

# House of Representatives

# Supplementary Order Paper

Wednesday, 8 December 2021

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

### *Proposed amendments*

Hon Eugenie Sage, in Committee, to move the following amendments:

#### *Schedule 1*

In *Schedule 1*, new *Schedule 3A*, *Part 1*, *clause 2*, insert after *subclause (1)* (page 28, after line 20):

- (1A) If **clause 3A** applies, a relevant residential zone must allow as a permitted activity the construction and use on each site of a building—
- (a) of up to 6 storeys; and
  - (b) providing up to 12 residential units.

In *Schedule 1*, new *Schedule 3A*, *Part 1*, insert after *clause 3* (page 28, after line 33):

#### **3A Requirements for building up to 6 storeys**

- (1) This clause applies to a building if—
- (a) all of the following requirements relating to the location of the development are met:
    - (i) the site frontage faces a street or public open space; and
    - (ii) the site is—
      - (A) within 3 kilometres of the edge of a city centre zone; but
      - (B) outside the area designated for 6 storey development under the relevant planning instruments

**Proposed amendments to  
Resource Management (Enabling Housing Supply and  
Other Matters) Amendment Bill**

SOP No 109

- giving effect to Policy 3(c)(ii) of the NPS-UD;  
and
- (iii) the site is not in an area prone to flooding or subsidence; and
  - (b) all of the following requirements are met:
    - (i) the applicant has entered into a covenant to protect—
      - (A) any significant trees on the site; or
      - (B) at least 70% of mature trees on the site; and
    - (ii) the building will be built to universal design standards; and
  - (c) 2 or more of the following requirements are met:
    - (i) the building has been assessed by an independent expert, based on the plans for the building, as being likely to—
      - (A) qualify as a certified passive building;
      - (B) meet a Homestar Built rating of at least 8;
    - (ii) the building will use water-sensitive design;
    - (iii) the building will include renewable on-site energy generation on at least 20% of the building's roof space.
- (2) In this clause, unless the context otherwise requires,—
- certified passive building** means a building where 1 or more of the following applies:
- (a) the building has been certified as a passive house under the Passive House Standard of the Passivhaus Institut, Germany;
  - (b) the International Living Future Institute has issued 1 or more of the following in respect of the building:
    - (i) a Living Building Certification;
    - (ii) a Zero Energy Certification
- city centre zone** means a zone listed as a city centre zone and described in standard 8 (zone framework standard) of the national planning standards, or an equivalent zone
- Homestar Built rating** means a formal certified rating from a Homestar Assessor that meets the relevant criteria of the Homestar version 5 (or later) rating tool issued by the New Zealand Green Building Council
- mature tree** means a tree that is more than 3 metres in height
- significant tree** means a tree that is of—
- (a) a native species and is more than 4 metres in height; or

(b) an exotic species and is more than 7 metres in height

**universal design standards** means that the design has received a 3-star or higher rating when rated against the Lifemark Standards issued by Lifemark, a commercial division of CCS Disability Action

**water-sensitive design** means housing design that incorporates any combination of mechanisms to ensure that stormwater runoff during a 20% annual exceedance probability rainfall event creates minimal risk of street flooding.

In *Schedule 1, new Schedule 3A, Part 2, clause 9*, replace “Buildings” (page 30, line 16) with “Unless **clause 3A** applies, buildings”.

In *Schedule 1, new Schedule 3A, Part 2, clause 9*, insert as *subclause (2)* (page 30, after the diagram):

(2) If **clause 3A** applies, buildings must not exceed 21 metres in height, except that 50% of a building’s roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.

In *Schedule 1, new Schedule 3A, Part 2*, replace *clause 10(1)* (page 31, lines 2 to 7) with:

(1) Buildings must not project beyond a 45° recession plane measured from a point 3 metres vertically above ground level along all boundaries. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

In *Schedule 1, new Schedule 3A, Part 2, clause 10(2)*, before *paragraph (a)* (page 31, before line 9), insert:

(aa) any buildings or parts of buildings within 15 metres of the site frontage, provided that the site frontage faces a street or public open space:

### **Explanatory note**

This Supplementary Order Paper amends the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. It would create an incentive for developers to construct buildings that are more efficient and have better environmental impacts.

This would be done by allowing 6-storey dwellings under the medium density residential standards where site factors are satisfied, including being street or public space facing, within 3 kilometres of the edge of a city centre zone, and not in an area prone to flooding or subsidence. Mandatory build factors of tree protection and acces-

**Proposed amendments to  
Resource Management (Enabling Housing Supply and  
Other Matters) Amendment Bill**

SOP No 109

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sibility must also be satisfied, in addition to at least 2 of the following further build factors:

- high energy-efficiency ratings
- water-sensitive design
- on-site energy generation.

This would also apply the more enabling provisions for the front 15 metres of the site. These changes incentivise positive social and environmental outcomes. They are intended to increase the supply of accessible residential units, improve the energy efficiency of new developments, encourage water conservation and reduce storm-water impacts, and provide long-term protection for significant trees. This will lead to better-quality buildings with reduced lifetime energy use, while supporting affordable housing through density in our cities.