

House of Representatives

Supplementary Order Paper

Wednesday, 8 December 2021

Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

Proposed amendments

Simon Court, in Committee, to move the following amendments:

Clause 4

In *clause 4*, before the new definition of **equivalent zone** (page 3, before line 15), insert:

boarding house has the meaning given in section 66B of the Residential Tenancies Act 1986

dwelling means a residential unit that is not part of a boarding house or supported residential care

In *clause 4*, in the new definition of **residential unit**, *paragraph (b)*, after “toilet facilities” (page 5, line 15), insert “; and”.

In *clause 4*, in the new definition of **residential unit**, after *paragraph (b)*, (page 5, after line 15), insert:

(c) includes units in boarding houses and supported residential care

In *clause 4*, after the new definition of **settlement zone** (page 5, after line 21), insert:

supported residential care means a facility—

- (a) used to provide accommodation and full-time care for aged or disabled people (including services for mental health, addiction, illness, or intellectual disabilities); and
- (b) that has been certified under the Health and Disability Services (Safety) Act 2001 and complies with the Health and Disability Sector Standards; and

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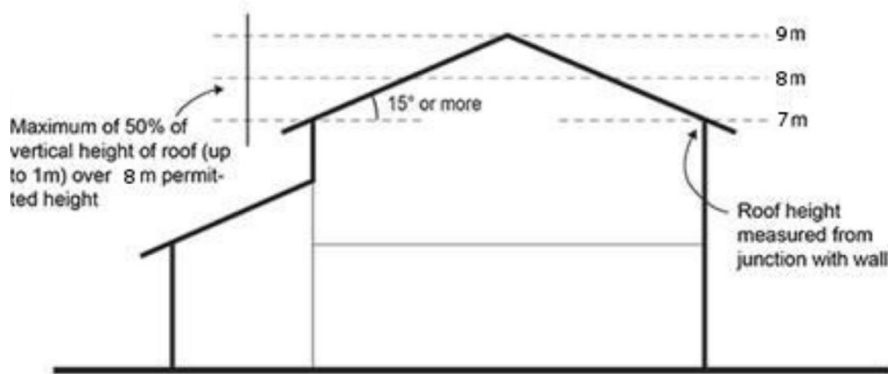
(c) includes a rest home as defined in section 58(4) of the Health and Disability Services (Safety) Act 2001

studio dwelling means a residential unit that consists of a single self-contained single room with a separate bathroom

Schedule 1

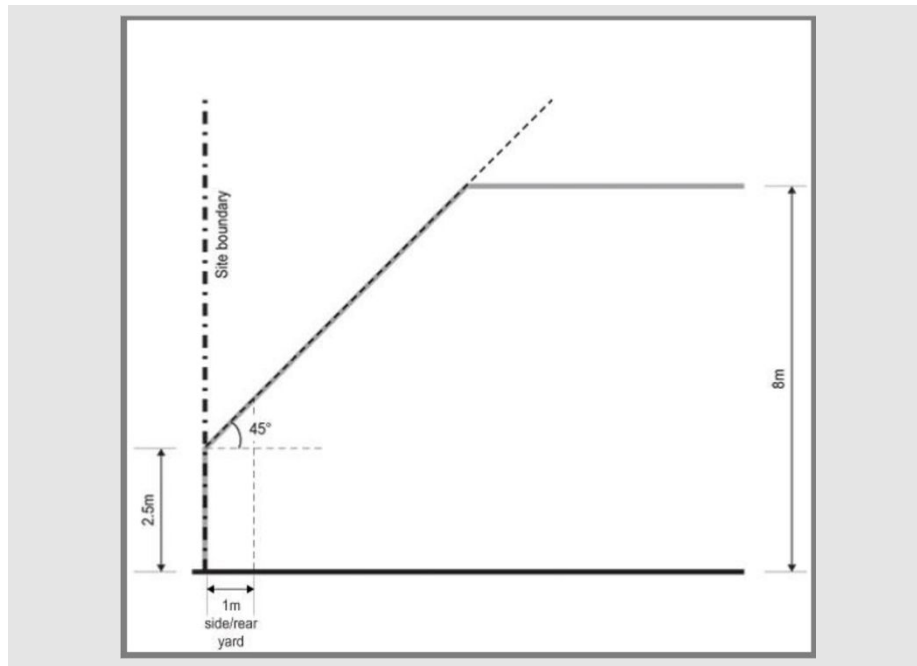
In *Schedule 1, new Schedule 3A, Part 2, clause 9*, replace “11 metres in height” (page 30, line 16) with “8 metres in height”.

In *Schedule 1, new Schedule 3A, Part 2, clause 9*, replace the diagram (page 30, after line 4) with:



In *Schedule 1, new Schedule 3A, Part 2, clause 10*, replace “beyond a 60° recession plane measured from a point 6 metres vertically above ground level” (page 31, lines 2 and 3) with “beyond a 45° recession plane measured from a point 2.5 metres vertically above ground level”.

In *Schedule 1, new Schedule 3A, Part 2, clause 10*, replace the diagram (page 31, after line 7) with:



In *Schedule 1, new Schedule 3A, Part 2, clause 11(1)*, replace the table (page 31, lines 16 to 19) with:

Yard	Minimum depth
Front	3 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

In *Schedule 1, new Schedule 3A, Part 2, clause 12*, replace “50% of the net site area” (page 32, line 5) with “40% of the net site area”.

In *Schedule 1, new Schedule 3A, Part 2*, replace *clauses 14 and 15* with:

14 Outdoor living space (per unit)

- (1) A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres that comprises ground floor or balcony or roof terrace space that,—
- (a) where located at ground level, has no dimension less than 4 metres and has a gradient not exceeding 1 in 20; or
 - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 5 square metres and has a minimum dimension of 1.8 metres; and
 - (c) is accessible from the residential unit; and
 - (d) is free of buildings, parking spaces, and servicing and manoeuvring areas.

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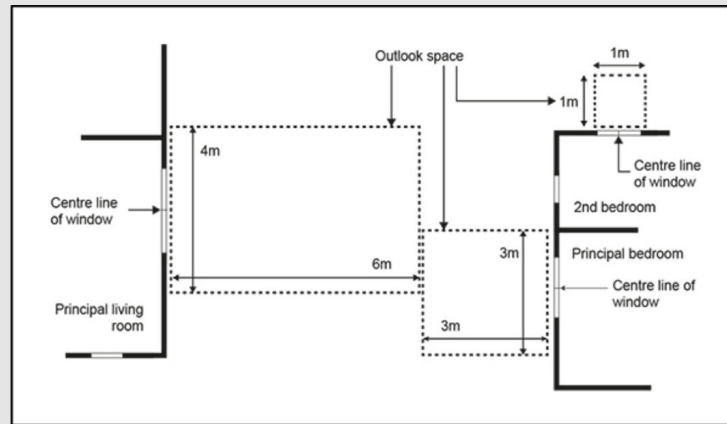
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- (2) A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that,—
- (a) for studio and 1 bedroom dwellings, is at least 5 square metres and has a minimum dimension of 1.8 metres; or
 - (b) for dwellings with 2 or more bedrooms, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
 - (c) is accessible from the residential unit.

15 Outlook space (per unit)

- (1) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows, the outlook space must be provided from the face with the largest area of glazing.
- (2) The minimum dimensions for a required outlook space are as follows:
- (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have an outlook space with a minimum dimension of 6 metres in depth and 4 metres in width;
 - (b) a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3 metres in depth and 3 metres in width;
 - (c) all other habitable rooms must have an outlook space with a minimum dimension of 1 metres in depth and 1 metres in width.
- (3) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) Outlook spaces may be within the site or over a public street or other public open space.
- (6) Outlook spaces required from different rooms within the same building may overlap.
- (7) Outlook spaces may overlap where they are on the same wall plane
- (8) Outlook spaces must—
- (a) be clear and unobstructed by buildings; and
 - (b) not extend over an outlook space or outdoor living space required by another dwelling.

- (c) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as shown in the diagram below.

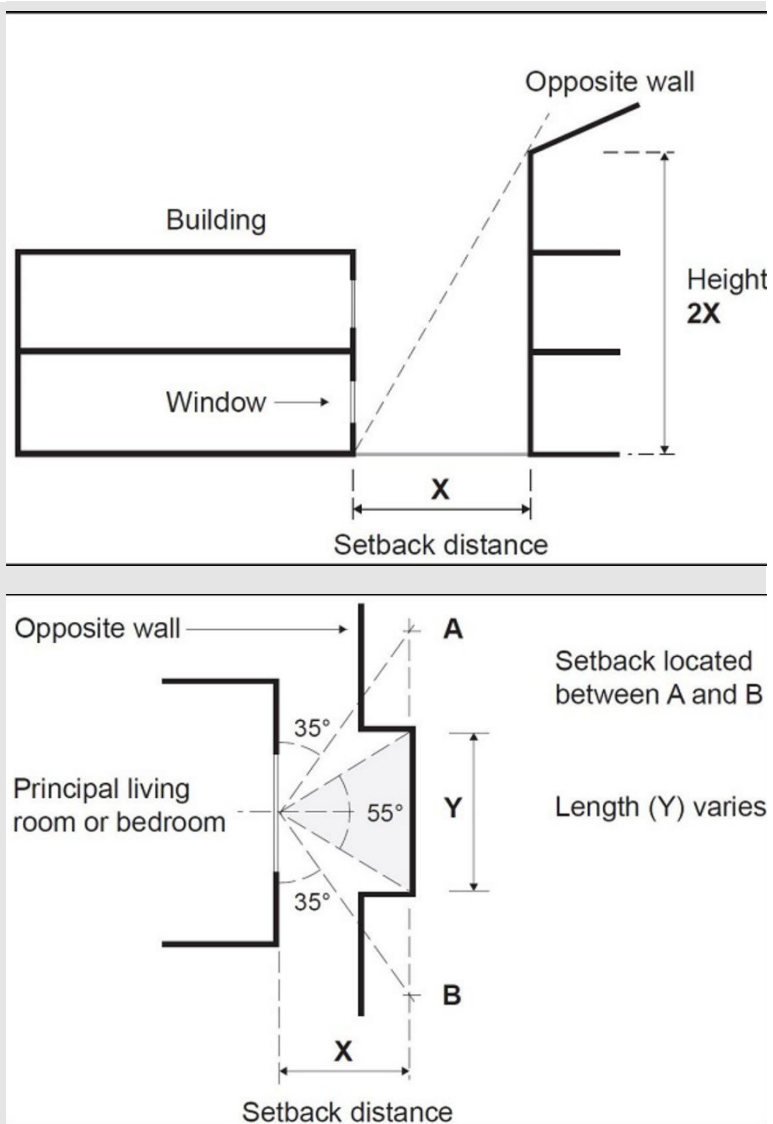


16 Daylight access

- (1) This clause applies if the proposed building or opposite building contains—
- (a) principal living room or bedroom windows in a dwelling; or
 - (b) main living or dining area or bedroom windows in supported residential care and boarding houses.
- (2) If this clause applies,—
- (a) that part of a building higher than 3 metres opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55° arc from the centre of the window. The arc may be swung to within 35° of the plane of the wall containing the window as shown in the diagrams below:

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(b) the maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site is:

Distance of the building from the largest principal living room, living or dining room, or bedroom window (x)	Maximum height of the defined portion of the wall opposite an identified window	Length of wall restricted if 55° arc is perpendicular to window (y) (rounded)
1.0 metre	2.0 metres	1.0 metre
1.5 metres	3.0 metres	1.5 metres
2.0 metres	4.0 metres	2.0 metres
2.5 metres	5.0 metres	2.5 metres
2.7 metres	5.4 metres	2.7 metres
3.0 metres	6.0 metres	3.0 metres

Distance of the building from the largest principal living room, living or dining room, or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55° arc is perpendicular to window (y) (rounded)
3.5 metres	7.0 metres	3.5 metres
4.0 metres	8.0 metres	4.0 metres
4.5 metres	9.0 metres	4.5 metres

17 Fences and walls

Fences or walls, or a combination of these structures (whether separate or joined together), must not exceed the height specified below, measured from the ground level at the boundary:

- (a) within the front yard,—
 - (i) 1.4 metres in height; or
 - (ii) 1.8 metres in height for no more than 50% of the site frontage and 1.4 metres for the remainder; or
 - (iii) 1.8 metres in height if the fence is at least 50% visually open as viewed perpendicular to the front boundary:
- (b) within side and rear, 2 metres in height.

18 Minimum dwelling size

Dwellings must have a minimum net internal floor area as follows:

- (a) 30 square metres for studio dwellings:
- (b) 45 square metres for dwellings with 1 or more bedrooms.

Explanatory note

This Supplementary Order Paper amends the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. The amendment makes changes to the proposed medium density residential standard (**MDRS**) that will apply to tier 1 territorial authorities to replace the standard with the equivalent standards from the Auckland Unitary Plan’s Mixed Housing Suburban (**MHS**) standard.

This standard reflects a similar framework where certain development is permitted as of right, but is subject to different standards to the currently proposed MDRS.

Up to 3 dwellings will still be permitted as of right subject to compliance with the standards. Amended standards are introduced consistent with the MHS to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site.

The intent remains to enable a variety of housing types, though the standards better reflect primarily 2-storey developments in a variety of forms to better balance the

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competing interests of increasing density and dwelling capacity with the interests of pre-existing residents.

The proposed amendments make meaningful changes to the requirements over height, bulk, and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.

The amendments further encourage accommodation to have usable and accessible outdoor living space and enable more efficient use of larger sites by providing for integrated residential development.