

MRZ and HRZ rule guidance for residential activities

This guidance explains how some of the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) rules in Sub-chapters 14A.5 and 14A.6 will generally be applied in practice. It may be updated from time to time to include new or amended information.

Guidance is provided on rules that we commonly receive queries about, so not all rules are included. Please also note that the information may not be relevant to all situations, so each proposal will need to be assessed on a case-by-case basis.

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Definitions	Guidance
Residential unit Within the Medium Density Residential zone and High Density Residential Zone only, for applying the Chapter 14 objectives and provisions (unless applying the Chapter 14B pathway), means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.	- Some standards relate to ‘residential units’ and others relate to ‘buildings’. ‘Residential unit’ includes all buildings used for residential activity by one household, so includes a garage, sleepout, etc.
Building Within the Medium Density Residential zone and High Density Residential Zone only, for applying the Chapter 14 objectives and provisions (unless applying the Chapter 14B pathway), means a temporary or permanent movable or immovable physical construction that is: - partially or fully roofed; and - fixed or located on or in land; but excludes: - any motorised vehicle or other mode of transport that could be moved under its own power; - any scaffolding or falsework erected temporarily for maintenance or construction purposes; - utility cabinets; and - any public artwork located in that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues.	- No longer relates to the height or area of the structure (as per original definition, which still applies in other zones). - A deck attached to a house is part of the overall building, whether roofed or unroofed. - A basic standalone pergola comprising only horizontal beams, but no covering material, is not a building.
Ground level Within the Medium Density Residential zone and High Density Residential Zone only, for applying the Chapter 14 objectives and provisions (unless applying the Chapter 14B pathway), means: - the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created); - if the ground level cannot be identified under paragraph (a), the existing surface level of the ground; - if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.	There needs to be a demonstrated effort to obtain the information to satisfy (a) in the ground level definition (e.g. statement of professional opinion by registered surveyor) if (b) is being relied on.

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Net site area means the total area of the <u>site</u> but excludes: a. any part of the site that provides legal access to another site; b. any part of a rear site that provides legal access to that site; c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.	For a rear site, the net site area is the main body of the site, excluding the ‘panhandle’ access leg .
Site Within the <u>Medium Density Residential zone</u> and <u>High Density Residential Zone</u> only, for applying the Chapter 14 objectives and provisions (unless applying the <u>Chapter 14B pathway</u>), means: a. an area of land comprised in a single record of title under the <u>Land Transfer Act 2017</u>; or b. an area of land which comprises two or more <u>adjoining</u> legally defined <u>allotments</u> in such a way that the <u>allotments</u> cannot be dealt with separately without the prior consent of the <u>Council</u>; or c. the land comprised in a single <u>allotment</u> or balance area on an approved survey plan of <u>subdivision</u> for which a separate record of title under the <u>Land Transfer Act 2017</u> could be issued without further consent of the <u>Council</u>; or d. despite paragraphs (a) to (c), in the case of land subdivided under the <u>Unit Titles Act 1972</u> or the <u>Unit Titles Act 2010</u> or a cross-lease system, is the whole of the land subject to the unit development or cross-lease	- There is not the ability to nominate a site as per the operative District Plan site definition. - For cross-leased properties the ‘site’ is the whole site as per the external boundaries, not the exclusive use areas shown on the cross lease plan or unit title plan. - For the purpose of Chapter 8 Subdivision, allotment refers to proposed allotment.
Urban Intensification Area means the area identified on the planning maps as <u>Urban intensification area</u>.	Covers the areas subject to the Plan Change 14 decisions to date. Replaces the previous ‘Policy 3 area’ references.

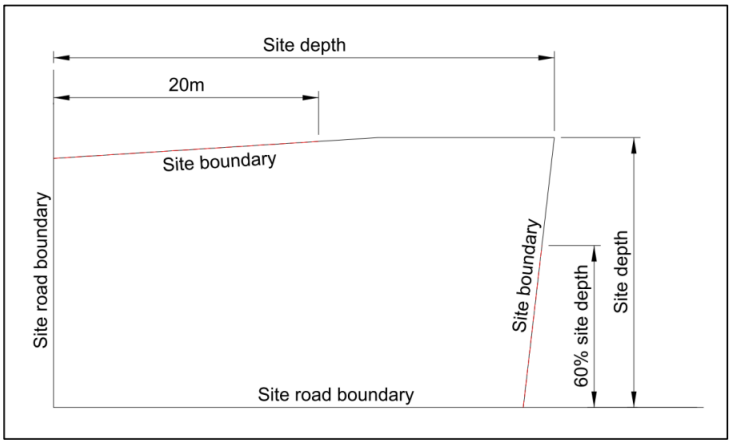
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Chapter 14A and 14B Pathway rules	Guidance
Pathway rules (14.3)	• Pathway rules are outlined in Rule 14.3. • The Chapter 14B Pathway option applies to land zoned MRZ and HRZ on the planning maps, and residential development on sites in the Residential Visitor Accommodation Zone and Specific Purpose zones with an ‘alternative zone’ of MRZ or HRZ (e.g. School sites). • The 14B Pathway incorporates the full package of pre-PC14 rules, including relevant district-wide rules (e.g. Chapter 7 Transport access and cycle parking rules) as well as those in the residential chapter. • The previous zones are shown as ‘Residential Overlays’ on the planning maps, under the ‘Other Notations’ tab, and the overlay rules are contained in new sub-chapter 14B. • The default is the new rules, so if an applicant doesn’t specify that they’re using the Chapter 14B Pathway in their resource or building consent application, the new rules in sub-chapter 14A will automatically apply. • Care needs to be taken when selecting the 14B Pathway, as the rules in sub-chapter 14A cannot be used later for the same site (unless it’s entirely redeveloped). • However, if a site is developed under 14A, the 14B Pathway can be used for additional development as long as the existing development still complies with the 14A rules/consent, or another consent is obtained for breach of the 14A rules created by the 14B development. • The Chapter 14B Pathway also applies to the Subdivision rules in Chapter 8, but once a vacant lot is created either pathway can be used to develop it. Section 127 applications: • For existing consents that were granted prior to the site being rezoned MRZ or HRZ (i.e. the Pathways didn’t exist at the time), a s127 application is needed to change the plans in line with the new rules.

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MRZ & HRZ rules	Guidance
Number of residential units per site (14A.5.1.1 P1 c., 14A.6.1.1 P1 e.)	On some sites in MRZ the number of units is further restricted by Area Specific Rules, e.g. Character Areas.
Landscaped area (14A.5.2.2, 14A.6.2.7) Development site means the total area of land subject to development within the boundaries shown on the development plans, whether the boundaries are legally defined or otherwise nominated. It must include any access for the development and may comprise an area of land held in one, part of one or more records of title.	- There is no landscape requirement for residential units <i>entirely</i> above ground floor level. - The rule does apply to units with only a garage at ground floor level. - Can include multiple areas of landscaping, i.e. it does not need to be provided in one continuous area. ‘Canopy of trees’ relates to existing trees within the application site, i.e. within the control of applicant. The canopy is the outer extent of the branches existing at the time of application. - The 20% landscaped area requirement relates to the site of the development as a whole, and is not a cumulative requirement for each ground floor unit. A 0.6m minimum dimension is only required in the HRZ. - If landscaping is not provided in association with each unit, i.e. communal landscaping is provided instead, it needs to remain available to the units following subdivision.
Building height (14A.5.2.3, 14A.6.2.1) 	- There are no permitted height exemptions so the rule applies to all parts of a building. - Height is measured above ground level (refer to the guidance on this definition). - MRZ (outside the Local Centre Intensification Precinct): - Roof height above 11m (and below the permitted height) must comply across the whole of the roof(s), on all elevations. The wall/roof junction needs to be shown on plans, and cross sections may be needed for more complex roof forms and on hill sites. - HRZ: - The 7m minimum height for 3 or more residential units applies to the highest part of each unit, not the whole unit (as per the definition of height). This rule does not apply when 2 new units are added to a site containing an existing unit, unless the existing unit is being substantially redeveloped. - Ground level communal outdoor living space is required for developments with 5 or more residential units on the 4th floor (refer diagram) and above. The ratio is 50m² per 10 residential units up to a maximum of 20% of the site area. It's rounded to the nearest 10 units, so developments with 1-4 units on those floors require no communal space, 5-14 units require 50m², 15-24 units require 100m², 25-34 units require 150m², etc.

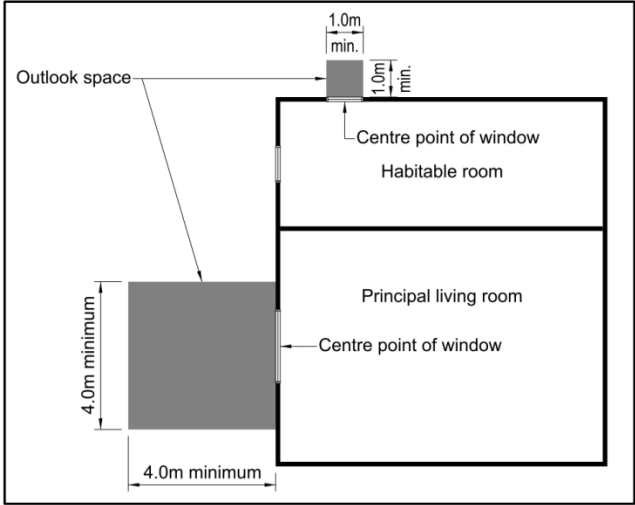
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MRZ & HRZ rules	Guidance
Building coverage (14A.5.2.4, 14A.6.2.12)	- For cross-leased and unit-titled properties the building coverage limit applies across the whole site. - A deck attached to a house is part of the overall building, whether roofed or unroofed.
Outdoor living space (14A.5.2.5, 14A.6.2.10)	- Part a. of the rule applies to residential units wholly or partially at ground floor level. - Part b. only applies to units entirely above ground floor level. - A ground floor unit can have more than one outdoor living space as long as the total is at least 20m², any ground floor area is at least 3m x 3m, and any balcony is at least 8m² with a minimum dimension of 1.8m. - Must be free of buildings, which includes any partially or fully roofed structure that obstructs the space. - The rule does not enable communal open space to be counted for studio units and 1-bedroom units with net floor areas as outlined in c. (unlike parts a. and b. of the rule). - In HRZ a ground level communal outdoor living space is required for buildings higher than 14m, at 50m² per 10 residential units on the fourth floor or above (refer above guidance on rules 14A.6.2.1 b.i. Building height).
Height in relation to boundary (14A.5.2.6, 14A.6.2.2)  Figure 2: Application of height in relation to boundary exemption for corner sites (14A.6.2.2.c.iv.B)	- Applies to side and rear external boundaries. - Doesn't apply to existing or proposed internal boundaries between units on the same site. So, for cross-leased properties the rule only applies to the external title boundaries, and when assessing a subdivision around existing / consented buildings there is no recession plane requirement along the proposed new internal boundaries. - Taken from the far side of an adjoining right of way or 'panhandle' access to a rear site. - Guttering, eaves, gable ends and other previous exemptions no longer apply. - The recession plane exemptions in Rule 5.4.1.3 for buildings in the Flood Management Area also no longer apply. - Measured the same way on all boundaries (there is no mid-point measurement as there is in the RH zone). - MRZ exemption within the Local Centre Intensification Precinct: - Where 3 or more units are being constructed, and their maximum height is 12m, there is no recession plane along the first 20m of the side boundaries, or 60% of the site depth, whichever is the lesser distance. Both distances are measured from the road

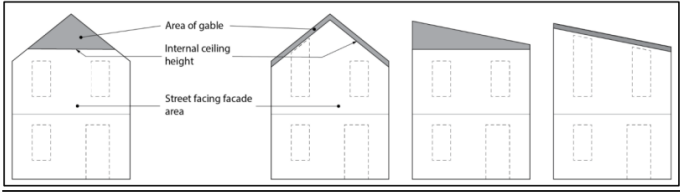
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MRZ & HRZ rules	Guidance
	boundary. Standard MRZ recession planes apply to the remainder of the site. Note this exemption does not apply where the site boundary is with a site that isn't in the LCIP, except HRZ. • HRZ exemptions: – If parts of a building above 12m in height meet the setbacks in b., the recession planes don't apply to those parts above 12m. – If a residential building is no higher than 14m and the overall development is for 3 or more units, there is no recession plane along the side boundaries within 20m of the road boundary, OR within 60% of the site depth, whichever is the lesser (unless the boundary is with one of the specified zones).
Building setbacks (14A.5.2.7, 14A.6.2.3)	• A corner site has two front and two side boundaries. • Front yard exemptions apply to eaves, guttering, roof overhangs and porches, as specified. • There are no permitted setback exemptions for side and rear yards so the rule applies to all parts of a building, including guttering and eaves. • The permitted length of internal access garages and accessory buildings within side and rear boundary setbacks differs between the MRZ and HRZ rules: – MRZ: The total cumulative length of buildings must not exceed 10.1m. – HRZ: Individual buildings must not exceed 10.1m in length. • The 3m maximum height of accessory buildings permitted within side and rear boundary setbacks applies to the whole accessory building, not just the part within the setback. • For internal access garages, the length is that of the garage only, not the residential unit part of the building. • There is no required garage door setback from road boundaries and shared accesses, so care will need to be taken to ensure tilting doors are not used where they would extend across the site boundary into the footpath or shared access while opening. • Refer also to rules 14A.5.2.15 and 14A.6.2.14 Garaging and carport building location. • A deck attached to a house is part of the overall building, whether roofed or unroofed.

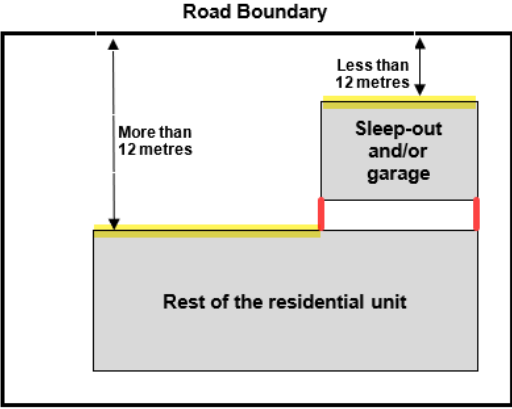
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MRZ & HRZ rules	Guidance
Outlook space (14A.5.2.8, 14A.6.2.4)  Figure 2: Outlook space Habitable room means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the District Plan to be a similarly occupied room.	• Outlook spaces for units on different floors can overlap vertically (but not horizontally with adjacent units on the same floor). • Outlook space must be contained within the site or can extend over public roads or public spaces, but not over neighbouring sites or rights-of-way beyond the site. • ‘Largest’ window is based on the area of the window. • In the principal living room the width of the space should be measured as extending 2m on both sides from the centre of the window, and 4m in depth out from the window. • Glazed doors (e.g. ranchsliders, bi-fold, french doors) are considered windows for the purpose of this rule. • A window/door with mullions/dividers between panes is a single window for the purpose of this rule. • There is no minimum height dimension, so eaves, balconies, first-floor overhangs and decks may be located above or beneath an outlook space. Partially or fully roofed structures (e.g. a bike shed) fall within the definition of building, so are not permitted within an outlook space itself. Unroofed structures are permitted. • Fences do not fall within the definition of building, so can be located in the outlook space if internal to the site or along a public boundary. • The outlook space rule is not breached simply by windows being "recessed" due to cladding sticking out further than the window. • Battens, wing walls and other architectural features within the outlook space are part of the building and will be treated as intrusions. • A kitchen is not a living room or a habitable room for the purpose of this rule. In an open plan kitchen/dining/living room the required outlook space must be provided from the ‘living’ or ‘dining’ area of the room. • The rule applies to habitable rooms in accessory buildings, e.g. sleep outs. • Outlook space is not a ‘boundary rule’ for which a Permitted Boundary Activity can be sought, as it relates to the building rather than the boundary.

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MRZ & HRZ rules	Guidance
Fencing and screening (14A.5.2.9, 14A.6.2.6)	The road boundary of a corner site extends along both/all road frontages, so one road can have a 1.8m fence and the other 1m (or variations thereof).
Windows to street (14A.5.2.10, 14A.6.2.8) i. the area of a gable facing the street shall not be included in the calculation of the street facing façade, with the area of the gable as per Figure 3 below, where the internal ceiling height is measured from the highest room:  Street-facing façade means the exterior wall or walls of a building oriented at an angle of 45 degrees or less to any part of the road boundary or boundaries of the site; and includes any projections from that/those wall(s) regardless of their orientation to the boundary.	- On a corner site both street-facing façades need to comply. - Only the glazed area is counted, not frames, architraves, etc. A window/door with mullions/dividers between panes is a single window for the purpose of this rule. - The rule enables a door facing the street to be counted towards the glazing requirement (up to 2m²), regardless of whether it's glazed. - If glazing is set behind an attached screen or louvre, that external component is considered to be part of the façade itself, so the glazing behind is not included in the 20%. - The nature of the glazing is not specified for the 20% total in (a), but in (e) it must be transparent to reduce the total to 15%. - The gable exemption is measured from ceiling height for dwellings and accessory buildings. If a garage does not have a ceiling, the second diagram applies. - The reference to residential unit includes garages (attached and detached) and other accessory buildings such as sleepouts. - If any building constituting the residential unit has a street-facing façade within 12m of the road boundary, all street-facing facades of buildings constituting the residential unit must comply with the glazing requirement (not just parts within 12m of the road boundary), unless obscured as per the next bullet point. Each building comprising the residential unit must comply, i.e. the 20% is required for each street-facing façade, not a total across all buildings. - Where there's a detached accessory building (e.g. garage, sleepout) in front of the main part of the residential unit, the glazing requirement doesn't apply to the parts obscured by the front building. For practical purposes this is taken to be the area obscured when directly facing the building, i.e. between the red lines below:

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MRZ & HRZ rules	Guidance
	 • If there are two units at the front of the site with street-facing façades within 12m of the road boundary the rule applies to both units. • The glazing requirement doesn't apply if there's another residential unit with street-facing façade/s located in front, or if none of the buildings constituting a residential unit have a street-facing façade within 12m of the road boundary. • For apartment buildings, the 20% applies separately to each unit with a street-facing façade. The reduction to 15% also only applies to individual units. • For additions/extensions to the street façade of residential units other than apartments, the 20% applies across the whole building façade of the residential unit. • If an accessory building (e.g. a detached garage or sleepout) is proposed to be sited in front of an existing residential unit, the street-facing façade of the accessory building will need to comply with this rule. The non-obscured façade of the dwelling will also need to comply. • If an existing accessory building in front of a residential unit is proposed to be converted, only the façade of that accessory building needs to comply with the rule (unless the building is being enlarged to obscure more of the residential unit).
Minimum unit size (14A.5.2.11, 14A.6.2.16)	• Wardrobe space in a bedroom is considered part of the floor area. • A study or room of less than 6m² and 1.8m minimum dimension will not be treated as a bedroom.

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MRZ & HRZ rules	Guidance
Ground floor habitable room (14A.5.2.12, 14A.6.2.9) Habitable room means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the District Plan to be a similarly occupied room.	• A kitchen alone is not a habitable room for the purpose of this rule. It can be located on the ground floor if it's part of an open plan living/dining/kitchen room, but excluded from the calculations for the area and dimension of the habitable room. • Wardrobe space in a bedroom is considered part of the floor area of that room.
Service, storage and waste management (14A.5.2.13, 14A.6.2.11)	• Part a. applies to four or more units, and part b. applies to all units. • The rule enables bin storage areas to be provided within a communal space, but doesn't do the same for other general storage areas. • All internal storage accessed from within a kitchen or bedroom area is excluded. • Attic/loft storage space needs to be suitable for use as storage, including access. Cross sections of the roof space should be provided to demonstrate structural suitability. Access should be convenient, e.g. installation of a fold out ladder, and in a communal area (not a bedroom). • The deemed car parking area is per garage, not per single garage. If a double garage serves one unit, space for only one vehicle will be deemed car parking, with the remainder able to be counted toward storage requirements. In a shared garage area, e.g. basement garage for apartments, the parking space would be per residential unit. • Covered and secure cycle parking (non-communal) can be included as part of the required storage for a unit.
Garaging and carport/carpark location (14A.5.2.15, 14A.6.2.14)	• The setback applies to all garages, including those integrated into the design of the house (e.g. with rooms above), but only the garage part of the building needs to be set back.
Location of outdoor mechanical ventilation (14A.5.2.16, 14A.6.2.15)	• Ventilation units located 1.5m or more from the road boundary require a 1.2m fence around the unit, regardless of any screening provided on the road boundary (unless exemptions ii. or iii. apply).
Building length (14A.5.2.17, 14A.6.2.17)	• Applies only to new buildings, and not extensions to existing buildings. Excludes roof overhangs, eaves and gutters.

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RMD Zone (Urban Intensification Areas)	Guidance
Residential Medium Density Zone in the Tsunami Risk Management Area (14A.8.1)	The MRZ rules in 14A.5 apply to residential development in the RMD zone in the Tsunami Risk Management Area, within the Urban Intensification Areas.
Chapter 7 Transport rules (Urban Intensification Areas)	Guidance
Mobility parking spaces (7.4.3.1)	Mobility spaces are required for developments of 7 or more units which provide standard carpark, even if the units themselves are not designed to be 'accessible'.
Loading spaces (7.4.3.3)	Developments of 20 or more units which provide standard carpark require 1 loading bay.
Access design - visibility splay (7.4.3.7)	Pedestrian and cycle accesses do not require a visibility splay.

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