



**Western  
Bay of Plenty**  
District Council

# **Appendix 13 –** Medium Density Residential Standards (MDRS)



## Schedule 3A

### MDRS to be incorporated by specified territorial authorities

s 77G

Schedule 3A: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

#### Part 1

#### General

Schedule 3A Part 1: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

#### 1 Interpretation

- (1) In this schedule, unless the context otherwise requires,—
- construction** includes construction and conversion, and additions and alterations to an existing building
- density standard** means a standard setting out requirements relating to building height, height in relation to boundary, building setbacks, building coverage, outdoor living space, outlook space, windows to streets, or landscaped area for the construction of a building
- subdivision** means the subdivision of land, as defined in section 218(1).
- (2) Terms used in this schedule that are defined in section 77F have the same meaning in this schedule as they do in that section.
- (3) Terms used in this schedule that are defined in the national planning standards have the same meaning in this schedule as they do in those standards.

Schedule 3A clause 1: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

#### 2 Permitted activities

- (1) It is a permitted activity to construct or use a building if it complies with the density standards in the district plan (once incorporated as required by section 77G).
- (2) There must be no other density standards included in a district plan additional to those set out in Part 2 of this schedule relating to a permitted activity for a residential unit or building.

Schedule 3A clause 2: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

#### 3 Subdivision as controlled activity

Subdivision requirements must (subject to section 106) provide for as a controlled activity the subdivision of land for the purpose of the construction and use of residential units in accordance with clauses 2 and 4.

Schedule 3A clause 3: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

#### **4 Restricted discretionary activities**

A relevant residential zone must provide for as a restricted discretionary activity the construction and use of 1 or more residential units on a site if they do not comply with the building density standards in the district plan (once incorporated as required by section 77G).

Schedule 3A clause 4: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

#### **5 Certain notification requirements precluded**

- (1) Public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).
- (2) Public and limited notification of an application for resource consent is precluded if the application is for the construction and use of 4 or more residential units that comply with the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).
- (3) Public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of residential units described in subclause (1) or (2).

Schedule 3A clause 5: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

#### **6 Objectives and policies**

- (1) A territorial authority must include the following objectives in its district plan:
  - Objective 1*
  - (a) a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future:
    - Objective 2*
    - (b) a relevant residential zone provides for a variety of housing types and sizes that respond to—
      - (i) housing needs and demand; and
      - (ii) the neighbourhood's planned urban built character, including 3-storey buildings.
- (2) A territorial authority must include the following policies in its district plan:

*Policy 1*

- (a) enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:

*Policy 2*

- (b) apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga):

*Policy 3*

- (c) encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance:

*Policy 4*

- (d) enable housing to be designed to meet the day-to-day needs of residents:

*Policy 5*

- (e) provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Schedule 3A clause 6: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

*Subdivision requirements*

Heading: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**7 General subdivision requirements**

Any subdivision provisions (including rules and standards) must be consistent with the level of development permitted under the other clauses of this schedule, and provide for subdivision applications as a controlled activity.

Schedule 3A clause 7: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**8 Further rules about subdivision requirements**

Without limiting clause 7, there must be no minimum lot size, shape size, or other size-related subdivision requirements for the following:

- (a) any allotment with an existing residential unit, if—
- (i) either the subdivision does not increase the degree of any non-compliance with the density standards in the district plan (once incorporated as required by section 77G) or land use consent has been granted; and
  - (ii) no vacant allotments are created:

- (b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently if the applicant for the resource consent can demonstrate that—
- (i) it is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit; and
  - (ii) each residential unit complies with the density standards in the district plan (once incorporated as required by section 77G); and
  - (iii) no vacant allotments are created.

Schedule 3A clause 8: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

## **9 Rules about common walls**

For the purposes of clause 8(a)(i), if a subdivision is proposed between residential units that share a common wall, the requirements as to height in relation to boundary in the district plan (once incorporated as required in section 77G) do not apply along the length of the common wall.

Schedule 3A clause 9: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

## **Part 2 Density standards**

Schedule 3A Part 2: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

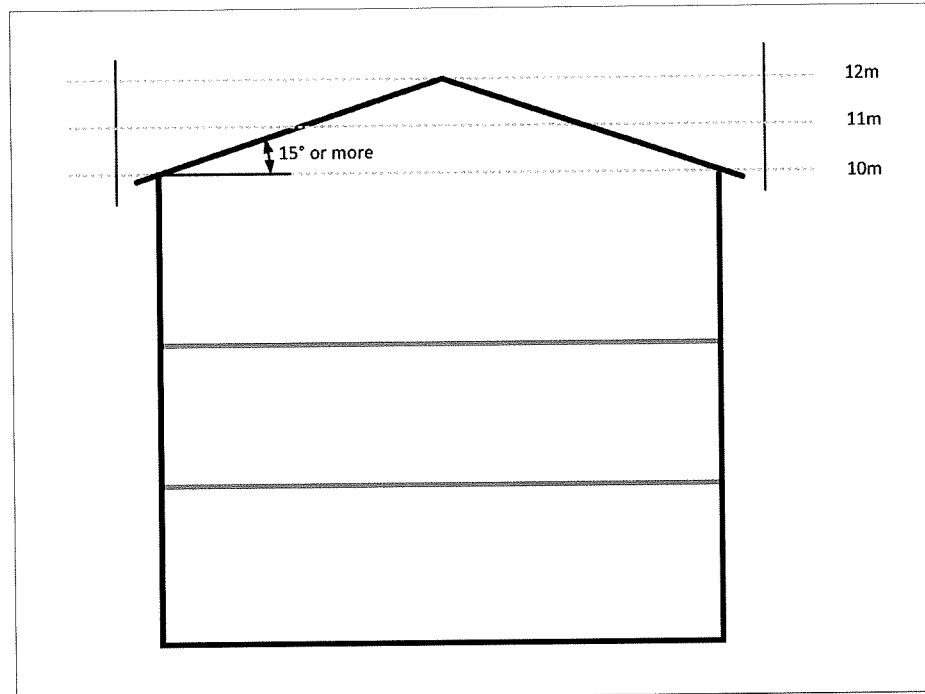
## **10 Number of residential units per site**

There must be no more than 3 residential units per site.

Schedule 3A clause 10: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

## **11 Building height**

Buildings must not exceed 11 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, as shown on the following diagram:

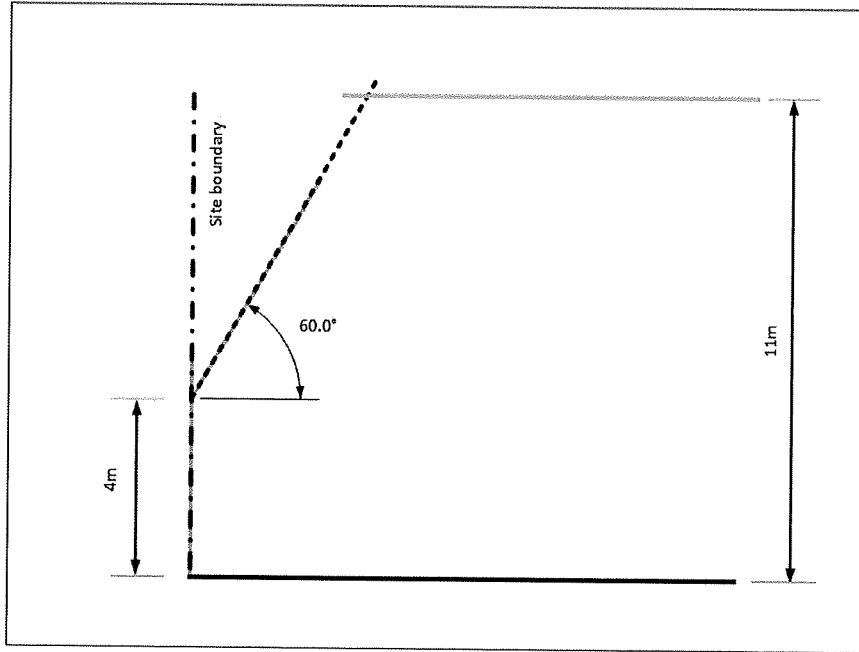


Schedule 3A clause 11: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

## 12 Height in relation to boundary

- (1) Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. 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.



- (2) This standard does not apply to—
- (a) a boundary with a road;
  - (b) existing or proposed internal boundaries within a site;
  - (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

Schedule 3A clause 12: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

### 13 Setbacks

- (1) Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:

Yard	Minimum depth
Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

- (2) This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

Schedule 3A clause 13: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**14 Building coverage**

The maximum building coverage must not exceed 50% of the net site area.

Schedule 3A clause 14: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**15 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 and that comprises ground floor, balcony, patio, or roof terrace space that,—

- (a) where located at ground level, has no dimension less than 3 metres; and
- (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- (c) is accessible from the residential unit; and
- (d) may be—
  - (i) grouped cumulatively by area in 1 communally accessible location; or
  - (ii) located directly adjacent to the unit; and
- (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.

(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) is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- (b) is accessible from the residential unit; and
- (c) may be—
  - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
  - (ii) located directly adjacent to the unit.

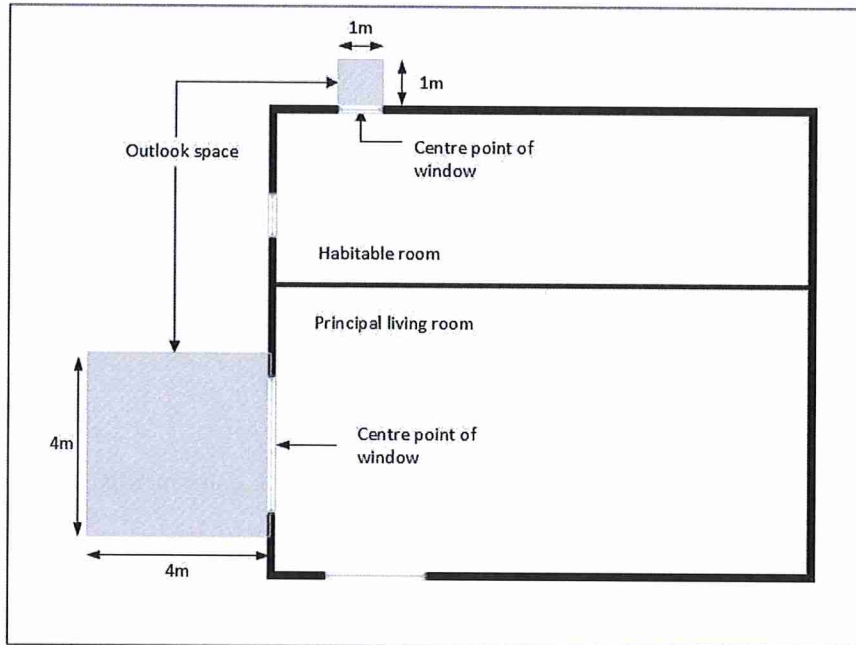
Schedule 3A clause 15: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**16 Outlook space (per unit)**

(1) An outlook space must be provided for each residential unit as specified in this clause.



- (2) An outlook space must be provided from habitable room windows as shown in the diagram below:



- (3) The minimum dimensions for a required outlook space are as follows:
- a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (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 over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must—
- be clear and unobstructed by buildings; and
  - not extend over an outlook space or outdoor living space required by another dwelling.

Schedule 3A clause 16: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**17 Windows to street**

Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

Schedule 3A clause 17: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**18 Landscaped area**

- (1) A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
- (2) The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.

Schedule 3A clause 18: inserted, on 21 December 2021, by section 17 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

