zone.

- i. *the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and*
  - ii. *the safe and efficient operation of the rail network.*
- c. The term "structures" has also been added to the setback standards in relation to rail, as based on Ms Grinlinton-Hancock's evidence, structures within the 5m setback can create the same safety issues as buildings.

7.2 With the recommended inclusion of a new rail setback standard in the CCZ, I also propose the following amendment to Policy CCZ-P3 to connect the policy direction to the standard, and the subsequent restricted discretionary activity status where the standard is not complied with:

*Enable buildings to cover the whole site where the site is not adjacent to the rail corridor and enable increased building heights except where the height of the building will detract from the significance of a scheduled heritage item or heritage area.*

7.3 I note that Standard GRUZ-S3 in the GRZ requires new buildings and structures to be set back 10m from all boundaries in different ownership. This setback provides suitable relief to the safety issues KiwiRail is seeking to address, therefore no further amendments to GRUZ-S3 are necessary.

## **8 CONCLUSION**

8.1 In conclusion:

- a. Ms Grinlinton-Hancock's evidence outlines the need for a 5m setback to maintain the safe and efficient operation of the rail network;
- b. The Canterbury RPS provides clear direction to locate and design development in such a way that is compatible with, and will result in the continued safe, efficient, and effective use of regionally significant infrastructure;
- c. Therefore, I support:
  - i. the inclusion of a standard within the SETZ, GRZ, MRZ, LFRZ, MUZ, TCZ, CCZ, GIZ and PORTZ chapters requiring buildings and structures to be set back 5m from the rail corridor;
  - ii. rules within the GRUZ, SETZ, GRZ, MRZ, MUZ, TCZ, CCZ, GIZ and PORTZ chapters requiring resource consent as a restricted discretionary activity when there is a non-compliance with the setback standards (noting that under the Proposed Plan as currently worded, a non-

- compliance with the setback standards in the LFRZ is a non-complying activity);
- iii. the inclusion of two matters of discretion that specifically relate to the safe and efficient operation the rail network to accompany the restricted discretionary activity rules; and
  - iv. an amendment to Policy CCZ-P3 to provide direction that full site coverage may not always be appropriate within the CCZ when adjacent to the rail corridor.
- d. In my opinion, these amendments are necessary to implement the Canterbury RPS policy direction and the objectives of the Proposed Plan.

**Alex Gifford**

5 July 2024

## **APPENDIX A – CANTERBURY RPS PROVISIONS**

### **Objective 5.2.1 Location, Design and Function of Development (Entire Region)**

Development is located and designed so that it functions in a way that:

1. achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and
2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:
  - a. maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;
  - b. provides sufficient housing choice to meet the region's housing needs;
  - c. encourages sustainable economic development by enabling business activities in appropriate locations;
  - d. minimises energy use and/or improves energy efficiency;
  - e. enables rural activities that support the rural environment including primary production;
  - f. is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;
  - g. avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;
  - h. facilitates the establishment of papakāinga and marae; and
  - i. avoids conflicts between incompatible activities.

### **Objective 5.2.2 Integration of land-use and regionally significant infrastructure (Wider Region)**

In relation to the integration of land use and regionally significant infrastructure:

1. To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.
2. To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:
  - a. development does not result in adverse effects on the operation, use and development of regionally significant
  - b. adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.
  - c. there is increased sustainability, efficiency and liveability.

### **Objective 5.2.3 Transport network (Wider Region)**

A safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport, which:

1. supports a consolidated and sustainable urban form;
2. avoids, remedies or mitigates the adverse effects of transport use and its provision;
3. provides an acceptable level of accessibility; and
4. is consistent with the regional roading hierarchy identified in the Regional Land Transport Strategy.

### **Policy 5.3.2 Development conditions (Wider Region)**

To enable development including regionally significant infrastructure which:

1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose:
  - a. existing or consented regionally significant infrastructure;
  - b. options for accommodating the consolidated growth and development of existing urban areas;
  - c. the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;
  - d. the protection of sources of water for community supplies;
  - e. significant natural and physical resources;
2. avoid or mitigate:
  - a. natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards;
  - b. reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;
3. integrate with:
  - a. the efficient and effective provision, maintenance or upgrade of infrastructure; and
  - b. transport networks, connections and modes so as to provide for the sustainable and efficient movement of people, goods and services, and a logical, permeable and safe transport system.

### **Policy 5.3.7 Strategic land transport network and arterial roads (Entire Region)**

In relation to strategic land transport network and arterial roads, the avoidance of development which:

1. adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and

2. in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.

**Policy 5.3.8 Land use and transport integration (Wider Region)**

Integrate land use and transport planning in a way:

1. that promotes:
  - a. the use of transport modes which have low adverse effects;
  - b. the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport;
2. that avoids or mitigates conflicts with incompatible activities; and
3. where the adverse effects from the development, operation and expansion of the transport system:
  - a. on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied or mitigated; and
  - b. are otherwise appropriately controlled.

**Policy 5.3.9 Regionally significant infrastructure (Wider Region)**

In relation to regionally significant infrastructure (including transport hubs):

1. avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;
2. provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and
3. Provide for the expansion of existing infrastructure and development of new infrastructure, while:
  - a. recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;
  - b. avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and
  - c. when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.

## **APPENDIX B – SECTION 32AA ASSESSMENT**

### **Effectiveness and efficiency**

1. The proposed changes will be more efficient and effective than other methods (such as designating a wider corridor to provide setback) as it provides flexibility of use by resource consent allowing for situations where building within the setback is acceptable. Whereas a wider designation would be more restrictive, precluding development without the approval of KiwiRail as a Requiring Authority under section 176 of the RMA.
2. Providing no setback, or a limited setback, will not support an efficient outcome generally as incursions can lead to disruption to the rail network/ inefficient operation and endanger safety.

### **Costs/Benefits**

3. The recommended amendments may limit building in some locations (cost), although this will depend on range of matters including topography, design, amenity and presence of geotechnical constraints/hazards.
4. The benefits are providing for a safer and more efficient rail network which supports passenger transport (being itself a significant supporting factor for residential intensification). The proposed standard will also enable greater certainty around a safe environment for owners and occupiers to undertake maintenance activities on buildings.
5. If parties could develop up to the boundary, the potential costs are greater in terms of the risk to safety arising from inadvertent conflict and the need to use the permit to enter system to access the rail corridor for maintenance activities.

### **Risk of acting or not acting**

6. Evidence has been provided of the risks to public safety and network efficiency if no action is taken. Not acting could result in an inefficient operation of nationally significant infrastructure due to unexpected shutdowns.

### **Decision about most appropriate option**

7. The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA rather than the notified provisions.
8. The recommended amendments enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety, while avoiding, remedying or mitigating adverse effects on nationally significant infrastructure.

## APPENDIX C – PROPOSED AMENDMENTS TO THE PROPOSED PLAN

The proposed additions are shown in underline and deletions in ~~strike through~~. Those recommended in the s42A Officer's Report are shown in black and those I recommend are shown in red for clarity.

### General Rural Zone

<b>GRUZ-S3</b>	<b>Boundary setbacks for <u>buildings</u> and <u>structures</u></b>	
<b>General Rural Zone</b>	<p>New building and structures (excluding fences, irrigators, water troughs, <u>water tanks</u>, crop support structures and artificial crop protection structures) shall be setback the following minimum distances:</p> <ol style="list-style-type: none"> <li>1. 20m from all national, regional or district arterial road boundaries; and</li> <li>2. 10m from all other road boundaries; and</li> <li>3. 10m from any other site boundary in a different ownership.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. location of buildings and structures; and</li> <li>2. the extent of adverse effects including noise, smell, visual, character, privacy, shading and dominance; and</li> <li>3. measures to avoid and mitigation adverse effects.</li> <li>4. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></li> <li>5. <u>the safe and efficient operation of the rail network.</u></li> </ol>

### Settlement Zone

<b>SETZ-S3</b>	<b>Building <u>and structure</u> setbacks</b>	
<b>Settlement Zone</b>	<p>Buildings <u>and structures</u> must be set back a minimum of:</p> <ol style="list-style-type: none"> <li>1. 4.5m from any road boundary; <u>and</u></li> <li>2. <u>5 m from any boundary with the rail corridor; and</u></li> <li>3. 3m from any internal boundary.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. overshadowing of adjacent sites; and</li> <li>2. sunlight and daylight access to internal and external living spaces of adjacent residential sites; and</li> <li>3. Loss of privacy to adjacent residential sites; and</li> <li>4. mitigation measures; <u>and</u></li> </ol>

		<p>5. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></p> <p>6. <u>the safe and efficient operation of the rail network.</u></p>
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### General Residential Zone

<b>GRZ-S3</b>	<b><u>Road sSetbacks</u></b>	
<b>General Residential Zone</b>	<p>1. Buildings other than:</p> <p>4. <u>a</u>, a garage; or</p> <p>2. <u>b</u>, a carport for a single car parking space must be set back a minimum of 2m from any road boundary.</p> <p>2. <u>Buildings must be setback a minimum of 1m from any internal boundary, except where buildings share a common boundary wall.</u></p> <p>3. <u>Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></p>	<p><b>Matters of discretion are restricted to:</b></p> <p>1. landscaping; and</p> <p>2. openness, dominance and attractiveness when viewed from the street; and</p> <p>3. mitigation measures; <u>and</u></p> <p>4. <u>dominance, loss of privacy and shading in relation to neighbouring residential activities;</u> <u>and</u></p> <p>5. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></p> <p>6. <u>the safe and efficient operation of the rail network.</u></p>

### Medium Density Residential Zone

<b><u>MRZ-SZ</u></b>	<b><u>Setbacks</u></b>	
<b><u>Medium Density Residential Zone</u></b>	<p>1. <u>Buildings must be set back a minimum of 1.5m from any road boundary.</u></p>	<p><b><u>Matters of discretion are restricted to:</u></b></p> <p>1. <u>landscaping; and</u></p>

	<ol style="list-style-type: none"> <li>2. <u>Buildings must be setback a minimum of 1m from any internal boundary, except where buildings share a common boundary wall.</u></li> <li>3. <u>Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></li> </ol>	<ol style="list-style-type: none"> <li>2. <u>openness, dominance and attractiveness when viewed from the street; and</u></li> <li>3. <u>mitigation measures; and</u></li> <li>4. <u>dominance, loss of privacy and shading in relation to neighbouring residential activities; and</u></li> <li>5. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></li> <li>6. <u>the safe and efficient operation of the rail network.</u></li> </ol>
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### Large Format Retail Zone

LFRZ-S3	Setbacks	
<p><b>Large Format Retail Zone</b></p>	<ol style="list-style-type: none"> <li>1. Any building must be setback a minimum of 5m from the road boundary, or from the boundary of any designation that is for the purpose of road widening.</li> <li>2. Any building must be setback a minimum of 10m from PREC5 - Te Aitarakihī Precinct.</li> <li>3. <u>Any building must be setback a minimum of 15m from the boundary of any site zoned General Residential Zone.</u></li> <li>4. <u>Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></li> </ol>	<p><b>Activity status where compliance achieved: Non-complying</b></p>

### Mixed Use Zone

MUZ-S3	Setbacks	
Mixed Use Zone	<ol style="list-style-type: none"> <li>1. Any building must be setback a minimum of 3m from <del>the</del> <u>any</u> boundary which adjoins a Residential Zone, <u>or any site which contains an existing residential activity.</u></li> <li>2. <u>Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. dominance, loss of privacy and shading in relation to adjoining sites in Residential Zones <u>or which contain existing residential units;</u> and</li> <li>2. landscaping; <u>and</u></li> <li>3. mitigation measures; <u>and</u></li> <li>4. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></li> <li>5. <u>the safe and efficient operation of the rail network.</u></li> </ol>

### Town Centre Zone

TCZ-S3	Setbacks	
Town Centre Zone	<ol style="list-style-type: none"> <li>1. Any building must be setback a minimum of 3m from <del>the</del> <u>any internal</u> boundary of <del>any a</del> site zoned residential or open space and recreation.</li> <li>2. <u>Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. dominance, shading and loss of privacy in relation to adjoining sites in the Residential Zones; and</li> <li>2. landscaping; and</li> <li>3. effects on amenity and character. <u>and</u></li> <li>4. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></li> <li>5. <u>the safe and efficient operation of the rail network.</u></li> </ol>

<b>Town Centre Zone, on sites fronting Vine Street</b>	<del>3.</del> <del>2.</del> Any building must be setback a minimum of 5m from the boundary of Vine Street.	<b>Matters of discretion restricted to:</b> <ol style="list-style-type: none"> <li><del>1.</del> building dominance along the Vine Street road frontage; and</li> <li><del>2.</del> the potential for the positioning of buildings along Vine Street to detract from the focus on King Street as the main pedestrian-focused area.</li> </ol>
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### City Centre Zone

<b>CCZ-P3</b>	<b>Scale of built form</b>	
Enable buildings to cover the whole site <u>where the site is not adjacent to the rail corridor</u> and enable increased building heights except where the height of the building will detract from the significance of a scheduled heritage item or heritage area.		
<u><b>CCZ-SX</b></u>	<u><b>Setbacks from the rail corridor</b></u>	
<u><b>City Centre Zone</b></u>	<ol style="list-style-type: none"> <li><u>1. Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></li> </ol>	<u><b>Matters of discretion restricted to:</b></u> <ol style="list-style-type: none"> <li><u>1. the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></li> <li><u>2. the safe and efficient operation of the rail network.</u></li> </ol>

## General Industrial Zone

GIZ-S3	Setbacks of buildings and structures excluding fences	
<b>1. General Industrial Zone</b>	<ol style="list-style-type: none"> <li>1. Any building or structure must be setback a minimum of 5m from any road boundary; and</li> <li>2. Any building or structures must be setback a minimum of 3m from any boundary with a Residential Zone, Rural Zone or Open Space and Recreation Zone.</li> <li>3. <u>Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></li> </ol>	<b>Matters of discretion for non-compliance with are restricted to:</b> <ol style="list-style-type: none"> <li>1. landscaping; and</li> <li>2. visual amenity, bulk and dominance of building; <u>and</u></li> <li>3. mitigation measures-; <u>and</u></li> <li>4. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></li> <li>5. <u>the safe and efficient operation of the rail network.</u></li> </ol>
<b>2. Washdyke industrial expansion precinct</b>	<p>In addition to GIZ-S3.1, any building or structure must be setback a minimum of 18m from the boundary of any site zoned General Residential Zone.</p>	<b>Matters of discretion for non-compliance are restricted to:</b> <ol style="list-style-type: none"> <li>1. landscaping; and</li> <li>2. visual amenity effect on the General Residential Zone;</li> <li>3. mitigation measures.</li> </ol>
<b>3. 16 Martin Street, Washdyke, Lot 2 DP 462905 (and its successor)</b>	<p>In addition to GIZ-S3.1, all buildings shall be set back a minimum of 9m from the common boundary with 14 Martin Street (Lot 4 DP 51299 and its successor).</p>	<b>Matters of discretion for non-compliance are restricted to:</b> <ol style="list-style-type: none"> <li>1. landscaping; and</li> <li>2. visual amenity effects on 14 Martin Street (Lot 4 DP 51299 and its successor);</li> <li>3. mitigation measures.</li> </ol>

## Port Zone

<u>PORTZ-SX</u>	<u>Setbacks from the rail corridor</u>	
<u>Port Zone</u>	<ol style="list-style-type: none"> <li>1. <u>Buildings and structures must be setback a minimum of 5m from any boundary with the rail corridor.</u></li> </ol>	<p><b><u>Matters of discretion restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and</u></li> <li>2. <u>the safe and efficient operation of the rail network.</u></li> </ol>