



# Institute of Cadastral Surveying (Inc)

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## SUBMISSION::

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

**To:** Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington  
[en@parliament.govt.nz](mailto:en@parliament.govt.nz)

This feedback is on behalf of the *Institute of Cadastral Surveying* (ICS).

The ICS is an organisation whose membership is actively engaged in cadastral surveying. This response represents the collective views of the ICS Executive Committee and is based on the experience and wisdom of our leadership team and membership who are located throughout urban and rural New Zealand.

Surveyors are one of the many stakeholders involved in the land development process. We are particularly involved with the subdivision design, resource management, and land tenure aspects. We endorse good urban design that provides pleasant built and living environments that in turn create legacies with land.

This response is also submitted in the best interests of landowners and the public - our clients.

We thank you for the opportunity to provide a submission on this Bill.

#### General

In principle **we agree with the intent of the Bill** - to rapidly accelerate the supply of housing where the demand for housing is high by requiring Territorial Authorities in major cities to set more permissive land use regulations that will enable greater intensification in urban areas.

The current rules for intensifying are too restrictive and require multiple consents from multiple Territorial Authority departments to address issues such as restrictive setbacks, restrictive site coverage, restrictive access, restrictive cross boundary servicing. This leads to duplication of information, expense, and time (for Consultants and Territorial Authorities).

## **1. MDRS in all Residential Areas**

**We do not agree** with the requirement of Territorial Authorities to apply the MDRS (Medium Density Residential Standard) to all existing residential areas, and s3.32 of the NPS-UD does not give Territorial Authorities a broad enough scope to exclude certain areas.

A one glove fits all approach will not meet the outcomes of good urban design.

- Territorial Authorities need autonomy to identify and determine where areas of MDRS may be applied. This could be within a certain distance from the CBD. It could be adjacent to existing or near future public transport hubs. It could be where the aspect of existing dwellings is not unfairly disadvantaged (for example hill suburbs) - think Mt Victoria, Wellington.
- Allowing three storey homes everywhere may leave future residents isolated, lonely, confined, hemmed in, anxious and afraid of - for example - there is no connection to reliable and safe public transport, or if a resident is not able to access an outdoor area and direct sunlight in their indoor or outdoor living spaces.
- The mental health and well-being of communities needs to be addressed when determining what areas are suitable for intensification. CBDs generally stimulated with street life - pedestrians, cyclists, motorists - all offering the general hum of an engaged city. As opposed to sleepy isolated suburbs. It is quite plausible that intense suburban infill housing will lead to isolated and dis engaged residents
- Territorial Authorities need autonomy to identify where existing infrastructure (roads, sewer, stormwater, water) may be able to withstand additional Household Units connecting to their infrastructure. Territorial Authorities need autonomy to determine future capacity of their subsurface infrastructure networks.

## **2. Good Design = Good Outcomes**

We submit that infill housing and subdivision should be controlled with good design which in effect will provide for good outcomes.

Infill subdivision in New Zealand has not had an adequate design lens applied to it in the past. It has been developer driven, with little or no regard to the long-term effect of how a dwelling reacts to neighbouring dwellings, to the street, and to existing community facilities including schools, parks, and libraries.

Long skinny access lots to reach rear sections do not produce good urban planned outcomes - infill Cross Lease subdivisions in the 1990s are proof of this. Rear sections were poorly planned with little or no regard to aspect and sunlight. Rear sections were invariably cheap. Dwellings placed on these were also invariably cheap and detracted from the urban fabric of the community.

## **3. Subdivisional Requirements**

Subdivisional provisions appear to be dealt with in New Schedule 3A (Clauses 5 and 6).

These clauses appear to over-simplify any subdivision consent requirements. There is often a myriad of other issues that require addressing within a consent application - streams and esplanade strips, iwi consultation, heritage factors, protected trees, sites of historic or Maori significance etc.

It would be good if this Bill cut through the red-tape associated with these other issues, or provided a lesser hierarchy to these matters where additional housing is created and has priority. We can well imagine that these other matters will mean few additional subdivisions will arise in practice, because of these "other matters".

Higher density development has impacts on many other things including green space, parking, community, services, and infrastructure.

#### 4. Land Tenure Matters

Consideration must be given to the method of ownership or land tenure for developments where there are multiple units on small lots owned by different people which will be presented by the MDRS.

The traditional fee-simple ownership structure is widely accepted. Unit Title ownership may be preferred for apartment style complexes. Cross Lease (composite) ownership – developed in the 1960's as a way of circumventing restrictive subdivision constraints - was identified as irremediably flawed by the Law Commission in 1999.

We would recommend that Cross Lease land tenure ownership NOT be allowed for these developments.

#### 5. Design Standards

- **Setbacks**

We would prefer a 0m (zero) front yard setback and similar a 0m (zero) side yard setback allowing intensification to the boundary.

Ultimately, this will allow for inward looking development or Perimeter Block Development. Apartments are built to the boundary of an entire block with an internal common park like space that all residents can enjoy. There are no side perimeter wasteful spaces. Residents have balconies overlooking the street and/or overlooking the open unified space.

This has proved to be a successful model of intensification in the likes of Amsterdam and Barcelona.

- **Outdoor Living Spaces**

We would like to see the outdoor living space tied to the scale of the unit. The effect would see large scale standalone houses require larger outdoor space. Smaller scaled developments would require smaller outdoor spaces.

If the rear boundary setback requirement was increased and formed the outdoor living space, this would ultimately provide for the unified space as the Perimeter Block Development evolved. Depending on the scale of the Perimeter Block, a setback and unified outdoor living space of 6.0m could be applied.

- **Protection of Green Spaces**

The standard currently requires 60% maximum impervious surfaces. We would like to see a percentage of landscaped areas that can be enjoyed by all residents.

#### 6. Bill does not address certain aspects

We are concerned that the Bill does not address:

- **The consideration of active transport** - connections to transport hubs, mass rapid transport to CBDs, and how residents get to and from places of work, play, relaxation - to beaches, parks, reserves. No consideration of how elderly or people with disabilities get easy access to existing facilities (health, community, religious, educational, libraries etc).

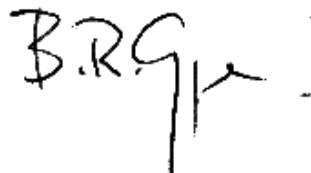
- **Sense of community, pride of place.** If residents are living in an intensely developed site where their view and access to natural light is diminished, Councils need to instil a means of pride of place by controlling the quality of the intensive built environment. There are many examples of poorly designed and built neighbourhoods that had no sense of pride or place, where crime, anti-social behaviour and family violence incidents have resulted. The Social Housing Estates in the United Kingdom for example are now being demolished where poor standards of design and construction did not make for a sense of community.
- The Government has declared a **Climate Emergency**. The Bill is silent about the consequences of intensive urban development – the demand for building materials and the demolition of existing buildings to make way for intensive use of land. It is silent about the use of sustainable materials, and building controls, and the relationship of new developments with the existing adjoining built environment. It does not address the overheating of suburbs due to the decrease of impermeable landscape, the glare off certain building products, and the destruction of our biodiverse landscape.

### 7. Lack of time to Prepare and Submit

It is disappointing that the Government has not engaged in an appropriately managed timeframe to allow good public debate and considered input from other stakeholders and professional organisations.

This Bill has major ramifications on how we as New Zealanders will live and commune for generations to come.

The seriousness and far-reaching consequences of the Bill should not be underestimated.



**Signed:**

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