

Life in Medium Density Housing  
in Tāmaki Makaurau / Auckland

## Chapter 2

# Legislation and policy context



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## **Overview of the Life in Medium Density Housing in Tāmaki Makaurau / Auckland report**

The *Life in Medium Density Housing in Tāmaki Makaurau / Auckland* study was undertaken by Auckland Council's Economic and Social Research and Evaluation team and Tāmaki Makaurau Design Ope (TMDO) in 2023. The primary purpose of the research was to investigate how Aucklanders are experiencing living in recently built medium density housing (MDH).

The results of this research will support everyone involved in the delivery of housing in Auckland (including Auckland Council, central government, developers) to improve future MDH, and ultimately the wellbeing of Aucklanders, through consenting processes, design guidance and land use planning. It will also enable better informed choices by Aucklanders looking to live in MDH.

This study involved a number of methods including a rapid literature review, geospatial analysis to identify recently developed MDH across the Auckland region, an online survey of 1337 participants living in MDH, analysis of the consented plans of 110 properties whose residents participated in the survey, and 20 in-depth in-home immersions which collectively provides a comprehensive view of how people experience their MDH.

This report is divided into 10 chapters and 13 appendices:

Main report:

- Chapter 1: Introduction
- Chapter 2: Legislation and policy context
- Chapter 3: Research method and sample
- Chapter 4: Indoor spaces for living
- Chapter 5: Storage, laundries and bathrooms
- Chapter 6: Outdoor living spaces
- Chapter 7: Indoor environment
- Chapter 8: Carparking and vehicle storage
- Chapter 9: Shared facilities
- Chapter 10: Discussion and recommendations

Appendices:

- 1: References
- 2: NPS-UD and Auckland Regional Policy Statement objectives and policies
- 3: Survey invitation letter and reminder postcard
- 4: Survey consent form
- 5: Survey questionnaire
- 6: Standalone houses excluded from the sample
- 7: Survey sample characteristics
- 8: In-home immersion screener survey
- 9: In-home immersion discussion guide
- 10: Design attributes for analysis of consented plans
- 11: Map of broad geographic study areas
- 12: Study limitations
- 13: Codes for open ended responses

Each chapter is provided as a separate PDF and can be accessed on the Knowledge Auckland website. A summary report with key findings is also available on the Knowledge Auckland website.

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**Glossary of acronyms**

ADM	Auckland Design Manual
AUDP	Auckland Urban Design Panel
AUP	Auckland Unitary Plan
BRANZ	Building Research Association of New Zealand
FDS	Future Development Strategy
IHP	Auckland Unitary Plan Independent Hearings Panel
LGATPA	Local Government (Auckland Transitional Provisions) Act 2010
MDH	medium density housing
MDRS	Medium Density Residential Standards
MHS	Mixed Housing Suburban zone
MHU	Mixed Housing Urban zone
NPS-UD	National Policy Statement on Urban Development
PAUP	Proposed Auckland Unitary Plan
RMA	Resource Management Act 1991
RMEHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
RPS	Regional Policy Statement
THAB	Terraced Housing and Apartment Buildings zone
TMDO	Tāmaki Makaurau Design Ope (Auckland Council's Urban Design Unit)

## Introduction to this chapter

This chapter outlines the legislative context within which medium density housing (MDH) is delivered in Tāmaki Makaurau / Auckland.

MDH is a relatively recent form of housing in Aotearoa New Zealand, compared with many other places around the world such as Europe, Asia, America and Australia. The standalone house on a quarter-acre section has been the predominant housing form in New Zealand, and as a result, the necessary skills to design and build MDH are still maturing (see Marriage, 2022).

The location, design and construction of MDH is influenced by both central and local government legislation. Auckland Council is a Building Consent Authority under the Building Act 2004 and is a unitary authority under the Local Government Act, which means it is a territorial authority that has the responsibilities, duties and powers of a regional council conferred on it. As a unitary authority, Auckland Council is responsible for both district and regional resource consents under the Resource Management Act 1991 (RMA). Accordingly, Auckland Council reviews, approves and monitors both building and resource consent applications for MDH. Private developers and social housing providers who design and construct MDH are required to obtain the necessary building and planning approvals for MDH through Auckland Council.

The RMA and the Building Act 2004 direct Auckland Council consenting processes. Resource consents are applied for under the Auckland Unitary Plan (AUP). When the council is considering resource consent applications, section 104 of the RMA requires it to have regard to National Policy Statements, including the National Policy Statement on Urban Development 2020 (NPS-UD; Ministry for the Environment, 2020). This combination of legislation, and resulting policy and processes, influences the location, design and construction of homes that Aucklanders live in. These are discussed further in Sections 1, 2 and 3 of this chapter.

In addition to legislation and policies, a collection of best practice guidelines can be used to inform the design of homes. In the Auckland context, the *Auckland Design Manual (ADM)*, the Ministry for the Environment (2022) *National Medium Density Design Guide*, the Ministry of Housing and Urban Development (2023) *Public Housing Design Guidance for Community Providers and Developers*, and Kāinga Ora (2024) *Ngā Paerewa Hoahoa Whare Design Requirements* provide non-statutory design guidance.

There is also a wealth of non-statutory design guidance for MDH across the world. This report refers to three design guidelines from Australia: the *Low Rise Housing Diversity Design Guide (2020)* and *Apartment Design Guide (2015)* from New South Wales, and the State of Victoria's *Apartment Design Guidelines for Victoria (2021)*. There are many guidelines in Australia and these three have been selected as they apply to similar contexts, including levels of intensification. They carry additional weight as statutory design guidelines under state planning legislation in Australia. Section 5 below provides more detail on these guidelines.

As well as a complex legislative and policy context, the quality, location, design and construction of MDH is also influenced by external factors beyond the control of Auckland Council including:

- market demand, trends and patterns
- population changes
- development funding
- mortgage lending criteria
- insurance
- construction industry skills, capacity and competency
- construction costs
- supply chains
- taxation penalties and incentives.

Section 6 summarises a collection of MDH design observations by the Design Review team within Tāmaki Makaurau Design Ope (TMDO) at Auckland Council.

# 1 Legislation and policy

Two ‘streams’ of legislation are of relevance to housing in New Zealand, one resulting from the Resource Management Act (RMA) 1991 and the other from the Building Act 2004. These are discussed in turn below. The Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) required Auckland Council to prepare an Auckland combined plan as defined in s122 of the LGATPA. The AUP (or the Proposed Auckland Unitary Plan (PAUP) when notified on 30 September 2013) is the Auckland combined plan, which includes a Regional Policy Statement, Regional Plan, Regional Coastal Plan and District Plan for the Auckland region that manages how land and the coastal marine area is used.<sup>1</sup> Through national direction, such as the NPS-UD, central government requires local authorities to amend their policy statements and plans. The RMA is the legislation under which local authorities make decisions on resource consents via RMA-plan rules and requires local authorities to monitor the outcomes of their plans (s35).

The Building Act 2004 sets the ‘rules’ for buildings and is the legislative basis of building consents, which are administered by Auckland Council, a building consent authority for the purpose of that Act. The Building Act 2004 is supported by the Building Code, non-prescriptive performance-based regulations, intended to allow innovation in design.

## 1.1 The Resource Management Act 1991 and the Auckland Unitary Plan

The RMA is a key piece of legislation that sets out how the environment should be managed and establishes the framework by which land uses, including MDH, are permitted or considered by local authorities when assessing resource consent applications. The RMA has been subject to substantive amendment since its enactment 33 years ago and the need for reform is widely acknowledged. Its repeal was recently reversed, with more amendments signalled during 2024 by central government following which its replacement is anticipated.<sup>2</sup>

Until replaced by alternative legislation, central and local government have responsibilities to administer the RMA. While central government provides national direction, local government implements the RMA and national direction through mandatory RMA policy documents in each region or district.

As mentioned above, Auckland Council is a unitary authority, so the Auckland Unitary Plan (AUP) is a combined planning document containing a Regional Policy Statement (RPS), Regional Plan, Regional Coastal Plan and District Plan for the Auckland region.<sup>3</sup> The RPS specifies the key resource management issues for the region and the high-level policy approach to them, which are addressed in greater detail, including rules, by the other RMA-plans within the AUP.

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<sup>1</sup> Excluding the Hauraki Gulf Islands, which is subject to the Auckland Council District Plan – Hauraki Gulf Islands section.

<sup>2</sup> Further information on what the repeal means can be found on the Ministry for the Environment website: <https://environment.govt.nz/news/nba-spa-repeal/>

<sup>3</sup> Excluding the Hauraki Gulf Islands, which is subject to the Auckland Council District Plan – Hauraki Gulf Islands section.



The AUP has three key roles:

1. to describe how the people and communities of the Auckland region will manage Auckland's natural and physical resources while enabling growth and development and protecting the things people and communities value
2. to provide the regulatory framework to help make Auckland a quality place to live, attractive to people and businesses, and a place where environmental standards are respected and upheld
3. to be the principal statutory planning document for Auckland.<sup>4</sup> Other relevant documents, each with a particular statutory function, include the Auckland Plan 2050, the Auckland Long-Term Plan and the Auckland Regional Land Transport Plan.

## **1.2 National Policy Statement on Urban Development (2020) and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021**

Issued under the RMA, national policy statements provide direction for matters of national significance relevant to sustainable management. The NPS-UD directs Auckland Council to enable greater building height and density of urban form within and around Auckland's city centre zone, metropolitan centre zones and new and existing rapid transit stops such as eligible train and busway stations as well as neighbourhood, local and town centres.

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMEHS) amended the RMA to require the councils of New Zealand's largest and rapidly growing cities – Auckland, Hamilton, Tauranga, Wellington and Christchurch – to incorporate new Medium Density Residential Standards (MDRS) in relevant residential zones.<sup>5</sup> Many of the core aspects of the MDRS were derived from the AUP, in particular the Residential: Mixed Housing Urban Zone standards, and then amended.

Through the use of MDRS, the government requires Auckland Council to enable MDH across most of Auckland's residential suburbs, as most residential land is in a 'relevant residential zone'. Three dwellings of up to three storeys, including terraced housing and apartment buildings, are to be permitted where they comply with MDRS unless a 'qualifying matter' applies; that is, a matter that may reduce the required height and density of built form where there is a feature or value that should be protected or avoided, but only to the extent necessary to protect that feature/value. Four or more dwellings are to be enabled through a non-notified resource consent (i.e. without the need for neighbours' approval) where they comply with the MDRS density standards (except for the standard in clause 9AA – no more than three residential units per site). Applications for one, two or three dwellings with any infringement(s) to MDRS rules cannot be publicly notified (but affected neighbours can make submissions if applications are limited notified).

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<sup>4</sup> Excluding the Hauraki Gulf Islands, which is subject to the Auckland Council District Plan – Hauraki Gulf Islands section.

<sup>5</sup> Further information on the MDRS can be found here: <https://environment.govt.nz/assets/publications/Files/Medium-Density-Residential-Standards-A-guide-for-territorial-authorities-July-2022.pdf>

The NPS-UD directs Auckland Council to use a 30-year planning horizon in providing at least sufficient capacity to meet expected demand, although zoned capacity needs only to be sufficient to meet the next 10 years' growth. Future Development Strategies (FDSs) are a key requirement of the NPS-UD and must show how councils are planning to meet these requirements for sufficient capacity. As well as these quantitative requirements, a FDS must set a strategy to achieve more qualitative outcomes, and most importantly a wide range of elements that contribute to a 'well-functioning urban environment'.

Auckland's FDS 2023-2053 promotes key principles that direct future planning for the city, and the direction of growth, in order to achieve a well-functioning urban environment.<sup>6</sup> The FDS advocates a 'quality compact' approach, continuing a well-established theme of strategic planning at Auckland Council, dating back to the first Auckland Plan (2010). A fundamental element of this approach is to plan for quality medium- and high-density development in 'good' locations. For Auckland, good locations are ones that have access to public transport services, employment and wider services.

Although low-density development is still provided for to some extent through this planning framework, recognising some discrete constraints that exist in some locations, the overarching direction is towards medium- and high-density redevelopment. This is especially relevant in Auckland's existing urban area. However, even in new greenfield developments, a large proportion of housing is being developed at medium density.

In addition to the specific FDS requirements, the NPS-UD also requires Auckland Council, among other things, to make planning decisions that contribute to well-functioning urban environments. This is an ongoing requirement, distinct from the requirement to implement MDRS via a special planning process. Integration of a well-functioning urban environment is proposed in the RPS through Proposed Plan Change 80 (PC80) to the AUP. Many aspects of what constitutes a well-functioning urban environment are already set out in the AUP, although the term itself was introduced by the NPS-UD. A review of the literature was undertaken by Auckland Council's Research and Evaluation Unit (RIMU) in 2020 to investigate the term 'well-functioning urban environment' in response to the NPS-UD (Joynt, 2021). The NPS-UD objectives and policies of relevance to this research, and Proposed Plan Change 80's response to these objectives and policies, are set out in Appendix 2. The Council's decision of independent hearing commissioners on Plan Change 80 is currently subject to appeal in the Environment Court,<sup>7</sup> and as such, greater weight is afforded to the operative RPS objectives and policies (refer Appendix 2) at the time of publication.

Auckland Council notified a series of AUP changes in response to the NPS-UD and RMEHS, including (but not limited to):

- Plan Change 71: Removal of car parking minimums
- Plan Change 78: Intensification
- Plan Change 79: Amendments to the transport provisions

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<sup>6</sup> Source: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/development-strategy/Pages/default.aspx>

<sup>7</sup> Beachlands South Limited Partnership v Auckland Council -ENV-2023-AKL000181.

- Plan Change 80: RPS well-functioning urban environment, resilience to the effects of climate change and qualifying matters.

In early 2024, the New Zealand Government proposed making the MDRS rules optional for councils, with the need for councils to ratify any use of MDRS, including existing zones.<sup>8</sup> While this change is yet to be legislated, the Minister of Housing and RMA Reform has confirmed that: “We will be allowing Councils to opt out of the Medium Density Residential Standards if they wish. The government position is that the MDRS tools were too blunt and one-size-fits all.”<sup>9</sup> At the time of publication, Auckland Council is working with the Ministry for the Environment and Government ministers to determine the scope and time frames for completing the mandatory intensification process. Until legislation is enacted, the mandatory requirements for councils in high growth areas to give effect to the NPS-UD and to incorporate the MDRS remains, including Auckland.

More recently, the central government has indicated as part of their ‘Going for Housing Growth’ programme that the ability for councils to specify minimum floor areas or balconies for residential dwellings will be removed.<sup>10</sup> These changes will be implemented through amendments to the RMA and the NPS-UD with the requirements expected to be in place by mid-2025. Formal consultation on the detailed design of the changes will occur in early 2025.

### 1.3 Auckland Unitary Plan

The Auckland Unitary Plan (AUP) is the ‘rule book’ that shapes the way Auckland grows. It guides the use of Auckland’s natural and physical resources, including land development,<sup>11</sup> by determining:

- what can be built and where, and what activities may be undertaken
- what discharges to, or disturbances of, the natural environment may occur
- what uses are appropriate in the coastal marine environment.

A higher quality and more compact Auckland is the desired urban form, with fewer opportunities for greenfields growth.

The RPS is the component of the AUP that provides an overview of the resource management issues across the Auckland region, and the policies and methods available to achieve integrated management of regional natural and physical resources.

Of relevance to this study are RPS Chapters B2.2 Urban growth and Form and B2.3 A quality built environment, which set out the expectations for quality compact urban development across the region for all types and scales of development. Proposed Plan Change 80 expands the RPS objectives

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<sup>8</sup> Source: <https://www.hud.govt.nz/assets/Uploads/Documents/Cabinet-papers/Cabinet-Paper-Fixing-the-Housing-Crisis.pdf>

<sup>9</sup> Hon Chris Bishop. (2024, 21 March). *Speech to the Property Council of New Zealand Residential Development Summit*. <https://www.beehive.govt.nz/speech/speech-property-council-new-zealand-residential-development-summit>

<sup>10</sup> Source: [Factsheet 2 - Detailed information .pdf \(beehive.govt.nz\)](#)

<sup>11</sup> With the exception of land development in the Hauraki Gulf Islands, which is subject to the Auckland Council District Plan – Hauraki Gulf Islands section.

and policies to give effect to the well-functioning urban environment directive of the NPS-UD, which are set out in Appendix 2 of this report.

The RPS sets the framework for the role of the natural and built environment to support people's lives – their health, safety, wellbeing, choices, accessibility and travel – then flows down into the residential zones and associated standards in the AUP's district plan section. Standards (rules) provide for activities (such as residential development) as either permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities. The standards set out limits, such as maximum height and minimum yards and height in relation to boundary, to guide the form of development. Non-compliance with a standard often results in a more onerous resource consent process.

A resource consent is a planning approval for an activity that is not allowed 'as of right', meaning a permitted activity. Gaining a resource consent is a separate process from building consent approval which is required under the Building Act 2004, which sets out the rules for the construction of buildings.

## 1.4 History of the Auckland Unitary Plan

Auckland Council was established on 1 November 2010, following the amalgamation of Auckland's seven city and district councils, and the Auckland Regional Council. The Proposed Auckland Unitary Plan (PAUP) was notified for public submissions on 30 September 2013, replacing 13 legacy district and regional plans.

Matters relevant to this research that were initially proposed in the notified PAUP residential zone standards include:

- minimum lot sizes per dwelling and minimum frontage lengths;<sup>12</sup> (relates to overall intensity of MDH developments)
- minimum dimension of principal living rooms (3m) and principal bedrooms (3.5m x 3m);<sup>13</sup> (relates to size, flexibility and functionality of internal living spaces and bedrooms)
- minimum storage areas for waste for 10 or more dwellings, based on number of bedrooms;<sup>14</sup> (relates to day-to-day needs of residents and functionality of MDH)
- minimum general storage areas of 4m<sup>3</sup> excluding wardrobes and kitchen cupboards;<sup>15</sup> (relates to day-to-day needs of residents and functionality of MDH)
- minimum standards to enable universal access for people of all ages and abilities;<sup>16</sup> (relates to flexibility of MDH to provide for a range of different housing needs).

The Auckland Unitary Plan Independent Hearings Panel (IHP) was appointed to hear submissions and evidence on the PAUP in accordance with LGATPA. The IHP was independent of Auckland

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<sup>12</sup> *Proposed Auckland Unitary Plan*, Residential Standard 3.1 Maximum density.

<sup>13</sup> *Proposed Auckland Unitary Plan*, Residential Standard 7.18 Minimum dimension of principal living rooms and principal bedrooms.

<sup>14</sup> *Proposed Auckland Unitary Plan*, Residential Standard 7.19 Servicing and waste.

<sup>15</sup> *Proposed Auckland Unitary Plan*, Residential Standard 7.21 Storage.

<sup>16</sup> *Proposed Auckland Unitary Plan*, Residential Standard 7.22 Universal access.

Council and made recommendations to the council about any changes considered necessary to the PAUP.

In response to submissions on the PAUP, questioning from the IHP, and further evaluation, the council's expert witnesses supported further amendments to density provisions, proposing no density limits for sites in the Residential – Mixed Housing Urban (MHU) and Residential - Terraced Housing and Apartment Buildings (THAB) zones, and sites of 1000m<sup>2</sup> or more in the Residential – Mixed Housing Suburban (MHS) zone.<sup>17</sup> For sites in MHS zones less than 1000m<sup>2</sup>, a minimum 200m<sup>2</sup> density standard was proposed. Council witnesses recommended deletion of notified development standards relating to storage, universal access, minimum dimension of principal living rooms and principal bedrooms, servicing and waste.<sup>18</sup> The remaining PAUP proposed standards were supported by council's expert witnesses as being appropriate for all residential development.

While submitters generally supported this revised approach to minimum density provisions, concerns remained that the development standards for compliance were complex and were not the most appropriate method to achieve the urban and economic growth goals of the RPS.<sup>19</sup> Submitters, including the then Housing New Zealand Corporation, recommended that there should be:

... a reduction in the currently proposed extensive suite of quantitative development controls, such that a limited number of quantitative controls are retained to address the key matters which have the potential to create adverse effects external to a site ... with the remainder of controls which relate to potential effects internal to a site being addressed in a more flexible way through the use of design-related matters of discretion and assessment criteria.<sup>20</sup> (emphasis added)

The IHP generally agreed with evidence supporting this position and recommended removal of the density provisions and provided for up to four dwellings as a permitted activity. The IHP recommended for developments of five or more dwellings, only building height, height in relation to boundary, alternative height in relation to boundary and yards to be applicable permitted standards. The IHP further recommended compliance with all other standards (such as building coverage, landscaped area, outdoor living space and outlook) become matters of discretion and assessment

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<sup>17</sup> Auckland Unitary Plan Independent Hearings Panel. *Report to Auckland Council Hearing Topics 059-063, Residential zones, Section 5.1* (July 2016). <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/ihp-designations-reports-recommendations/Documents/ihp059to063residentialzones.pdf>

<sup>18</sup> Auckland Council. (2015, November 17). *Closing statements and points of clarification on behalf of Auckland Council in relation to Topics 059 residential objectives and policies; 060 residential activities; 061 retirement and affordability (in part); 062 residential development controls; and 063 residential controls and assessment. Topics 059-063, Annexure D – proposed mark ups. 059, 060, 062 and 063- Hrg - Auckland Council - CLOSING STATEMENT (2).pdf*

<sup>18</sup>Source: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/Pages/history-auckland-unitary-plan.aspx>

<sup>19</sup> Auckland Unitary Plan Independent Hearings Panel. *Report to Auckland Council Hearing Topics 059-063. Residential zones. July 2016. Sections 2.1 & 2.2. Source: https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/ihp-designations-reports-recommendations/Documents/ihp059to063residentialzones.pdf*

<sup>20</sup> Ibid. Section 2.2, page 12.

criteria for restricted discretionary activity applications.<sup>21</sup> Among other standards, the minimum dwelling size standard was recommended to be deleted in its entirety. The IHP stated that the removal of the density standards along with “a number of development standards and consenting processes (generally restricted discretionary activity) ... would ensure good living environments and good environmental outcomes”.<sup>22</sup> Part of the IHP’s reasoning for recommending deletion of standards such as minimum dwelling size, minimum room dimensions and storage was a view that “minimum standards are required pursuant to the Building Act 2004, and these will ensure functionality is considered, as well as health and wellbeing”.<sup>23</sup> Section 18 of the Building Act 2004 prevents the imposition of additional or more restrictive performance criteria than in the Building Code. The IHP did not accept the position advanced in the council’s legal submissions “that section 18 of the Building Act does not limit the ability to include rules in the PAUP that may require buildings to achieve higher performance standards than the Building Code where the rules meet the statutory tests of the RMA (and have a legitimate resource management purpose)”.<sup>24</sup>

The Auckland Unitary Plan (AUP) became operative in part in November 2016, and the residential provisions of the AUP became operative in April 2018.<sup>25</sup>

## 1.5 Medium density housing under the AUP

The residential zone standards in the AUP provide for unlimited density (i.e. no minimum lot size) for land use led development (as opposed to vacant lot subdivision) in the three main residential zones—MHS, MHU and THAB. This was a significant shift away from the legacy district plan approaches of minimum lot sizes, with MDH developments of four or more dwellings now only constrained by the building envelope, which is controlled by standards such as the building height, height in relation to boundary and minimum yards.

For residential development in the MHS and MHU zones, any development of four or more dwellings requires a resource consent application, and all residential development in the THAB zone requires a restricted discretionary activity resource consent (with the exception of 1-3 dwellings as provided for under Plan Change 78: Intensification, where the development complies with s86BA of the RMA),

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<sup>21</sup> E.g. Auckland Independent Hearings Panel Recommendations. Chapter H4 Residential – Mixed Housing Suburban Zone. H4.8.1(2)(b) Matters of Discretion and H4.8.2(2).

<https://unitaryplan.aucklandcouncil.govt.nz/Images/AUPIHP%20Recommended%20Plan-July%202016/Chapter%20H%20Zones/H4%20Residential%20-%20Mixed%20Housing%20Suburban%20Zone.pdf>

<sup>22</sup> Auckland Unitary Plan Independent Hearings Panel. July 2016. Report to Auckland Council Hearing Topics 059-063. Residential zones. Section 5.2, page 16. <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/ihp-designations-policies-reports-recommendations/Documents/ihp059to063residentialzones.pdf>

<sup>23</sup> Ibid, Section 6.2, page 21.

<sup>24</sup> Counsel for Auckland Council. 17 November 2015. Closing Statements and Points of Clarification on Behalf of Auckland Council In relation to Topics 059 Residential Objectives and Policies; 060 Residential Activities; 061 Retirement and Affordability (In Part); 062 Residential Development Controls; and 063 Residential Controls and Assessment. [059, 060, 062 and 063- Hrg - Auckland Council - CLOSING STATEMENT \(2\).pdf](#)

<sup>25</sup> Source: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/Pages/history-auckland-unitary-plan.aspx>

recognising that as the scale of development increases, so does the need for a quality design response including:<sup>26</sup>

- achieving the planned built character of the zone
- achieving attractive and safe streets and public open spaces
- managing the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight
- achieving high quality on-site living environments.

All resource consent applications for four or more dwellings in MHS and MHU and all dwellings in THAB are assessed in terms of their compliance with the following standards:

- height
- height in relation to boundary
- yards.

Other standards for consideration (but not standards for compliance) in the assessment of a resource consent application include (but are not limited to):

- building coverage
- landscaped area
- impervious area
- outlook space
- outdoor living space
- daylight
- outdoor living space
- fence and wall heights
- minimum dwelling size
- vehicle and pedestrian access and parking design.

Other matters that must be considered in the assessment of a resource consent application for residential development include (but are not limited to):

- building intensity, scale, location, form and appearance
- location and design of parking and access
- attractive and safe streets and public open spaces
- visual dominance
- privacy within and between sites
- natural cross-ventilation within dwellings
- sunlight and daylight access to dwellings
- storage
- waste and recycling facilities
- sunlight access and privacy to outdoor living spaces.

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<sup>26</sup> Auckland Unitary Plan. H4.1 Residential – Mixed Housing Suburban zone – Zone description, and H5.1 Residential – Mixed Housing Urban zone – Zone description.

Chapters 4 to 9 in this report include reference to AUP provisions relevant to each of the aspects of MDH covered in this study. For brevity, this is limited to the MHU zone provisions, which are similar to those within the MHS and THAB zone provisions. It is acknowledged that MDH is also provided for in the Business Mixed Use and Centres zones, subject to certain standards. However, those provisions are generally less focused on residential amenity outcomes, as these zones enable a range of activities in different settings compared with residential zones where housing is the predominant activity.

## **1.6 Auckland Unitary Plan Section 35 monitoring**

Under Section 35(2)(b) of the RMA, all local authorities in New Zealand are required to monitor the effectiveness and efficiency of the policies, rules or other methods in their RPS or plan, and to publish the results every five years. This requirement applied to the AUP from November 2021.

The Section 35 (s35) monitoring considers how effective and efficient the objectives, policies, rules and other methods of the AUP have been in meeting the outcomes intended by the RPS. Key components of monitoring include assessing how the AUP is progressing to deliver the outcomes sought by the RPS and recommendations based on the assessment.

Auckland Council has undertaken monitoring on a range of RPS topics,<sup>27</sup> including Regional Policy Statement B2.3 – A quality built environment. This monitoring focused on the quality of residential developments in the more intensive residential zones: MHS, MHU and THAB zones. It also looked at the quality of residential developments in the Business – Mixed Use zones. The monitoring also assessed other aspects of the RPS, namely B2.1 – Urban Growth and Form and B2.4 – Residential Growth. This monitoring included the extent of intensification to achieve a quality compact urban form as well as attractive, healthy and safe housing with a range of choices to meet the diversity of Aucklanders’ needs. This monitoring provides an important baseline to understand how the AUP enables quality outcomes for residential development, prior to the introduction of changes to the AUP to implement the NPS-UD and MDRS.

In July 2022, Auckland Council published the AUP Section 35 B2.3 – A quality built environment monitoring report which analysed 130 residential developments with a total of 2339 dwellings across the Auckland region in the MHS, MHU, THAB and Business Mixed Use zones.<sup>28</sup> The analysis looked at over 50 aspects of each development and sought to evaluate terms in the AUP such as ‘attractive’ or ‘variation in roof forms’.

The analysis included site visits and assessment of approved resource consent plans in order to determine how effective and efficient the AUP has been in delivering the outcomes expected by the RPS in terms of a quality built environment.

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<sup>27</sup> Source: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/Pages/auckland-unitary-plan-monitoring.aspx>

<sup>28</sup> Auckland Council. (2022). *Auckland Unitary Plan Section 35 Monitoring*, B2.3 A quality built environment.



The monitoring found that there were several areas where the AUP was not delivering the anticipated outcomes, which have been further investigated in this study, including:

- onsite amenity (for occupants and for neighbouring properties)
- solar access
- privacy (visual and acoustic)
- outlook, privacy and passive surveillance
- private outdoor living space functionality, amenity, visual and acoustic privacy
- landscape treatment (amount and quality)
- pedestrian safety within sites, particularly associated with driveways and grouped parking areas.

Of particular relevance to MDH, council's s35 monitoring found that on average, each existing dwelling is being replaced by up to eight dwellings, with site sizes as small as 50m<sup>2</sup>.<sup>29</sup> The authors commented that:

Sites are becoming so small that functionality and amenity can be compromised (particularly around private outdoor living spaces and outlook spaces) ... Amenity, sunlight access, privacy (visual and acoustic) and other factors that contribute to quality housing and the health and safety of residents within sites as well as adjoining sites are being compromised in favour of housing yield in some developments.

The s35 monitoring did not include interviews or surveys of residents to understand their preferences and the lived experiences of their homes, developments and neighbourhood. The council in its monitoring report concluded that this would provide a more robust assessment of the social, economic, health, safety and wellbeing aspects of housing provision, and was recommended for inclusion in future s35 monitoring for this topic.<sup>30</sup>

Where the s35 monitoring has reported a finding in relation to one of the design attributes considered in this study, these are included in the discussion.

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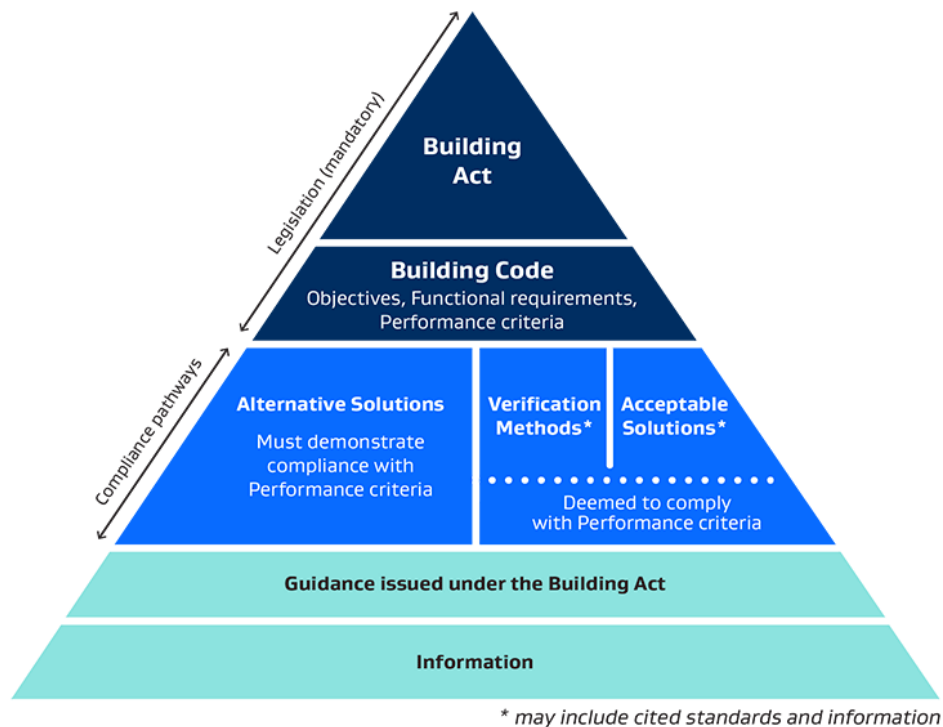
<sup>29</sup> Ibid, pages 57-59.

<sup>30</sup> Ibid, page 122.

## 2 Building Act 2004

The Building Act 2004 sets out rules for the construction, alteration, demolition and maintenance of new and existing buildings. The Building Code (contained within Schedule 1 of the Building Regulations 1992) is a performance-based system, which states how a building must perform, rather than describing how it must be designed and constructed. There are several compliance pathways that can be used to demonstrate compliance with the performance criteria, including verification methods, acceptable solutions and alternative solutions. The figure below illustrates how the various regulations relate to each other.

Figure 1: Building Code regulatory framework



Source: [www.building.govt.nz](http://www.building.govt.nz)

This study does not consider the effectiveness of the relevant building regulations. It is recommended that further work is undertaken to determine if the current building regulations are fit for purpose for MDH, and if changes to building regulations or other legislation is necessary to improve outcomes for people living in MDH.

Further information on the building consent process for MDH can be found on the Building Research Association of New Zealand (BRANZ) website.<sup>31</sup>

<sup>31</sup> Source: <https://www.branz.co.nz/mdh/>

## 3 Housing Improvement Regulations (1947)

The Housing Improvement Regulations 1947 (the ‘Regulations’) were established under the Housing Improvement Act 1945. Their origins reflect perceptions of the 1930s and 1940s about health in housing and contain some outdated requirements,<sup>32</sup> such as persons of the opposite sex not being permitted to sleep in the same room unless they are married.<sup>33</sup> The Housing Improvement Act was repealed in 1979,<sup>34</sup> and the Regulations are now in force under Section 120C of the Health Act 1956.

The Regulations set minimum requirements for housing, and a property used for residential purposes must meet all these requirements unless it complies with equivalent building code requirements. The emphasis of the Regulations is on the housing standard of fitness for human habitation (i.e. the use of the building rather than the process of constructing it), including public health and the prevention of overcrowding, whether the property is owner-occupied or tenanted. Parts of the Regulations are now superseded by more recent legislation such as the Residential Tenancies (Healthy Homes Standards) Regulations 2019, although those regulations only relate to rental accommodation covered by the Residential Tenancies Act 1986. There is also reported uncertainty and inconsistency regarding the application and administration of the Regulations by local authorities.<sup>35</sup>

The purposes of the Building Act 2004 and the Regulations are different but overlapping. The Building Act relates to the construction and alteration of buildings and is performance based, whereas the Regulations relate to the use of buildings for human habitation and occupation and are prescriptive. This can make reconciling their respective requirements difficult in areas where there is overlap, which can result in duplication and additional requirements.

The Regulations must be read as being subject to the Building Act (because of the terms of s120C of the Health Act), and in any area where there is overlap or conflict the requirements of the Building Act (including by necessary implication any provision of the Building Code) will prevail. However, the granting of a building consent or resource consent does not relieve the obligation to comply with all other relevant laws, including the Regulations.

The Regulations include prescriptive metrics for spaces within a home, including kitchens, living spaces and bedrooms as well as requirements for natural ventilation. Part 2 of the Regulations relate to overcrowding, with Schedule 2 setting out the number of persons permitted to sleep in a bedroom, relative to the area of the bedroom. For example, if two people are intended to occupy a bedroom, it should have a floor area of 10m<sup>2</sup> or more but less than 12m<sup>2</sup>. If a bedroom is less than 10m<sup>2</sup> but

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<sup>32</sup> Bierre et al. (2007).

<sup>33</sup> Housing Improvement Regulations 1947, Part 2 Clause 19(4)(a).

<sup>34</sup> The Housing improvement Act 1945 was renamed the Urban Renewal and Housing improvement Act 1945 by the Urban Renewal and Housing improvement Amendment Act 1969. The parts of the Urban Renewal and Housing improvement Act 1945 relating to housing improvement (sections 4-16) were repealed by section 4 of the Health Amendment Act 1979.

<sup>35</sup> Barton, B. (2014).

greater than 8m<sup>2</sup>, then it is only permitted to accommodate 1.5 persons. No persons are permitted to sleep in a room that is less than 4.5m<sup>2</sup> for any new buildings.

Table 1 below sets out the spaces and facilities in a home relating to questions that were included in the survey (survey topics) and any relevant Building Code requirements or Housing Improvement Regulations.

**Table 1: Building Code and Housing Improvement Regulations in relation to survey topics**

<b>Survey topics</b>	<b>Relevant Building Code Requirements</b>	<b>Relevant Housing Improvements Regulations</b>
Overall dwelling size	Not applicable	Clauses 5(2) and (3)
Minimum kitchen size	Not applicable	Clause 7(1)
Kitchen storage	G3 – Food Preparation and prevention of contamination	Clause 7(3)
Dining room size	Not applicable	Not applicable
Lounge size	Not applicable	Not applicable
Bedroom size	Not applicable	Part 1 Clauses 8(1)-(3) Part 2 Clause (4) and Schedule 2
Wardrobe size	Not applicable	Not applicable
Bathroom size	G1 – Personal Hygiene	Part 2 Clause 19(1)
Laundry size	G2 – Laundering	Required to be provided but no design standards
General storage	Not applicable	Not applicable
Garage size	Not applicable	Not applicable
Ventilation and airflow	G4 – Ventilation	Clauses 11(3) and (4)
Temperature control	G5 – Interior Environment H1 – Energy efficiency	Not applicable
Outdoor living spaces	Not applicable	Not applicable
Acoustic privacy	G6 – Airborne and impact sound	Not applicable
Visual privacy	Not applicable	Not applicable
Waste management (refuse & recycling)	G15 – Solid Waste	Not applicable
External lighting	G7 – Natural Light G8 – Artificial Light	Not applicable

While there are some aspects of dwelling design that the Building Code and the Regulations seek to manage, it is not well understood if they are fit for purpose for today's living expectations or the typologies seen in MDH.

## 4 Forms of Property Ownership – Freehold and Unit Title

There are four main types of property ownership in New Zealand: freehold, leasehold, unit title and cross lease. The two most common forms of property ownership for MDH are freehold and unit title.

### Freehold properties

Residential dwellings that are standalone or vertically separated from other dwellings (with a common party wall) are typically held in a freehold or fee simple title. This is the most common (and preferred) type of property ownership type in New Zealand. A freehold title means that the title owner owns the dwelling and the associated land, and typically does not need anyone else's approval for changes, other than compliance with relevant council rules. Terraced houses and duplexes are commonly in freehold ownership, with shared walls held in a common party wall easement.

Shared vehicle or pedestrian accessways serving freehold properties can be provided for through right of way easements (created under the Land Transfer Act 2017), which give the owner of one property rights over another person's property. This allows a landowner to access or use their neighbour's land for a particular purpose such as vehicle or pedestrian access. Easements are also commonly used for services such as water supply. Another increasingly common arrangement is for vehicle and pedestrian accessways and any communal areas to be held in a common or jointly owned access lot (COAL or JOAL) with all owners having an equal share of ownership and responsibilities.

A common entity such as a residents' society/association or incorporated society (hereafter, residents' association) may be established to ensure ongoing maintenance of COALs or JOALs, if required by a condition of subdivision consent or proposed by the developer at the time of resource consent.<sup>36</sup> The constitution of a residents' association can set out rules for things such as pets, gardens, alterations to buildings, parking and how levies are collected to maintain communal assets. These typically have lower ongoing costs than a body corporate. If a residents' association is not established (which is likely for smaller scale developments of fewer than 10 to 15 dwellings), residents may informally work with their neighbours to manage shared areas.

### Unit title properties

The Unit Titles Act 2010 is the law that governs all unit title properties and sets out the rules and regulations so that they can be managed effectively (Unit Titles Regulations 2011).

Apartment units are typically held in a unit title whereby the owners own a defined part of the building, such as their apartment, and share common areas, such as lifts, lobbies, driveways,

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<sup>36</sup> An incorporated society (also known as residents' society) and a residents' association is required to be registered under the Incorporated Societies Act 2022 and is authorised by law to run its affairs. Each society has its own constitution advising of rules, including members' obligations and restrictions, the requirement to pay membership levies, and the requirement for a financial year-end audit. Minimum membership under the Act is 10 members.

carparks, the land the apartment building sits on and any other shared facilities, with other owners. Terraced houses and duplexes can also be held in a unit title where, likewise, owners own their private dwelling and share common areas such as driveways, carparks or outdoor spaces. This combination of individual and shared ownership of land and buildings means owning a unit title property involves a different set of rights and responsibilities than owning a dwelling in a freehold title.<sup>37</sup>

When a unit title property is purchased, the owner automatically becomes a member of the body corporate. All owners in a unit title property make up the body corporate and they must hold an annual general meeting to discuss body corporate matters. The body corporate committee is elected by the members of the body corporate, and has administrative responsibilities, including keeping minutes of all meetings and recording decisions, as well as financial powers and responsibilities, including preparing financial statements and holding a principal insurance policy for all buildings. All owners are required to pay levies set by the body corporate to fund the operation and maintenance of the property, including insurance, cleaning, gardening, fees for any contracted professionals (e.g. lift maintenance) and any ongoing maintenance (e.g. painting the building). A long-term maintenance plan must be established that covers at least 10 years, and larger unit title developments (10 or more units) are required to establish a long-term maintenance plan covering at least a 30-year period. As such, the levies required for a body corporate property are typically higher than that associated with a freehold property that has a residents' association.

There are default operational rules that apply to all unit title properties, such as not damaging common property, not leaving rubbish on common property, not creating noise that interferes with enjoyment of the other property owners/occupiers, and parking arrangements. Any additions to a unit (such as attaching an air conditioning condenser unit to the outside of a dwelling) or common property requires written consent from the body corporate and any affected owners.

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<sup>37</sup> Further information on unit title properties can be found here: <https://www.unittitles.govt.nz/assets/unit-titles/short-guide-to-unit-titles-may-2024.pdf>

## 5 Best practice design guidance

Where relevant, a selection of best practice MDH design guidance is referred to in this report. These have been selected based on dwelling typologies and intensity of development similar to that seen in Tāmaki Makaurau, with a focus on the New Zealand and Australian context. There are other guidelines in New Zealand and Australia and this study does not aim to include all possible guidance.

It is important to note that such guidance is often based on the number of bedrooms in a home as an indicator of the number of people in a household.

The following provides a summary of the design guidance referenced in this report.

### 5.1 Auckland Design Manual

The *Auckland Design Manual* (ADM) is a companion document to the AUP.<sup>38</sup> It provides design guidance that aims to achieve expected outcomes under the AUP. The ADM supports the Auckland Plan 2050, as well as Auckland Council's obligations to the Ministry for the Environment (in particular the *New Zealand Urban Design Protocol*).<sup>39</sup>

The ADM provides non-statutory best practice guidance for a range of design topics including MDH (terraced dwellings and apartment buildings).<sup>40</sup> This includes matters such as minimum floor areas for various spaces within a home, provision for storage and outdoor living spaces, as well as environmental aspects such as temperature.

The ADM is provided digitally and at the time of publication, the website is functioning as an interim website while new content is developed that reflects the changing design approach to MDH and national legislation such as the NPS-UD and MDRS. ADM guidance referenced in this report is therefore available by request.

It is noted that the ADM guidance on minimum room and unit sizes was derived from the legacy Auckland City Council's Auckland Central Area District Plan rules for apartments.<sup>41, 42</sup> The typological differences between terraces and apartments, with terraced dwellings having two to three levels and apartments generally only having one level, means that terraced dwellings have a greater proportion of their floor area dedicated to circulation (e.g. hallways and stairwells). The applicability of these minimum floor areas to terraced dwellings is therefore examined further in this report (see Chapter 4, Section 3: Overall size of the home).

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<sup>38</sup> Auckland Council. (n.d.).

<sup>39</sup> Ministry for the Environment. (2005).

<sup>40</sup> ADM guidance, being non-statutory, cannot therefore be required, monitored or enforced, unlike the statutory Australian guidelines described later in this section.

<sup>41</sup> *Auckland Design Manual*, Residential Design Element R6: Unit layouts and room sizes.

<sup>42</sup> Auckland Council. *City of Auckland – District Plan*, Central Area Section, Operative 2004, Appendix 12 Minimum Residential Apartment Standards, A. Matrix of minimum gross floor areas for components of various residential apartment types.



## 5.2 New Zealand – National Medium Density Design Guide (2023)

The *National Medium Density Design Guide* is focused on three-unit developments of up to three storeys, which are permitted under the MDRS, in order to achieve well-functioning and high-quality housing.<sup>43</sup> The guide notes, however, that these guidelines are also relevant to other scales of residential development.

The guide draws upon kaupapa Māori design and protocols relating to kāinga. Kāinga is a concept within New Zealand housing development that builds on whānau (family) and hāpori (community) values. It also recognises multi-generational and inter-generational housing, which is socially and culturally fit for purpose.

Broad principles of relevance to this research include:

- understanding and responding to the wider housing needs of the community
- designing houses that provide for day-to-day living of all residents and incorporate the needs of an ageing population, young children and disabled people (i.e. universal design)
- contributing to housing solutions that cater for diversity, accessibility and for small and large family and non-family households
- recognising the importance of hauora (health and wellbeing) through multi-generational and intergenerational living, and the need to meet different cultural lifestyles
- supporting the comfort and health of residents by providing warm, dry, well-ventilated and accessible home
- recognising the importance and vitality of whānau (family) and mauri (life force) to cater for overall health, wellbeing and identity
- acknowledging wider climate and other environmental qualities that can support sustainable design, respond to the challenges of climate change and are resilient to natural hazards
- incorporating passive design techniques to reduce energy usage and greenhouse gas emissions, applying water sensitive design, minimising waste, and supporting sustainable transport modes like walking, cycling and public transport
- designing spaces to ensure privacy between neighbouring dwellings
- providing communal spaces (such as gardens) to support more diverse communities and retaining larger trees and vegetated areas for biodiversity and to reduce heat island effects.

## 5.3 New Zealand – Public Housing Design Guidance for Community Housing Providers and Developers (2023)

The Ministry of Housing and Urban Development’s *Public Housing Design Guidance* provides direction on “the desired level of amenity for long-term public housing”.<sup>44</sup> Many of the specific design

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<sup>43</sup> Ministry for the Environment (2022). *National Medium Density Design Guide*.

<sup>44</sup> Ministry of Housing and Urban Development (2023). *Public Housing Design Guidance for Community Housing Providers and Developers* (Version 2\_1 web).

details relate to a general, rather than targeted, resident cohort. As such, this guidance provides a useful benchmark by which to compare MDH under the AUP.

The design guidance has an overarching principle of housing being ‘fit for purpose’ including that housing design is high quality, attractive and liveable for its residents, is appropriately sized, and is designed to meet residents’ needs for a safe, warm and dry home.

Guidance, such as the minimum size of dwellings, is based on that considered necessary to provide the best outcomes for a broad resident cohort. The criteria assume an intended occupation of up to two persons per bedroom, which in turn flows through to minimum sizes of bedrooms and other associated living areas. Design guidance of relevance to this research includes:

- living/dining rooms
- kitchens
- bedrooms
- bathrooms
- laundry
- storage
- outdoor living spaces and clothes drying
- housing diversity and accessibility
- car parking.

#### **5.4 New Zealand – Ngā Paerewa Hoahoa Design Requirements (2024)**

*Ngā Paerewa Hoahoa Whare Design Requirements for Public Housing* sets out the minimum requirements for the design of all new public housing developed by, and for, Kāinga Ora – Homes and Communities.<sup>45</sup> The requirements support the objectives of the Kāinga Ora – Homes and Communities Act 2019 through the way in which homes are designed and delivered, aiming to contribute to sustainable, inclusive and thriving communities. It is part of a suite of resources that support successful design outcomes for urban design, landscape and housing within Kāinga Ora developments across the motu/country. The design requirements relate to the site, the building and services.

Many aspects of the design requirements are the same or similar to the Public Housing Design Guidance outlined above. For example, the design requirements also assume an occupancy of two people per bedroom, to ensure that the home is adequately sized and is flexible enough to meet a broad range of occupant needs.

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<sup>45</sup> Kāinga Ora Homes and Communities. (2024). *Ngā Paerewa Hoahoa Design Requirements* (Version 1.1).

## **5.5 Australia (New South Wales) – Low Rise Housing Diversity Design Guide (2020)**

The *Low Rise Housing Diversity Design Guide* provides planning and design standards for dwellings of up to two storeys in scale, including terraced dwellings, duplexes (referred to as “dual occupancy”) and walk-up apartments (referred to as “manor houses”) and multi dwelling houses (“standalone town houses” and “villas”).<sup>46</sup> Two storey terraced dwellings are common across Tāmaki Makaurau, with New South Wales, and Sydney in particular, facing similar residential intensification challenges including housing supply.

Development is required to comply with the Design Guide in order to achieve a complying development certificate under the Housing State Environmental Planning Policy and the Environmental Planning and Assessment Regulation 2021 (the Housing SEPP). The terraced dwellings design criteria of most relevance to this research include:

- minimum landscaped areas including specimen trees
- minimum sunlight and daylight access to habitable rooms and outdoor spaces
- natural and cross ventilation including minimum ceiling heights
- minimum dwelling size including room sizes
- minimum private outdoor space standards including relationship to internal living spaces
- storage
- bicycle and vehicle parking
- visual and acoustic privacy
- energy efficiency
- waste management
- universal design.

## **5.6 Australia (New South Wales) – Apartment Design Guide (2015)**

The New South Wales *Apartment Design Guide* is used in conjunction with state planning policies (Housing SEPP) and seeks to achieve better design and planning for apartment developments by providing benchmarks for design and assessment.<sup>47</sup> Among other things, the Guide seeks to improve liveability through enhanced internal and external apartment amenity, including better layout, apartment depth and ceiling heights, solar access, natural ventilation and visual privacy. Part 4 – Designing the Building is of particular relevance to this research and addresses the same design criteria to those listed above for the Low Rise Housing Diversity Design Guide, in relation to an apartment typology.

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<sup>46</sup> New South Wales Department of Planning and Environment. (2020). *Low Rise Housing Diversity Design Guide for complying development*.

<sup>47</sup> New South Wales Department of Planning and Environment (2015). *Apartment Design Guide*.

## **5.7 Australia (Victoria) – Apartment Design Guidelines for Victoria (2021)**

The *Apartment Design Guidelines for Victoria* support the Better Apartment Design Standards, which were introduced in response to the proliferation of buildings with windowless, tiny bedrooms and unhealthy spaces.<sup>48</sup> The Victorian Government's aim was to ensure that apartments deliver diverse, well-designed housing options to meet the long-term needs of its growing community.

The Design Guidelines aim to achieve quality liveable apartments and includes guidance on site layout, building arrangement and dwelling amenity, including the following design criteria which are relevant to this research:

- functional dwelling layout
- room depth
- windows
- storage
- natural ventilation
- private and communal open space
- landscaping
- accessibility
- energy efficiency
- noise.

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<sup>48</sup> The State of Victoria Department of Environment, Land, Water and Planning (2021). *Apartment Design Guidelines for Victoria*.

## 6 Medium density housing design observations

The Design Review Team within the Tāmaki Makaurau Design Ope (Auckland Council’s Urban Design Unit – ‘TMDO’) provides specialist urban design, architecture and landscape architecture advice to resource consent applications for residential developments, for typically 10 or more dwellings, across the Auckland region. The TMDO also provide expert specialist advice to other statutory processes including AUP changes, notice of requirements and designations.

The Design Review Team provides advice to an average of 1655 resource consent applications, pre-application proposals and compliance monitoring requests each year. The majority of these are for medium and high density residential developments, with an average of 20,500 dwellings reviewed each year by the Design Review Team.

The TMDO also lead and manage the Auckland Urban Design Panel (AUDP) who provide independent design review to a wide range of development projects across the region to improve the quality of the built environment and contribute to the design outcomes sought by the Auckland Plan 2050. Auckland Council established the AUDP Medium Density Residential Panel in 2022 in response to significant growth and emerging trends in MDH.

These panels focus specifically on the design review of medium density projects, providing best practice advice from leading independent experts outside of council to enable healthy environments, places of wellbeing and thriving communities. The AUDP supports the TMDO in their role providing specialist urban design and landscape architecture advice to the resource consent process.

The TMDO is, therefore, uniquely placed to observe and monitor the changing trends in MDH and identify poor design outcomes that may reduce the liveability, functionality, and amenity of MDH for both occupants and neighbouring households. These emerging trends and the associated potential impacts for occupants are detailed in this report in relation to design attributes surveyed.

### 6.1 Evolution of medium density housing in Auckland

Medium density housing is not new to Tāmaki Makaurau and was provided for in the majority of the legacy district plans, albeit not at the level of intensification now seen. Suburbs such as Hobsonville Point (often referred to as ‘density done well’),<sup>49</sup> were development sites with a master planned approach to development.<sup>50</sup> The development of Hobsonville Point (Figure 2) started in 2008 and is

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<sup>49</sup> See <https://kaingaora.govt.nz/en/NZ/urban-development-and-public-housing/industry-hub/te-uru-terraces-exemplifying-density-done-well/>  
<https://www.nzherald.co.nz/nz/paula-bennett-more-planning-needs-to-go-into-high-density-housing-development/6KT74SBPTFGO3OVFJSUJHBPUDA/>

<sup>50</sup> Master planned developments are large scale developments where planning includes the physical configuration and phasing of buildings as well as infrastructure and/or public spaces. Source: [https://www.dia.govt.nz/diawebsite.nsf/wpg\\_URL/Resource-material-Building-Sustainable-Urban-Communities-Glossary?OpenDocument](https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Building-Sustainable-Urban-Communities-Glossary?OpenDocument)

subject to additional planning requirements, including comprehensive development plans for each of the precincts, and all developments are also required to gain approval from the Hobsonville Point Design Review Panel. Intensification at Hobsonville Point has evolved from detached dwellings to terraces, walk-up apartments and apartment blocks, as market and developer acceptance of more intensive residential development has grown.

**Figure 2: Hobsonville Point – a master planned medium density housing development**



Source: <https://hobsonvillepoint.co.nz/about/precincts/>

MDH is also provided through infill development, a common development approach where an existing dwelling is removed or relocated within the site to make way for additional dwellings. This smaller-scale type of development is rapidly changing local streets and neighbourhoods within Tāmaki Makaurau, with each existing dwelling in the residential zones being replaced on average with eight new dwellings.<sup>51</sup> Across the s35 monitoring sample (residential and business zones), around 350 dwellings were replaced with 4000 dwellings – an increase in yield of approximately 1000 per cent.<sup>52</sup> Figure 3 shows an example of such infill development.

<sup>51</sup> Auckland Council. (2022). *Auckland Unitary Plan, Section 35 Monitoring*, B2.3 A quality built environment, page 57.

<sup>52</sup> Ibid, page 59.

Figure 3: Infill development in the Terraced Housing and Apartment Building Zone (Example 1)



Note: Infill development replacing one dwelling with up to 11 dwellings per site and no onsite carparking.

Source: TMDO, Auckland Council.

An evolution in the development response to the AUP standards, including most recently with the removal of carparking minimums, is illustrated in Figure 4.

Figure 4: Infill development in the Terraced Housing and Apartment Building Zone (Example 2)



Original standalone detached dwellings with onsite parking and garaging (Lot A 835m<sup>2</sup> and Lot B 812m<sup>2</sup>)



Infill development of Parent Lot A with three standalone dwellings with internal garaging, and average gross lot area of 278m<sup>2</sup>



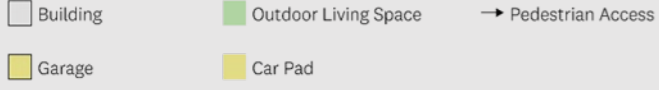
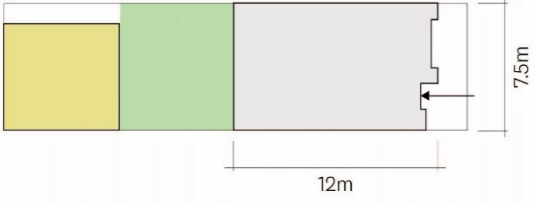
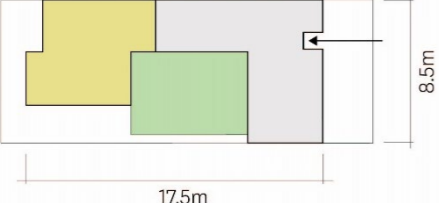

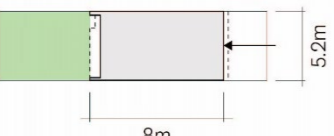

Infill development of Parent Lot B with 13 terraced dwellings with no onsite car parking, and gross lot area of 62m<sup>2</sup>



Table 2 below sets out key spatial elements of five residential sites developed between 2007 and 2022. These are representative of typical residential developments reviewed by the TMDO as part of the resource consent process. The general trends in MDH observed in Auckland over time include:

- a reduction in site/lot size and width
- a reduction in dwelling size but the number of bedrooms remaining relatively constant
- a reduction in dwelling width, and to a lesser extent, dwelling length and an associated reduction in floor area
- outdoor living spaces reducing to minimum standard (20m<sup>2</sup>)
- the reduction of parking provision and shift to more surface parking (e.g. individual carparking pads or communal parking areas) rather than garaging.

Table 2: Sample of typical medium density houses from 2007 to 2022

<b>Building, outdoor space and parking layout</b> 	Code Compliance Certificate issued	Lot size (m <sup>2</sup> )	Lot dimensions width x length (m)	Dwelling size (m <sup>2</sup> )	Outdoor living space (m <sup>2</sup> )	No. of storeys	No. of bedrooms	Carparks
	2007	205	7.5 x 27.3	213	50.8	2	4	2 (detached double garage)
	2011	187	8.5 x 22	179	45	2	3	2 (internal garage)
	2015	132	4.8 x 27.5	104	50	2	3	1 (surface parking)
	2019	88	5.5 x 13.4	108	22	3	3	0
	2021	61	3.6 x 16.9	76.5	22	2	2	1 (communal carparking area)