

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 Medium Density Residential Standards

FAQs

What is the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021?

It is a change to legislation that introduces new rules that replace some of the current district plan rules in order to help increase residential development and housing choices for communities that are experiencing acute housing needs.

The Act requires all included Councils to incorporate the new Medium Density Residential Standards (MDRS) into every relevant residential zone in their district plan by August 2022.

Also included is the new Intensification Streamlined Planning Process (ISPP) which will enable Councils to implement intensification faster.

The Amendment to the Act was supported by the National Party, Green Party and Māori Party and was passed into law in December 2021.

Check out the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill on Parliament's website [HERE](#)

What are Medium Density Residential Standards?

Currently residential standards are set by the District Plan which provides parameters for how people can use their land (for example more than one home on a property or multiple storey buildings). Currently if an owner wants to develop their land outside these parameters they would need to apply for a Resource Consent.

The MDRS enables more housing choices by removing the need for a Resource Consent up to a certain point. The new MDRS will allow residents to develop their land more easily, with a maximum permitted development of three homes and up to three storeys on each site without the need for resource consent.

Density Standards

District plans must include the density standards shown in the table below (or standards that enable greater development) from August 2022.

Table 1: Medium density residential standards

Density Standard		
Number of residential units per site	Maximum	3
Building height	Maximum	11m + 1m for pitched roof
Height in relation to boundary	Maximum	4m + 60° recession plane

Setbacks	Minimum	Front yard: 1.5m Side yard: 1m Rear yard: 1m (excluded on corner sites)
Building coverage	Maximum	50% of the net site area
Outdoor living space	Minimum	Ground floor: 20m ² , 3m dimension Above ground floor: 8m ² , 1.8m dimension
Outlook space	Minimum	Principal living room: 4m depth, 4m width All other habitable rooms: 1m depth, 1m width
Windows to street	Minimum	20% glazing of the street-facing facade
Landscaped area	Minimum	20% of the developed site with grass or plants

Why is this legislation change important?

Currently, the housing rules in the district plan are limiting to the amount and types of houses it enables. The change to the Act provides Councils with the tool to accelerate housing supply.

What are the benefits of enabling higher density areas?

- Affordability – use of less resources, better use of land
- Increased access to employment, transport, community facilities
- Less urban sprawl
- Enables multi-generational family living
- Infrastructure is already in place
- More housing choice to suit different lifestyles

Where does the MDRS apply to?

The MDRS applies to all relevant residential zones. In Rotorua this includes properties zoned Residential 1 and Residential 2. These are the general and medium density residential zones. Consideration is also being given to whether the Residential 3 Zone at Ōhinemutu, Ngapuna and Whakarewarewa should also be included.

When will changes take effect?

The MDRS has immediate legal effect from notification (Aug 2022).

Which cities are affected by the new MDRS?

The change to the Act automatically applied to Tier 1 territorial authorities (see table below). However, where there is acute housing need – as there is in Rotorua - central government can specify that these medium density rules be applied. Rotorua Lakes Council supports this approach as it offers a significant opportunity to rapidly enable housing across the city.

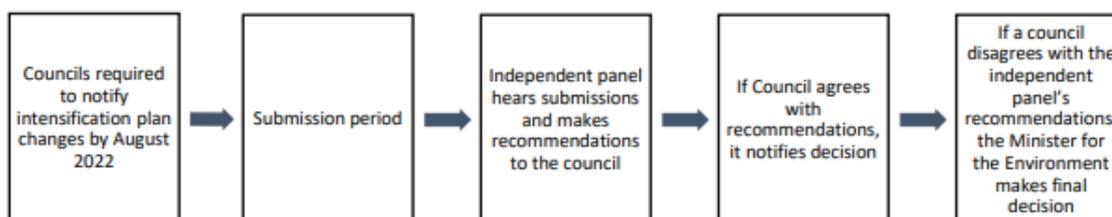
Tier 1 territorial authorities

Tier 1 urban environment	Tier 1 local authorities
Auckland	Auckland Council
Hamilton	Hamilton City Council, Waikato District Council, Waipā District Council
Tauranga	Tauranga City Council, Western Bay of Plenty District Council
Wellington	Wellington City Council, Porirua City Council, Hutt City Council, Upper Hutt City Council, Kāpiti Coast District Council
Christchurch	Christchurch City Council, Selwyn District Council Waimakariri District Council

What is the Intensification Streamlined Planning Process (ISPP)?

The ISPP applies to the intensification plan changes that Councils are required to notify by August 2022. The ISPP will enable intensification outcomes to be achieved faster than using standard RMA processes. The ISPP removes standard steps such as the right of appeal and enables final decisions to be deferred to the Minister for the Environment in order to speed up implementation. A similar process was used when Rotorua Lakes Council proposed Plan Change 2 to rezone Pukehangi Heights.

The ISPP still enables public participation through a submission process. The ISPP follows the steps below.



When did Rotorua Lakes Council agree to request to be included?

Council resolved unanimously to request inclusion of the Rotorua urban area Tier 2 in Amendment to the Act in November 2021.

Why did Council request to be included?

Rotorua is growing and our community urgently needs more homes and more housing options. Council is acting now to respond to that demand however, the current district plan does not enable the urgent response that is required to increase housing supply in Rotorua. Its provisions are reflective of the long periods of little to no growth that Rotorua experienced during the past few decades. The district plan in its current form is too restrictive and limits different housing typologies. The new MDRS provides Council with a significant opportunity to rapidly enable housing development across the city without having to go through lengthy plan changes which can often take years to complete.

[Click HERE to read Council's submission to the Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Bill](#)

[Click HERE to read Te Tatau o Te Arawa's submission to the Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Bill](#)

[Click HERE to read Te Arawa Lakes Trust's submission to the Resource Management \(Enabling Housing Supply and Other Matters\) Amendment Bill](#)

What does this mean for housing in Rotorua?

From August 2022, when Council will notify the Rotorua Housing Plan Change, the MDRS will have immediate legal effect. This means that property owners who want to develop their land will be able to build homes that meet the MDRS without needing a Resource Consent.

The intention of the MDRS is to enable more homes to be built faster to respond to our city's housing needs. Council expects to see an increase in the development of properties with more than one home on them.

What if I object to the new rules?

The new rules are national legislation that was passed into law in December 2021. Prior to that, the legislation was considered by MPs and a Select Committee. The Committee considered 966 written submissions and 183 oral submissions and made several key improvements to the legislation.

The Governor General made an Order in Council on the 14th March 2022 directing Rotorua Lakes Council to implement the MDRS in our housing plan change.

People will be able to have their say on the Plan Change when it is notified in August 2022.

Does Council still need to change the Rotorua District Plan?

Yes, the Government's National Policy Statement on Urban Development (NPS-UD) requires Council's to notify a Plan Change to enable intensification of the city's urban environments by August 2022. The MDRS will be included in that Plan Change.

As part of the Rotorua Housing Plan Change Council is considering including Priority Areas for development and proposed changes to enable higher density development.

Are there exceptions to these rules?

Yes, height and density can be restricted where there are protected values or known development constraints – these are known as *Qualifying Matters*. Existing Qualifying Matters include natural hazards, historic and cultural values, and significant natural areas.

Will I need to apply for a subdivision?

The MDRS allows for a maximum permitted development of three homes and up to three storeys on each site without the need for resource consent. This means the homes will be on one title. If an owner would like to subdivide and create separate titles for each home, a Resource Consent will be required. However, the subdivision will generally be considered a controlled activity.

How will Council make sure that future intensification is sustainable and keeps the character of the city?

Our community now has the opportunity to plan for a future that enables our city to grow in a way that protects and enhances the things we all love. The NPS-UD requires Councils to plan well for growth and ensure a well-functioning urban environment for all.

To help us achieve a well-functioning urban environment, Council is working to develop a Future Development Strategy and corresponding design guide to help shape the way development happens in the future. A Future Development Strategy sets out the long-term picture for future urban growth and shows where growth is to be located, and in what form and what infrastructure will be needed to support that growth. Council will be using community input to develop the strategy and design guide.

Underpinning the development of these guiding documents is a focus on a holistic wellbeing approach, and Te Arawa values.