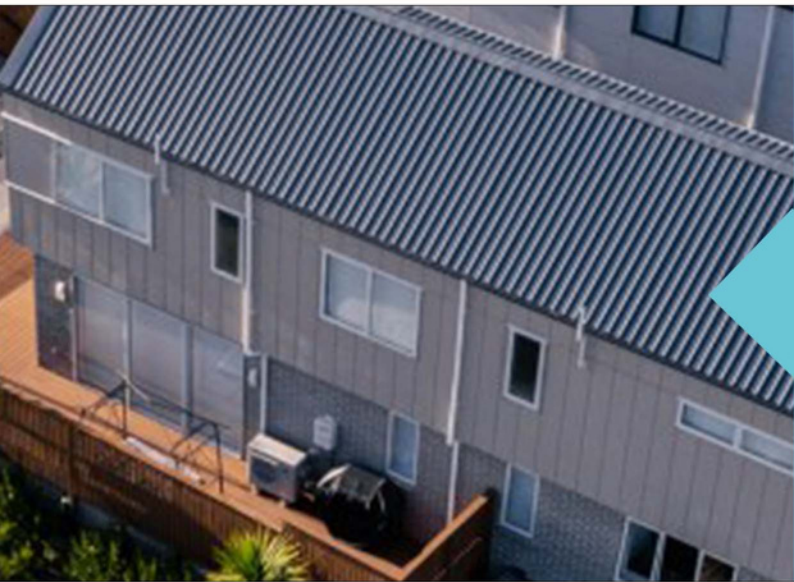


Medium Density Residential Standards: FAQs



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Q: What is the minimum size a section can be to develop up to three dwellings of up to three storeys?

Technically there is no minimum site size, however, to be a permitted activity, all dwellings must comply with all of the relevant development standards such as maximum height, height in relation to boundary, yard setbacks and building coverage to name a few, otherwise a resource consent will be required.

Q: How do I find out what I can build on my property? Where do I start?

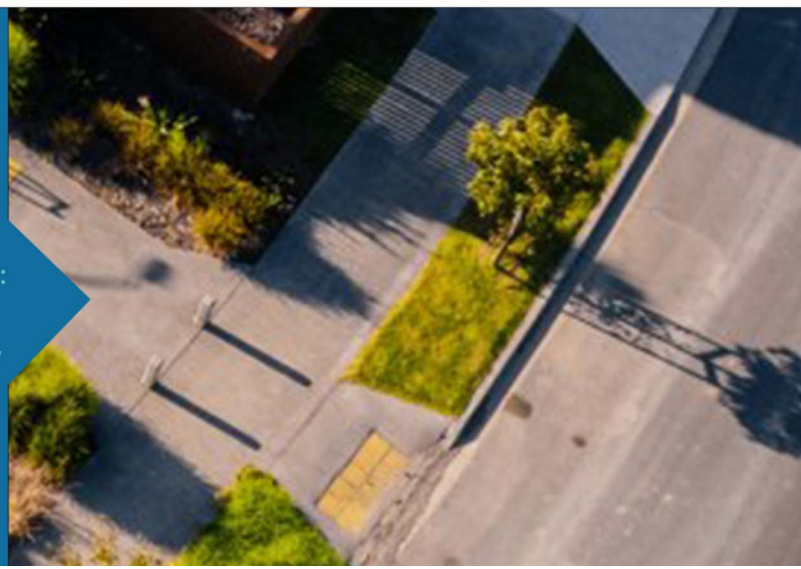
The new Medium Density Residential Standards (MDRS) apply to most urban properties in residential zones in tier 1 cities (Auckland, Hamilton, Tauranga, Wellington, Christchurch and Rotorua) that are not subject to a 'qualifying matter,' or exemption to limit building heights and density in some areas.

In investigating your options, a great place to start is talking to the CKL team. We specialise in this space and it's our job to know all sides of the issues. If you own land and you're thinking of developing, come and talk to us. We can show you what's possible. Alternatively, you could contact your local council planning team.

Q: When do these new Medium Residential Standards apply?

From 18th August 2022, these standards have had immediate legal effect if all of the below apply to a site:

- The site is zoned residential within an urban area in a tier 1 cities (Auckland, Hamilton, Tauranga, Wellington, Christchurch and Rotorua) ; and
- The site is not subject to any qualifying matters; and
- The proposal is for up to three houses complying with the MDRS.



Q: I've heard about the NPS-UD. What is the difference between the NPS-UD and the MDRS?

The NPS-UD stands for the National Policy Statement on Urban Development which has been introduced through central Government. The NPS-UD requires councils to implement a range of rules to enable greater housing supply such as removing minimum car parking rates from their district plans, and requiring certain councils to enable greater intensification in areas of high demand such as city centres and areas near rapid transit stops. For Auckland in particular, the biggest change will be enabling six storeys or more within walking distance of rapid transit stops and city centres.

The MDRS requires tier 1 and 2 councils to enable more medium density housing of up to three storeys through the incorporation of new standards within the district plans. In order to include these standards, Plan Changes have taken place in order to intensify the zoning across the cities. For Hamilton in particular, this includes the creation of the High-Density Residential Zone which has come about through the introduction of the MDRS rules.

For more information on whether your site will be affected by the NPS-UD and/or MDRS, please contact CKL and we are happy to provide you with further information.

Q: Do I still need building consent?

Yes, building consents will still be required just as they are now. These changes relate to the need for a resource consent, which are now not necessary where buildings comply with the new Medium Density Residential Standards.

A building consent is for any private works that are undertaken on the site such as the proposed dwelling, private drainage and any retaining walls required. The process of obtaining a BC is similar to a RC where you submit plans and supporting documents to council, council assesses these documents against the building code, and then makes a decision to approve or decline the application.



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Q: Can I build anything on my property?

In a word, no. Anything you build still needs to meet the new standards.

These include a maximum of three residential units per site, with a building height of 11m plus an additional 1m for a pitched roof. There are rules around setbacks, building coverage of the site (a maximum of 50% of the net site area) and outdoor living spaces including landscaping requirements. You can read more [here](#).

Q: What is the difference between the current standards and the proposed Medium Density Residential Standards?

This depends on the existing zoning, for example in Auckland there is a significant shift in intensity for those up zoned from the Single House Zone (SHZ) or Mixed Housing Suburban (MHS) with the MDRS most comparable to the current Mixed Housing Urban Zone (MHU), with the MDRS being slightly more permissive as set out in the table below.

STANDARD	OPERATIVE SHZ STANDARDS (In Auckland)	OPERATIVE MHS STANDARDS (In Auckland)	OPERATIVE MHU STANDARDS (In Auckland)	PROPOSED MDRS
Building Height	8m	8m	11m	12m
Height in Relation to Boundary	2.5m + 45°	2.5m + 45°	3.0m + 45°	4.0m + 60°
Building Coverage	35%	40%	45%	50%
Landscaped Area	40%	40%	35%	20%
Outlook Space	N/A	6m x 4m from principal living area 3m x 3m from principal bedroom 1m x 1m from habitable rooms	6m x 4m from principal living area 3m x 3m from principal bedroom 1m x 1m from habitable rooms	4m x 4m from principal living area 1m x 1m from all habitable rooms
Outdoor Living Space	N/A	Ground floor: 20m ² being no less than 4m First floor: 5m ² or 8m ²	Ground floor: 20m ² being no less than 4m First floor: 5m ² or 8m ²	Ground floor: 20m ² being at least 3m x 3m First floor: 8m ² being at least 1.8m
Front Yard Setback	3m	3m	2.5m	1.5m
Side and Rear Yard Setback	1m	1m	1m	1m
Window glazing	N/A	N/A	N/A	Minimum of 20% glazing on street-facing façade

Q: What factors (qualifying matters) might limit what I can build on my property?

Qualifying matters are characteristics identified by council to justify limitations on building heights and density in some areas, such as sites of cultural, historic, or ecological significance, areas with natural hazards, or where there are certain infrastructure constraints.

Qualifying matters are specific to each council, and we recommend checking your council's proposed qualifying matters to see if they affect your property, or asking the CKL team for our advice.

Q: What are the implications of having a qualifying matter identified on my site?

If there is a qualifying matter associated with your site, the MDRS does not have immediate legal effect. Therefore, the council will assess your proposal based on the current operative zoning. Submissions for removing the QM's from sites within Auckland have now closed with the next step being an independent hearings panel to hear from those who made submissions then make a recommendation as to whether the QMs should limit development potential. The final decision then lies with the Ministry for the Environment.



Q: Am I required to inform neighbours about my plans (limited notification)?

If your plans comply with all the MDRS and all other council standards that may apply, then your development will be a permitted activity, therefore a resource consent and notification is not required. However, to maintain goodwill amongst your neighbours you may consider speaking to them, if only to advise of the construction that may take place. As a matter of courtesy sometimes it is worth imagining if the shoe was on the other foot.



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Q: Could I still require an additional resource consent under the Medium Density Residential Standards?

At CKL, we can review your plans and advise if you may still need a resource consent for your development. You may require additional consents if your project could impact on the environment or other people, such as removing and replacing vegetation, undertaking earthworks, or if your development may affect local waterways or is subject to flooding risk to name a few. Furthermore, the value in development is often achieved through subdivision, or the creation of individual titles around new or approved development. All subdivision requires resource consent, and this is where CKL specialises with in-house surveyors, engineers and planners, we do it all.



Q: How will councils check the new density standards are being applied correctly, if property owners no longer need a resource consent?

All developments will be subject to the building consent process, and councils take this opportunity to consider if any resource consents are also required. Councils have processes in place to monitor the various stages of developments to make sure they comply with all regulations.



Q: Can I stop my neighbour building something I think is unattractive?

If what they're building complies with all the standards, then it will not be easy to stop them building. The standards are designed to ensure a certain level of amenity is afforded to neighbouring properties in terms of shading, dominance, overlooking and privacy. However, design in a visual sense is subjective and if compliant with the MDRS, council has no power to improve the appearance of a development.



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Q: How can I object to a development?

Councils will still receive and consider objections against the applicable rules and standards of both the MDRS and the general council standards where they still apply. The key is what discretion councils have to influence design changes. If you have concerns about your neighbour's development it is recommended that you engage with council as early as possible to ensure your concerns are considered. Council is required to acknowledge and record such communication.



Q: What if my neighbour's three-storey building affects my view?

Whilst obviously of high value, technically no one owns a view. All development will have an effect on those residing nearby, however as mentioned above the standards are designed to ensure a certain level of amenity is afforded to neighbouring properties in terms of shading, dominance, overlooking and privacy.

While many are concerned about the effects of more widespread development without the need for resource consent, at CKL we don't believe residents need to fear that changes will be extensive or radical. The majority of developments will probably still require resource consent from council. That's because most developers want to go beyond three dwellings, which puts them outside the flexibility of the new legislation. That's certainly true for many of CKL's clients.

So councils will still play a key role in controlling expansion and protecting existing neighbourhoods, hopefully with additional tools to ensure good design outcomes.

Q: How do councils intend to prevent poor design outcomes?

As the new standards will enable significantly higher density development in many locations, every tier 1 city council except for Christchurch (at time of writing) has introduced new policies following the 20 August deadline to strengthen urban design outcomes and map out how the standards should be applied in their jurisdictions. For example, Auckland Council has put out the Auckland Design Manual, a free guide to support people through the design concept and development phases of a project (sitting alongside the Auckland Unitary Plan).

Q: Given the increasingly extreme weather events hitting NZ, is intensification still a good idea?

While recent severe weather events have caused rising levels of concern about how we plan and build in our cities to mitigate their effects, identified flood plains are already included as a qualifying matter, making such sites exempt from the MDRS as a result. The development of medium density housing sites will continue to be subject to stringent flood modelling and flood risk assessments to determine if development is appropriate. On the other hand, as more land is deemed not appropriate for higher density development, the well-designed intensification of sites free of such hazards will be even more important to address housing supply for future generations.

